

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



*Bahrain Human Rights Monitor*

مرصد البحرين لحقوق الإنسان

Issue 2 • March 2009

## Bahrain: the Way to Uncover Torture Claims

Most governments in the world, including democratic ones, do not feel comfortable with the idea of being constantly pursued by human rights organizations regarding any abuses that may occur in their countries, even if in principle, these governments support human rights and helps organizations deliver their message. But when there is a knock on their doors, politicians fear that human rights reports could undermine their political or electoral positions.

Any human rights abuses either in democratic countries or in those in the process of democratization are single events that can not be completely eradicated, while this is obviously not the case in authoritarian regimes, in which the violation of citizens' rights is a basic principle.

The question is why democratic countries (as well as emerging democracies) have reservations against human rights organizations' interference, and sometimes refuse to grant them permission to visit or investigate the allegations of abuses or meet with detainees in prisons? And why do these reservations exist when the general policy of these governments is to criminalize both torture and denial of detainees' rights, and despite the fact that these abuses are illegal and are punishable by law?

It could be argued that these reservations are not in the governments' interest, and could confirm the allegations against them which are by far worse than any outcome resulting from cooperation with international and local human rights organizations.

Two justifications for this reservation are made: firstly, the fear of politicization and defamation. Secondly, the encroachment on the sovereignty of the State concerned. For these reasons some governments resort to adopting local mechanisms to monitor their own prisons which undoubtedly prove to be highly effective.

In Bahrain the Red Cross visits are constant and regular, and the Bahraini government does not feel uncomfortable towards them nor with the outcome of their visits. This is obviously because the Red Cross does not publicly release any reports and instead prefers to discuss its findings directly with the government concerned, which means that media defamation and politicization of Red Cross reports are unlikely. There has been an increase in local and international allegations of abuse inside Bahraini prisons which is denied by the government and confirmed by local organizations. In this case how can the truth be uncovered? As a government, Bahrain has allowed its prisons to be inspected by Bahraini human rights organizations, and indeed the Bahrain Human Rights Society has made several visits to the prisons. However, the Government has decided to cease its cooperation with the Society in this matter, which again can be attributed to the fear of politicization and defamation, but that truth has yet to be uncovered from the Society's point of view, so what is the solution to this dilemma?

First: to resort to the judiciary in order to solve the issue and to accept the decisions that are reached.

Second: to accept the findings of the medical committees investigating the allegations (two independent medical committees have been established in two separate cases, but there decision was inconclusive).

Third: the authorities in charge of prisons should conduct constant investigations. The Minister of Interior has announced before the Parliament that some abuses have taken place and that those responsible were held accountable for their actions in accordance with the law.

Fourth: the Government could ask an independent international human rights body known for its expertise in the field to conduct an investigation – although this can be regarded as a threat to the State sovereignty. If the Government did so, this will prove that it does not fear any inspections to its prisons and is also willing to take strict measures if abuses are proven.

**Hasan Moosa Shafaei**

**President - Bahrain Human Rights Monitor**

### In this issue

- 4 Funding of the NGOs
- 5 Bahrain in a U.S Report
- 6 Resisting Political Gravity
- 9 National Charter and HR

### The International Federation of Journalists (IFJ) Opens an Office in Bahrain

The Bahraini Journalists Association and the International Federation of Journalists (IFJ) signed an agreement at the beginning of last February in order to set up a regional office for the IFJ in Bahrain. Mr. Isa Al Shayji signed the agreement on behalf of the Bahraini Journalists Association, and Mr. Eden White represented the IFJ. According to this agreement, the International Union will take Bahrain as its regional centre and its activities are expected to cover all Arab countries as well as Pakistan, Afghanistan and Iran. The office will be open next April. The Office will work professionally to promote and support the culture of freedom



Mr. Isa Al Shayji

and human solidarity in the media by supporting the initiatives of professional ethics, and work to enhance solidarity among the journalistic organizations to defend professionalism, and to remove obstacles to the freedom of the press, and to encourage dialogue between media organizations and civil society organizations and political parties.

