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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2021]

* Issued as received, in the language(s) of submission only.



Culture of Impunity in Bahrain

Collusion Between the Executive and Judiciary Branches to Overlook Gross Human Rights Violations

The Bahrain Independent Commission of Inquiry (BICI) was established on June 29, 2011 by King Hamad bin Isa Al Khalifa. Consisting of five international jurists, it was headed by Cherif Bassiouni. The BICI was charged with investigating allegations of human rights violations in connection with the government's repression of the February 2011 pro-democracy protests. Throughout the course of its investigation, the BICI was able to confirm that government officials employed excessive force and discriminatory tactics to suppress the peaceful demonstrations. They collected evidence showing that Bahrain's security forces had committed acts leading to abuse, mistreatment, torture, and ultimately to the death of 18 demonstrators and detainees. As a result, the BICI recommended that these abuses and extrajudicial killings be investigated and that attention should be given to the criminal responsibility of those in the chain of command, both military and civilian. In particular, they called for investigations into those "who are found to be responsible under international standards of superior responsibility." In response to the recommendations, the Bahraini Government created the Ombudsman to the Ministry of the Interior (MoI) and the Special Investigations Unit (SIU).

Notwithstanding the Commission's recommendations to hold accountable individuals with superior responsibility, the SIU investigated and solely held accountable low-ranking officers for extrajudicial executions and other human rights violations. However, even these individuals have been acquitted or have received disproportionately light penalties. In the meantime, the authorities have continued to judicially and physically harass individuals for exercising their fundamental freedoms. This lack of accountability, and the decision not to abide by the recommendations formulated by the BICI, has helped entrench the country's culture of impunity within the security forces.

The culture of impunity has become so pervasive in Bahrain that torture is systematically used by officers—who fear no consequences for their criminal behavior—to coerce individuals into confessing to vague and spurious charges. These confessions are then routinely admitted into courts of justice, leading to gross violations of due process and fair trial rights. This exposes the existence of collusion between the executive and the judiciary branches. The systematic human and civil rights violations committed by judicial and executive authorities are being used in Bahrain to inhibit civil society from exercising fundamental freedoms such as the rights of expression, peaceful assembly, and self-determination in both online and offline environments. The COVID-19 pandemic highlighted the importance of having safe access to online spaces; ADHRB emphasizes that it is essential that civil society must be able to access the fundamental right to freedom of expression without fear of reprisals, both online and offline.

After 10 years of work, members of civil society agree that the Ombudsman of the MoI and the SIU have both failed to independently investigate allegations of torture and ensure redress and reparations for victims. A fundamental reason for their failure is that they lack independence and effectiveness. In spite of overwhelming evidence, during the Universal Periodic Review (UPR) of 2017, the Government of Bahrain maintained that these bodies are effective and gave them as proof of Bahrain's commitment to human rights and accountability. However, recommendations made by the UPR participants and by the UN Committee Against Torture present a different picture. In their reports, they cite concerns of a "discrepancy between the legislative and institutional frameworks and their implementation in practice," as well as "allegations of torture and ill-treatment and related impunity."⁶ Bahrain's refusal to engage with international accountability mechanisms is evidenced by its failure to enable the numerous visiting requests made by the UN Special Rapporteurs and to ratify the Optional Protocol to the Convention against Torture.

International Complicity

In March 2021, the Gulf Centre for Human Rights (GCHR), in co-operation with its human rights partners AHRDB, the Bahrain Center for Human Rights (BCHR), the International

Federation for Human Rights (FIDH), and the World Organisation Against Torture (OMCT), released a report concerning Bahrain's culture of impunity for torture and other serious human rights abuses. They denounced these dismal practices, and noted that they are facilitated by the complicity of the countries that provide technical and technological support to Bahrain. This support whitewashes Bahrain in the international sphere, promulgating the narrative that "[Bahrain] is undergoing a period of democratic reform and greater human rights compliance," and providing the country a near-spotless reputation.

In particular, the report points to the United Kingdom's unwavering support to Bahrain. In 2019, the UK's government lifted the ban on arms sales to Bahrain and welcomed several diplomatic delegations to Westminster. The UK even hosted Prince Nasser bin Hamad, who was dubbed the "torture prince" for his participation in the torture of activists of the pro-democracy movement. The UK's executive knowingly turned its back on its obligation under universal jurisdiction to prosecute individuals accused of torture, despite a UK High Court ruling in 2014 that had already established that Prince Hamad was not covered by immunity from prosecution in the country.

To safeguard its diplomatic relations, the UK has also violated domestic regulations. As a matter of fact, the UK would be obliged to implement sanctions such as asset freezes and immigration controls against individuals suspected of "serious violation[s] of the right to life and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment."

Besides violating domestic and international laws, since 2011, the UK has provided funding and technical assistance to bodies that have been implicated in torture and other human rights violations. By selling arms and providing military training to Bahraini forces, the UK has provided essential support in Bahrain's participation in the controversial Saudi-led war in Yemen.

Conclusions and Recommendations

In the past decade, Bahrain has effectively pursued contradictory agendas and made a mockery of international human rights. On the one hand, the Kingdom has spread a culture of torture and impunity for perpetrators of gross human rights violations. On the other, it has successfully propagated a misleading picture of itself as a country undergoing democratic reforms. When it comes to countries that show no remorse for committing human rights violations, it is almost even more important to acknowledge the significant role played by third parties, such as states and companies, that can either prevent or fuel the perpetration of Bahrain's violations. For these reasons, ADHRB calls:

- On the Government of Bahrain to develop and strengthen truly independent and effective legislative and institutional frameworks and mechanisms that will put an end to the culture of impunity;
- On the Government of Bahrain to consult with torture survivors, human rights defenders, and other relevant stakeholders on the mandate and composition of such mechanisms;
- On State Parties to the Convention Against Torture (CAT) to comply with their obligations by using universal jurisdiction to "aut dedere aut judicare," either extradite or prosecute, perpetrators of torture before national courts;
- For third countries to cease their support for Bahrain in ways that facilitate torture and other human rights violations;
- On States and companies to respect their obligations to engage in human rights due diligence and corporate social responsibility when selling and exporting technology to countries with poor human rights records.