

Country/entity	Bahrain
Region	Middle East and North Africa
Agreement name	Royal Order No.28 of 2011, Establishing an Independent Commission to Investigate and Report on the Events Which Occurred in Bahrain in February/March 2011
Date	29 Jun 2011
Agreement status	Unilateral document
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Bahraini Uprising (2011 -)

Following uprisings across the MENA region in early 2011, protests ensued on February 14, 2011, aimed at generating social reforms and greater social equality for Bahrain's Shi'a majority. Following the deaths of two protesters in the first two days, a sit-in was held at the Pearl Roundabout in Manama on February. The next morning, security forces stormed the camp, killing 4 protesters, marking a turning point in the conflict. Protests picked up momentum and by April 2012, over 80 protesters and security forces had been killed in violence from both sides. In December 2013, there were impromptu 183 protests alone. Sectarian tensions are further heightened by the recruitment of Sunni Muslims into the National Army from abroad, and the deployment of soldiers from the predominantly Sunni GCC Joint Shield Force. There is also an indication of state-sponsored systematic destruction of Shi'a mosques across Bahrain following the protests.

On July 2, 2011, King Hamad bin Isa Al Khalifa instigated the Bahrain National Dialogue as a means to promote reconciliation between the government and Bahrainis. 300 participants were involved with 37% representation dedicated for political organisations, 36% for CSOs, 21% for opinion leaders and 6% for media representation. Opposition parties were only granted 5 seats, and there was much criticism of the un-balanced nature of the National Dialogue. The National Dialogues were suspended by January 2014. Parliamentary Elections later that year boycotted and dismissed by the Shia opposition as a farce, followed by the arrest of the opposition (Al-Wefaq) leader Sheikh Ali Salman, ensuing into protests and clashes between his supporters and security forces. Systemic harassment and prosecution of Shias continue.

Close

Bahraini Uprising (2011 -)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Bahrain: Reform-based peace process

Parties	Hamad Bin Isa Al Khalifa
Third parties	-
Description	A royal decree creating an independent commission consisting of experts to analyze the events of Feb/Mar 2011 in Bahrain and make recommendations.

Agreement document	BH_110629_Royal Order No. 28 of 2011.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	Groups→Religious groups→Substantive Page 2, Article Nine. The Commission's final report, to be submitted to His Majesty no later than 30 October 2011, shall be made public in its entirety. The Commission's report shall contain, inter alia, the following: ... 9) Examination of alleged unlawful demolition of religious structures.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	Page 2, Article Two. The Commission consists of five eminent and internationally- renowned members, whose experience and reputation worldwide is well established. They are: ... - Dr. Badria Al-Awadhi (member).
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 1, Article Seven. The Commission shall have the authority to decide on all matters concerning the scope of its work and its methods of operation. The government shall ensure that no person or member of that person's family who has made contact with the Commission or cooperated with the Commission shall in any way be penalized, negatively affected or in any way harassed or embarrassed by any public official or representative of the government.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 1, Article Four.
The Commission's mandate is to engage in fact finding and it has access to all concerned government agencies, government officials, government files and records. It is also free to meet with any person it deems appropriate, including but not limited to, representatives of civil society, human rights organizations, political groups, labor unions, and alleged victims and witnesses of alleged violations of internationally protected human rights. All relevant governmental departments shall put at the disposal of the Commission the results of their own inquiries into the above matters.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 1, Article Four.
The Commission's mandate is to engage in fact finding and it has access to all concerned government agencies, government officials, government files and records. It is also free to meet with any person it deems appropriate, including but not limited to, representatives of civil society, human rights organizations, political groups, labor unions, and alleged victims and witnesses of alleged violations of internationally protected human rights. All relevant governmental departments shall put at the disposal of the Commission the results of their own inquiries into the above matters.

Page 1, Article Nine.
The Commission's final report, to be submitted to His Majesty no later than 30 October 2011, shall be made public in its entirety. The Commission's report shall contain, inter alia, the following:
... 3) Whether during these events there have been violations of international human rights norms by any participants during the events or in the interaction between the public and the government.

Bill of rights/similar No specific mention.