Al Shayji considered the choice of Bahrain as a regional centre for the IFJ as indicative of its appreciation of the country's atmosphere of freedom and democracy, in addition to the development of its media and civil movement. He regarded this step as an asset to the democratic reform project and to the well established Bahraini media. It is also noteworthy, that the IFJ, which is based in Brussels, is the largest organization for journalists in the world, and currently has almost 600 thousand members from more than one hundred countries.

### Dialogue as Opposed to Confrontation

There are current concerns in Bahrain of reaching a political dead end due to the continuing security tensions such as constant rioting, political and civil society organizations' fear of the suspension of the reform process (or even its complete overthrow) and the adoption of security solutions to political problems. This has made all believers in reform, both in the government and society, look for solutions to the current crisis, in the hope of containing the sources of violence and removing their legitimacy cover, as well as their determination to continue the reform project and quicken its pace. This would preserve the government's central position and would also prevent bypassing or abusing citizens' rights.

If this political dead end is reached, it will cast its shadows on the country's general situation and will affect the extent of adherence to human rights standards and local human rights laws and regulations. It seems that political and civil society organizations generally, and the advocates of reform from the government's side, are greatly disappointed due to the continued tension, and thus calls have been made in an attempt to find solutions. Some of these calls appeared shyly in the media, whilst others came in the form of statements by political and human rights figures.

The general rhetoric of the previous period was characterized by an emphasis on government and civil societies' fears. Some political forces have currently presented a draft compromise solution that aims at re-producing the political process, restoring calm and security stability, and stressing the authority of local laws and the Constitution.

The only elaborated proposal so far, has been advanced by the Democratic Progressive Forum Society (al-minbar) and was announced by its chairman Dr. Hassan Madan as a

cooperative effort with other political societies. This initiative comprises a "Declaration of Principles" with five articles: to emphasize the authority of the National Action Charter, to rationalize the political discourse and respect the authority of the state, to renounce all forms of violence and counter-violence, to release political detainees and to create direct channels for dialogue with the government.

In a local seminar entitled 'Dialogue as opposed to Confrontation', Madan said that any dialogue with no government representation is meaningless, and he denied that his Society acts as a mediator between the government and civil and political societies, adding that the Society believes in peaceful and democratic political actions and that this approach has not changed since the beginning of reform project in 2001.



Dr. Hassan Madan

On the other hand, clergyman Salah Al Jodar has called for a comprehensive revision of previous reforms, considering those opposing dialogue as 'calling for anarchy'. He also criticized political parties' performance as they do not, as he put it, show concern for the suffering of ordinary Bahrainis. Jodar expressed his worry that society may produce extremists groups that do not recognize the rule of law. This initiative has been welcomed by all civil society institutions in the hope that it will succeed in the near future.

### (Bahrain Women) is condemning Israeli violations

The Bahraini Women's Society has

called on the member states of the United Nations 'to deal with Israel as an entity which violates basic human rights' and demanded that the Secretary General conduct a full investigation regarding Israeli atrocities in Gaza. The Society also called on member states to acknowledge the fact that serious violations of human rights have occurred at the hands of Israeli occupation forces.

This was included in a letter by the Society directed to the Human Rights Council which is expected to conduct its tenth meeting in Geneva on 2 March 2009. The letter also observed that Israel, and despite signing the Universal Declaration of Human rights, 'still commits many human rights violations' pointing to Israeli killing, starving and terrorizing

of women, children and civilians which occurred in Gaza during the last Israeli attack, as well as Israel's discrimination policies against the Palestinian people.

### The closure of a Mosque for few days

*Al-Wefaq* has condemned the closure of Imam Sadiq Mosque in Manama and regarded it in its statement as 'unjustifiable, and is not part of the Interior Ministry's jurisdiction, besides being a violation of human rights that negatively affects Bahrain's human rights' record'. *Al-Wefaq* also criticized this interference in religious freedoms and holy rituals

which are inherent and fundamental rights according to the Constitution and the international conventions which



Bahrain has signed. The statement has called on the government to seek political solutions to problems rather than security ones, to favor dialogue and to respond to calls for reconciliation.

