



General Assembly

Distr.: General
10 July 2020

English only

Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda item 3

**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.

[03 June 2020]

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

GE.20-09287(E)



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Culture of Impunity in Bahrain

Ahead of the 44th session of the United Nations Human Rights Council, Americans for Democracy & Human Rights in Bahrain (ADHRB) submitted a written statement to the Council concerning Bahrain's Culture of Impunity and human rights violations.

Institutional Inadequacies

In July 2011, the Bahraini government established the Bahrain Independent Commission of Inquiry (BICI),¹ which was charged with investigating allegations of human rights abuses in connection with the government's suppression of pro-democracy demonstrations that erupted in February 2011. Later that year, the BICI published a report which confirmed that government officials employed excessive force discriminatory tactics in the execution of their official duties.² Moreover, the BICI found that Bahrain's security forces had killed at least 18 demonstrators and detainees without justification.³ The commission recommended that investigations should be conducted into such deaths "with a view to bringing legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of superior responsibility". However, while authorities have been aggressively prosecuting individuals solely for exercising their rights to freedom of expression, association, and peaceful assembly, there have been few prosecutions of security personnel implicated in the severe and widespread abuses documented by BICI.⁴ Those that have been prosecuted have largely been low-ranking officers, and even with these instances many have resulted in acquittals or disproportionately light sentences.⁵

Upon a Universal Periodic Review recommendation in 2009, the Bahraini government established the Bahraini National Institute for Human Rights (NIHR) as a semi-independent oversight mechanism in order to investigate human rights abuses in the country.⁶ According to its mandate, the NIHR is authorized to "study the legislations and regulations in force in the Kingdom relating to human rights, and to recommend the amendments it deems suitable".⁷ However, the ADHRB found that this mandate does not prevent the institution from continuously demonstrating an evident overall lack of will and independence to objectively assess the human rights situation in Bahrain.⁸ The NIHR has a close connection to the Bahraini government and is *de facto* not an independent body; its complete lack of criticism in this regard helps endorse Bahraini policies that are inherently undemocratic and, in this way, allows the further abuse of human rights. By neglecting grave human rights abuses such as torture and extrajudicial killings, by effectively endorsing repressive policies by omission and by literally stating its support for government human rights abuses, the NIHR has shown that it is unable to objectively monitor the human rights situation in Bahrain.⁹

A Culture of Impunity

In an attempt to highlight the culture of impunity perpetuated by the Bahraini government, in April 2019, ADHRB released a comprehensive report examining this issue at the core of the security agency that is the driving force behind Bahrain's human rights crisis. In "The

¹ https://www.adhrb.org/wp-content/uploads/2015/11/Shattering_the_Facade_Web.pdf.

² <http://www.bici.org.bh/BICIREportEN.pdf>.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/49/PDF/G1215049.pdf?OpenElement>.

⁷ <http://www.nihr.org.bh/>.

⁸ <https://www.adhrb.org/2018/04/bahrain-nihr-ignores-government-violations-endorses-abuses-in-2017-report/>.

⁹ <https://www.adhrb.org/2018/04/bahrain-nihr-ignores-government-violations-endorses-abuses-in-2017-report-2/>.

Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, ADHRB analysed over 1,000 incidents of abuse comprising more than 3,000 specific rights violations attributable to the Ministry of Interior (MOI) from 2011 through to the present day.¹⁰ This included arbitrary detention, torture, rape and extrajudicial killings.

Bahrain’s purported efforts to investigate and prosecute security personnel and officials have been seriously inadequate. As noted in an unpublicized United States of America State Department assessment in 2013, other than the failed prosecution of Lt. Col. Mubarak Abdullah Bin Huwayl al-Marri and Lt. Shaika Nura Bint Ibrahim Al Khalifa,^{11, 12} a member of the ruling family, “[t]here is no indication [that] any officials is being held responsible or prosecuted for overseeing or committing acts leading to abuse, mistreatment, torture, or death.”¹³ It must be noted that while both Lt. Col. Mubarak Abdullah Bin Huwayl al-Marri and Lt. Shaika Nura Bint Ibrahim Al Khalifa were prosecuted for abuses committed against medical personnel; the court acquitted the defendants on all counts. Following his acquittal, Bin Huwayl met with Prime Minister Khalifa bin Salman Al Khalifa. As reflected in a video recording of the meeting posted on YouTube,¹⁴ al-Marri told the prime minister, “[W]hen issues get big, you are the one with a solution.”¹⁵ In response, the Prime minister said, “You know, those laws... Nobody could apply them to you. No one can touch this bond between us. Whoever applies these laws against you applies them to us. We are one body.”¹⁶

