

Bahrain: Prosecuting the prosecutor

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Mr Ali Bin Fadhul Al-Buainain is what people might call an “honorable man”. Last week he was meeting other honorable men and women in Berne and Zurich in Switzerland – places where honorable people often mingle. Zurich has been hosting the annual meeting of the [International Association of Prosecutors](#) (IAP), a group of high-ranking prosecutors from all over the world.

Meanwhile, the UN Human Rights Council in Geneva was busy last Monday examining the situation in Mr Al-Buainain’s home state of Bahrain. 32 countries, led by Switzerland, issued a statement condemning human rights violations in the Gulf state, where men and women are imprisoned for exercising their right to freedom of opinion and free association and face abuse and torture in detention.

The representatives of these states would have needed only to get the train a few hours north to hand their statement to one of those most responsible for these crimes. Mr Al-Buainain is Bahrain’s Chief Prosecutor. To date he has not faced any backlash from his prosecutor colleagues.

Two years ago an Irish human rights group called on the IAP to expel Al-Buainain from its ranks. Yet nothing was done. On the contrary: last week Al-Buainain stood to be elected Vice President of the IAP’s Executive Committee.

Like all countries in Europe, Switzerland has signed the UN anti-torture convention. This means it is obliged under the principle of universal jurisdiction to take criminal proceedings in cases of torture – including those that occur abroad – whenever a suspect is present on Swiss territory.

We recently filed a [criminal complaint](#) with the Swiss authorities alerting them to the allegations against Al-Buainain. It was a collaborative effort by my organization ECCHR together with Swiss, Bahraini and British human rights organizations. At the center of the complaint is the story of torture survivor Mr Jaafar Al-Hasabi, a Bahraini-born British citizen. In 2010 Al-Hasabi was held in incommunicado detention in Bahrain where he was subjected to various torture methods, including electric shocks.

Torture: it’s one of the gravest crimes in our statute books. Yet the Swiss prosecutors, like so many, have trouble dealing with suspects like Al-Buainain. If the suspect had been say a drug boss instead, the authorities would have arrested him as soon as he set foot in Switzerland, even if his activities were more on a behind-the-scenes level, as with the Bahraini prosecutor. The key consideration would be his dominating role within his criminal organization. And yet it seems to be too big a jump for some to apply the same criteria to state structures, even when there have for years been credible accounts of systematic torture there. This is particularly the case when it’s an allied and economically powerful state like Bahrain.

The Swiss prosecutors had time to take the necessary action. By allowing Ali Bin Fadhul Al-Buainain to leave the country they missed a crucial opportunity to implement the calls by Switzerland and 31 other states: to bring to justice those who torture or oversee torture in Bahrain.