The government had closed the mosque for a few days in order to prevent what it described as extremists from controlling it and consequently from encouraging worshippers to riot. It is a well known fact that most unauthorized demonstrations have started from this mosque.

## The Relationship with the Interior Ministry is Fluctuating

The relationship between Bahrain's Interior Ministry and human rights organizations is fluctuating despite previous attempts to bridge the gap between the two parties. The Interior Ministry believes that these human rights



Mr Abdulah Al Draz

organizations do not adequately appreciate the positive steps it has taken, and on the other hand, the organizations themselves believe that the Ministry has not taken the

initiative to establish strong cooperation with them in order to benefit human rights in Bahrain.

In this context, Mr Abdulah Al Draz, Secretary General of the Bahrain Human Rights Society, expressed the Society's full willingness to cooperate with the Interior Ministry in order to improve the human rights situation in Bahrain. In an

interview with *Al Waqt* newspaper on 21/2/2009 Draz described the Ministry's establishment of a committee for citizens' complaints as a positive step and hoped that his Society will have the chance to participate in this committee and to follow up peoples' complaints. He also hoped to meet with the Interior Minister to discuss the scope of this cooperation.

Drazi also added that the previous committee set up by the Ministry was useful and with the Society's cooperation, the two were able to solve many issues such as renaturalization, the reemployment of some ex-employees imprisoned during the nineties, and several other issues. Draz observed that the Ministry had granted the Society permission to visit Jow prison twice in 2005 and that the ensuing report issued by the Society sparked the beginning of the unstable relationship between the two.

The Interior Ministry had asked to view and respond to the report before its publication but the Society had refused to comply. This was consequently seen by the Ministry as an attempt to defame the government rather than cooperation

between two parties seeking to develop human rights in the country.

Moreover, Draz said that the Bahrain Human Rights Society opposes the use of violence and added: the Society's position on this matter is clear; it refuses the use of violence in all its forms. We are against the burning of tires and the vandalism of public properties and we stress that the struggle to promote human rights is first and foremost a peaceful one'.

However, he added that the Society is also against the excessive use of violence against protestors and mentioned receiving news of some detainees who have been subjected to torture, adding: 'it is important for us that a positive view on the human rights situation in Bahrain is disseminated, and, therefore, must put an end to these abuses by allowing neutral parties to verify these reports'.

Finally, Draz stressed that 'the Bahrain Human Rights Society deals with all issues from a human rights perspective and, therefore, the Interior Ministry should not see it as an opposition or politicized party'.

## Funding in the work of Human Rights Organizations

Almost all civil societies in Bahrain, including political parties have condemned the recent unrest that took place in the country, and insist on the importance of peaceful expression and the respect of the rule of law. However, these societies, human rights ones in particular, are facing a great challenge to remain neutral and to adhere to human rights standards in the shadow of political and security upheaval.

All occurrences in Bahrain are strongly connected to the political situation; thus these organizations are not dealing with incidents which are removed from political reality and, therefore, can not pass judgment on each event independently. Instead, they face a chain reaction of events and counter reactions which are difficult to de-politicise and untangle, for in these events the cause has become a result and the result has become a reason for the reoccurrence of new events.

For this reason, human rights organizations, and despite their attempts to distance themselves from the regime on the one hand, and the opposition on the other, feel that their credibility is being constantly challenged and that they are still being subjected to criticism from both parties, and accused of favouring one over the other. They are in the governments' eyes biased towards the opposition's political agenda, easily believing its propaganda and reports, and only seeing the negative aspects of events without noting the positive ones. On the other hand political activists view them as untrustworthy in their reports, siding with the government and incompetent in presenting what is really happening on the ground.

To what extent are human rights

organisations able to safeguard their neutrality, and distance themselves from political agendas?

Initially, it can be said that all human rights organizations are subjected to various kinds of challenges and pressures related to their integrity and independence. It is difficult to achieve absolute independence as there are no agreed upon standards for neutrality. This is besides the fact that 'neutrality' in the performance of human rights organisations varies from one subject or issue to another.

