

Interview with Sir David Frost on BICI

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Frost: a year ago inspired by the revolutions in Egypt and Tunisia, Bahrainis took to the streets, calling for greater political rights. Hundreds camped on Pearl Roundabout in Manama, which immediately became the symbol of that movement in Bahrain. The Bahraini authorities came down hard on the protesters, many were detained, some were tortured and others were given long, bewilderingly long, prison sentences. Bahrain's King Hamad bin Isa al-khalifa set up an independent commission of inquiry, to be chaired by the renowned human rights and war crimes lawyer professor Cherif Bassiouni, often called the father of international law. Well, he joins me now from Chicago. Tell me, Mr. Bassiouni, we're delighted to have you with us, since you produced the report, have you learned, has there been any improvement in conditions in Bahrain, of torture, long sentences, and murders, deaths?

MCB: Well, I think the moment the Commission was established in July and I made my initial contacts with the Ministry of Interior about the end of July, all allegations of mistreatment, particularly torture, have stopped. And there has been no recurrence of that. The Commission has investigated allegations of torture very thoroughly, we have received over 300 rather credible complaints in as part of over 5000 general complaints. We've investigated very particularly 64 cases with four forensic experts from abroad, and we have documented the deaths of five persons under torture. That is a pretty grim result, however, fortunately ever since we came on the scene all of this stopped. Now the question is whether the Attorney General is going to have the actual capability, in terms of human personnel and investigative personnel, to go after those people in the police and the intelligence agencies and other security forces who have engaged in those acts, including their superiors.

Frost: And you've said in fact that when you say superiors there you've said in one or two quotes that in fact the decision to order torture and other things were not we're not given by the highest authorities in the land. You know, you don't think it reached the highest authorities in the land?

MCB: Well, let's be a very specific, as in any similar type of situations, you have a chain of command structure. And the more you have an organizational system which is military or paramilitary, it is much easier to retrace the chain of command to the top, either by commission or by omission. It is more difficult to establish responsibility in the chain of command where you have political personalities that may influence the decision-making but are not in the clear chain of command. And so to be specific, there's no doubt in my mind that the King or the Crown Prince or people in the Ministry of Justice, Foreign Ministry or the Ministry the Minister of Interior himself, that they have not given such orders. However the question that people ask, and it is a legitimate question, that is to what extent should these high officials, particularly the Minister of Justice, Minister of Defense, Minister of Interior and others, should have investigated their subordinates, should have kept a better control over their subordinates to ensure that these types of outcomes did not occur.

Frost: And in terms of this vital thing of communication on these matters getting through, when you say the moment ago that these things have stopped, the five torture, cases of five people who died and so on. When you get this news, and which obviously we have hope is absolutely is true, but how do you know they're telling you the truth, if you're in Chicago?

MCB: well I was not in Chicago during that entire period of time, I was in Bahrain. I had a team of 41 investigators, you know, we went to, we had total access by the way, to all of the prisons at any time of day or night. We would go with our team of investigators talk to the prisoners, go into any prison, without any supervision by any government official, we went to the morgues, we brought in bodies out of the refrigerators and conducted autopsies, we brought in four forensic experts from abroad, interviewed people, looked at signs of their injuries on their bodies. As you can see from the five hundred page report, every case is thoroughly documented.

Frost: Right so on that basis, you were, absolutely knew, you were getting the facts at that time and now you think you are too, if they if they bring out reports now and you're not there. do you have do you have still have representatives there, in fact?

MCB: Well, I went there in February at the request of the King to make an initial assessment of what was being done, in terms of implementing the 32 specific recommendations that we had in the report. I made an internal report to the King and to the members of his government, to improve certain things, particularly to improve the capacity of the Attorney General's Office, to improve the training of the prosecutors, to develop a specialized judicial police, to develop scientific evidence capabilities, so that they can in fact start on the process of accountability.

Frost: and so do you think now that this is a turning point in Bahrain? I mean, do you think the King will say and his closest aides will say no more torture? Do you think there'll be no more torture in Bahrain?

MCB: There has been no more torture since July. The king has said it quite clearly, so has the Minister of Interior, and there's been no allegation of torture since last July. So I think this particular problem has been overcome once and for all. The government has also hired two senior level police persons, one from Scotland Yard and one from the US, to advise the police and reform the internal structure of the police system. So much improvement is taking place but there's still a great deal that has to be done at the attorney general's office, with the training of prosecutors, training of police investigators, and training in the area of scientific evidence.

Frost: this could be a turning point for Bahrain, do you think?

MCB: I don't think so. The reason I'm saying that is because I would consider those important improvements, not to be the, if you will, the causes of the problems. These are symptoms. The causes of the problems are issues that deal with political equality between Shia and Sunni, access to power by the Shia community, social and economic justice for the Shia community. There's a great deal that needs to be done in the area of political, social, and economic reforms in the country. This is not something that our Commission was tasked with, but I know that both the king and the crown prince are very concerned about achieving these reforms. They do, of course, face opposition by members of the royal family and some members of government, who are reluctant to give up the power that they've had for the last 300 years. But things are going to have

to improve along those lines, if the country is going to move into a modern, democratic, monarchy.

Frost: You've suggested that you're not obviously as critical about the protesters, as you are about the people who brought these crimes to fruition in in the country. But you've obviously not this critical of them, but you are you do sound quite critical of the protesters in Bahrain and for the fact that they should and could do more to bring about reconciliation or isn't that the job of the ruling class?

MCB: Well, you know in in every internal conflict the situation is more complex than it appears to the outside. You have an estimated 60% Shia population and about 40% Sunni. The Sunni population dominates the political power and dominates both the social and economic power. The Shia are on the down trodden side. They have been in the opposition. There have been negotiations between the major Shia opposition party, Al Wefaq, and the crown prince. And they were very close to reaching an agreement on a seven-point reform program last March, but it didn't come to pass. The problem is that both sides are extremely polarized at this point, and they're quite radicalized in their relations to one another. There is no solid middle that seems to be able to attract people, either on the pro-government Sunni side or on the opposition Shia side. But it should also be said that the opposition is not only Shia, the opposition also includes a number of secularists progressive Sunnis, who would like to see their country move into a constitutional monarchy, like in England.

Frost: Well that's absolutely a key point as you say, that in these conferences one saw in Libya too, as you, the words you use, the situation becomes polarized and radicalized, as well. We thank you so much for being with us today Mr. Bassiouni. You've been so clear, so trenchant and we really appreciate it and we hope to have the privilege of welcoming you again.

MCB: Thank you, sir, thank you.