Treaty incorporation Page 2, Article Eleven.
The Commission may utilize such staff as it deems necessary to complete its work, and may determine the locations and facilities in which it will operate, which shall be under its full control. The Commission's Chair will propose the budget necessary for the Commission to fulfill its mandate, which budget shall be provided from the funds of the Royal Court. The expenses and compensation of the Commissioners shall be in accordance with United Nations standards and shall be disclosed in the final report.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication	Rights related issues→Media and communication→Other Page 2, Article Nine. The Commission's final report, to be submitted to His Majesty no later than 30 October 2011, shall be made public in its entirety. The Commission's report shall contain, inter alia, the following: 8) Ascertain whether there was any media harassment, whether audiovisual or written, against participants in demonstrations and public protests.
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Mobility/access	No specific mention.
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Protection measures	No specific mention.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	No specific mention.
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees Page 2, Article Nine.
The Commission's final report, to be submitted to His Majesty no later than 30 October 2011, shall be made public in its entirety. The Commission's report shall contain, inter alia, the following:
... 10) Ascertain any involvement of foreign forces and foreign actors in the events.

Ceasefire No specific mention.

Police	Page 2, Article Nine. The Commission's final report, to be submitted to His Majesty no later than 30 October 2011, shall be made public in its entirety. The Commission's report shall contain, inter alia, the following: ... 5) Instances of alleged police brutality and alleged violence by protestors and/or demonstrators against police and others, including foreigners.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.

Mechanism

Page 1, Article One.

An independent Commission of Inquiry is hereby established to investigate and report on the events occurring in Bahrain in February/March 2011, and any subsequent consequences arising out of the aforementioned events, and to make such recommendations as it may deem appropriate.

Article Two.

The Commission consists of five eminent and internationally- renowned members, whose experience and reputation worldwide is well established. They are:

- Professor Mahmoud Cherif Bassiouni (Chair);
- Judge Phillipe Kirsch (member);
- Sir Nigel Rodley (member);
- Dr. Mahnoush Arsanjani (member);
- Dr. Badria Al-Awadhi (member).

Article Three.

The Commission is wholly independent of the Government of Bahrain or of any other government, and the members of the Commission are acting in their personal capacity and do not represent any government, international organization, public official or any economic or political interest.

Article Four.

The Commission's mandate is to engage in fact finding and it has access to all concerned government agencies, government officials, government files and records. It is also free to meet with any person it deems appropriate, including but not limited to, representatives of civil society, human rights organizations, political groups, labor unions, and alleged victims and witnesses of alleged violations of internationally protected human rights. All relevant governmental departments shall put at the disposal of the Commission the results of their own inquiries into the above matters.

Article Five.

In connection with its work, which the Commission will determine on its own and without any interference by the government, the Commission will be able to meet with alleged victims and witnesses of alleged violations in secrecy and in accordance with measures that it shall develop to protect the privacy and security of individuals it meets with, in line with international human rights norms.

Article Six.

The government shall not interfere in any way with the work of the Commission nor shall it prevent access to it by anyone seeking to make contact with the Commission or its staff. Moreover the government shall facilitate the Commission's and its staff's access to such places and people as the Commission deems appropriate.

Article Seven.

The Commission shall have the authority to decide on all matters concerning the scope of its work and its methods of operation. The government shall ensure that no person or member of that person's family who has made contact with the Commission or cooperated with the Commission shall in any way be penalized, negatively affected or in any way harassed or embarrassed by any public official or representative of the government.

Article Eight.

The work of the Commission shall be independent of any national or judicial processes even if it concerns the same subject matter. No administrative or judicial body shall have the authority of stopping, curtailing, preventing or influencing the Commission's work

Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	<p>Page 1, Article Four.</p> <p>The Commission's mandate is to engage in fact finding and it has access to all concerned government agencies, government officials, government files and records. It is also free to meet with any person it deems appropriate, including but not limited to, representatives of civil society, human rights organizations, political groups, labor unions, and alleged victims and witnesses of alleged violations of internationally protected human rights. All relevant governmental departments shall put at the disposal of the Commission the results of their own inquiries into the above matters.</p>
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.
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Implementation	
UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	<p>Lauterpacht Centre for International Law, Arab Spring Project</p> <p>http://www.lcil.cam.ac.uk/sites/default/files/LCIL/documents/arabspring/Bahrain_9_Royal_Order_No28.pdf</p>