Funding is an important consideration which could potentially compromise an organisation's neutrality, including those in Bahrain. All large international human rights organizations—except Amnesty International—depend on governmental and institutional financial support. This support has a significant influence in determining the country or the area targeted with follow ups and research, and in many cases the supporting body determines the subject of the follow ups, and the field of activity such as women's rights, prisoners of conscience, or freedom of expression etc. Occasionally, particularly in the Middle East where conspiracy theory magnified, human rights organizations are frequently depicted as partners in the political project of a certain state or group of Western countries in particular.

In Bahrain the government was required to encourage civil society organizations in general, since the beginning of the reforms in 2001. These organisations were first formed with government support through the Ministry of Social Affairs, providing them with an official bases, as well as the allocation of an annual budget. The question is: does this funding

affect the neutrality and the activity of these organizations and to what extent? Or more importantly, does financial support by government affect the neutrality of these organizations in issues related to the government in particular?

This does not seem to be the case, at least for human rights organisations, as the government still complains of their bias!

Other questions follow: is government funding sufficient to cover all organisational activities? And are there any other financial supporters? And do these affect the neutrality of the organizations in question?

It is clear that government financial support is insufficient to cover all their activities, but there are two possibilities in this regard:

Foreign funding from states is strictly prohibited, and undoubtedly, Bahraini organisations' loyalty is to their country and to their fellow citizens. However, it is possible that there is some limited and ineffective funding from foreign civil societies to their counterparts in Bahrain. It should be noted that this kind of financial, media and other support is legitimate in most of countries including Lebanon, Jordan, Egypt, Morocco, Tunisia, Algeria, Palestine and Iraq among others. As for local support from individuals and institutions inside Bahrain—if it exists—this can easily be uncovered through the bank statements of the organizations, and does not necessarily assume that the supporters have specific political affiliations, and if found, their impact is not absolute, and is probably limited.

In conclusion, there are no obvious effects of funding on the neutrality of human rights organizations.

## Bahrain in the U.S. State Department Report

The U. S. Department of State released their annual human rights report last February which covers all countries in the world. With regards to Bahrain, the report was extensive and balanced in its presentation of the issues, transformations, achievements and failures in the country.

Regarding the respect for human dignity, the report said that there were no reports that Bahrain's government or its agents committed politically motivated killings during the year. However, the report did mention the death of Jassem Ali in 2007, and said that the official autopsy reported that he had died of 'acute cardiovascular and respiratory collapse' after running for more than two miles. The report continued by saying that in January, the government passed comprehensive anti-trafficking legislation that provides for significant prison sentences and fines for those who commit the crime. On 23 December 2008, the government successfully prosecuted its first case under this law.

With regard to torture, the report pointed to the unconfirmed allegations of torture, referring to the medical team formed on 6 and 9 April to investigate those allegations, which did not prove or disprove the defendants' accusations of abuse. As for prison and detention centre conditions, the report stated that they generally met international standards, although the government did not permit any independent inspections. Throughout the year, some detainees alleged that they had been subjected to physical abuse by prison guards, a charge that the government denied. The report also mentioned the quasi-governmental Supreme Council for Women's (SCW) recent visit to the

women's prison in Bahrain. However, SCW did not issue a public report on the results of the visit. There have also been many visits by the International Committee of the Red Cross (ICRC) and it has been reported that ICRC officials had not visited the prisons since the release of political prisoners in 2000.

The report added that a widespread lack of transparency in the security services made corruption in the security services difficult to assess, but said that the Minister of Interior had announced on 22 November 2008 that he had

report noted that there is no evidence to support those allegations.

The report confirms that there were no reports of political prisoners or detainees. As for freedom of speech and press, it states that there was considerable freedom of expression on the internet, letters to the Editor, and occasionally, on state run television, adding that the government practices censorship and actively monitors and blocks local stories on sensitive matters, especially those related to sectarianism and national security and criticism of the Bahraini and

Saudi royal families. Journalists also practiced widespread self-censorship, and according to some members of the press, government officials contacted editors directly and asked them to stop writing about certain subjects or asked them not to publish a press release or story.