Human rights violations by Prince Nasser

Nowhere is impunity more afforded to than Prince Nasser bin Hamad Al Khalifa.¹⁷ As the son of the King, Prince Nasser bin Hamad Al Khalifa enjoys a high-ranking military role and is a Royal Guard commander. He has been documented to have been directly involved in the torture of activists during the 2011 pro-democracy protests. Due to the strength of evidence of against him, the United Kingdom of Great Britain and Northern Ireland’s High Court decided to lift Prince Nasser’s immunity regarding the prosecution of torture allegations.¹⁸ However, the culture of impunity within Bahrain means that despite the overwhelming evidence of torture, Prince Nasser is still entrusted with organizing large scale events global events.¹⁹

A Long List of Victims

The Bahraini criminal justice system is awash with impunity, which entrenches the belief that Bahraini authorities are above the law. At every level of the Ministry of Interior (MOI), there is a pattern of police brutality and repression with individuals committing systematic human rights violations. The following individuals are exemplars of this large pattern of impunity within the ministry.

¹⁰ https://www.adhrb.org/wp-content/uploads/2019/03/ADHRB_MOI_0319_Web.pdf.

¹¹ https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice#_ftn102.

¹² https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice#_ftn102.

¹³ Ibid.

¹⁴ <https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice>.

¹⁵ <https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice>.

¹⁶ <https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice>.

¹⁷ https://www.adhrb.org/2019/09/hrc42-written-statement-a-culture-of-impunity-in-bahrain/#_ftn4.

¹⁸ Ibid.

¹⁹ Ibid.

Abdulaziz Mayoof AlRumaihi, Director-General of the General Directorate of Criminal Investigation and Forensic Science (GDCIFS),²⁰ was implicated in the February 2017 death of Abdullah AlAjouz. AlAjouz died under suspicious circumstances after an attempt to arrest him. His family and other observers believe that he was extrajudicially killed. However, despite the circumstances surrounding his death, the government did not launch an independent investigation.²¹ In 2018, AlRumaihi was promoted to Brigadier.²²

Even within the prison system, authorities act with impunity and little regard to human rights. The United Nations Special Rapporteur on Torture has condemned the acts of severe cases of torture and sexual violence overseen by Adnan Bahar,²³ who was as recently of January 2019 the acting head of Jau Prison. Furthermore, it has been reported that Maryam Al-Bardouli, Commander of the Isa Town Prison, has assaulted many political prisoners including Hajer Mansoor,²⁴ Medina Ali and Najah Yusuf.²⁵

Since 2011, the Bahraini government has consistently ensured that any kind of accountability for human rights abuses committed by authorities and high-ranking officials is virtually non-existent. This has therefore helped to entrench the country's culture of impunity within the security forces. Despite recommendations issued by the BICI, the establishment of national human rights watchdogs and statements issued by the government that those responsible for the atrocities that occurred in February 2011 were held accountable, little has been done to bring justice to those who perpetrated acts of violence and torture against peaceful demonstrators. BICI recommendations were largely ignored or insufficiently implemented, and human rights watchdogs in the country have been essentially a façade upheld to deceive the international community that the country is taking steps to reform. Moreover, high ranking individuals such as Prince Nasser bin Hamad Al Khalifa are still rewarded for committing human rights abuses rather than being justifiably punished for their actions. Without condemnation by the international community of states and international organizations, the government of Bahrain is able to do as it pleases. More must be done.

Conclusions and Recommendations

Since 2011, Bahrain has continually shown that the pervasive culture of impunity runs throughout government, from the top to the bottom. Without addressing this culture of impunity, the country cannot expect to meet international norms.

ADHRB calls on the Government of Bahrain to:

- Release all political prisoners;
- Hold criminals accountable regardless of status;
- Seek cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

²⁰ <https://www.adhrb.org/2019/05/adhrb-sends-public-letter-to-secretary-of-state-calling-for-bahraini-individuals-involved-in-human-rights-violations-to-be-barred-entry-to-us/>.

²¹ <https://www.newsofbahrain.com/bahrain/30616.html>.

²² <https://www.adhrb.org/2019/05/adhrb-sends-public-letter-to-secretary-of-state-calling-for-bahraini-individuals-involved-in-human-rights-violations-to-be-barred-entry-to-us/>.

²³ http://www.bahrainrights.org/files/Presentation_Torture_in_Bahrain.pdf.

²⁴ <https://www.independent.co.uk/voices/bahrain-prison-isa-town-hajer-mansoor-human-rights-un-a8860216.html>.

²⁵ <https://ifex.org/in-bahrain-the-two-faced-nature-of-impunity-oppressors-rewarded-activists-suffer/>.