On the issue of the right of assembly, the report affirms that anti-government demonstrations occurred in numerous Shia villages around the country on an almost weekly basis this year.

Bands of Shia youth regularly appeared at the end of both registered and unregistered demonstrations, burning tires and trash and threw Molotov cocktails and stones at riot police. The report indicated that a number of political societies accused the government of using tear gas and excessive force against demonstrators, while the government says that it intervenes only to curb the riots.

The report also said that government and societal discrimination remained a problem in the country. However, the report referred to the government's efforts in increasing the employment of the Shia in different locations in the Ministry of the Interior, while the private



disciplined 23 police officers during the year for committing human rights abuses. On the other hand, on 30 July 2008, the King announced an amnesty for nearly 225 prisoners, including many charges for rioting. The government required those arrested for rioting to sign a pledge not to riot again. Seventy individuals refused to sign the pledge, yet they were released on 02 August.

Regarding trials, the report said that the Bahrain's Constitution provides for an independent judiciary. Several accused were being jailed with terrorism charges during the year, and the government lost appeals calling for tougher sentences. There were also allegations of corruption in the judicial system. However, the

---

sector continues to employ low-paid Shia.

Finally, For human rights organizations, the report pointed to their political orientation, and pointed out that the government allowed the Bahraini organizations to interact with their international counterparts, and that during the past year the government allowed for the members of Amnesty International to exercise their activities without interference, despite their failure

to register officially as NGO.

### **Comment by BHRM:**

It is evident that the U.S. annual report contains many positive and negative indications. It sends out a message to those concerned with human rights in Bahrain in particular, and requires objective and transparent assessment, in order to truly benefit from its comprehensive overview of development

in the last year; to build upon what has already been achieved, and to address the deficiencies and shortcomings in the performance of the government and human rights organizations.

It is incorrect to use isolated sections of the report selectively to serve certain political agenda in which each party uses the report to its own advantage, away from the central issue which is the development of the human rights situation in Bahrain.

---

## **The difficult neutrality**

### **Resisting Political Gravity**

The activities of human rights organizations are very much connected to political situations, for human rights fieldwork revolves around issues such as political prisoners, prisoners of conscience, executions, and woman and child rights among others, all of which are strongly related to politics. These organizations, including their employees, are naturally affected by political situations whether in their countries or abroad, and it is difficult for them to be completely unbiased towards a particular state or political issue. In addition, these organizations – especially international ones- often attempt to benefit from conflicts between various countries in order to deliver their humanitarian message. For this reason, it is not surprising to find, for example a large human rights organization benefiting from the tense relationship between America on the one hand, and China, Iran and Syria on the other in order to highlight violations of human rights in these countries. Some would regard this as 'opportunistic', whilst others may see it as a form of 'political complicity'.

In Bahrain, as in other Arab countries, there is a strong interest in politics among ordinary people, and constant political

activities trigger debates, discussion and dialogues, where there is a margin of freedom for people to express their opinions. In other words, there is an active and positive political atmosphere, which draws the attention of human rights activists, and encourages them to follow political events, form opinions, and perhaps even to subconsciously engage in politics. Due to this active political climate, there is a strong tendency to politicise all social, cultural, and religious issues, and to drag Bahrain human rights organizations into politics, in addition to the hidden desire of human rights activists to engage in politics due to their previous political background. As we noted in the first issue of this Newsletter, some of these activists are still very much involved in politics, even after becoming human rights defenders.

Despite all this, many Bahraini political societies still see human rights organizations as 'foreign bodies', grant them only minimal trust, and have at times even refused to cooperate with some. Instead, a number of political societies have formed their own human rights committees, which deal directly with human rights issues.

Probably there is another motive

for those political societies to be involved in human rights, which is the irresistible attraction of human rights. Furthermore, such societies could not turn their backs on politics or leave it to specialised bodies or individuals, bearing in mind that Bahrain's political societies are new in the field and are not yet professional enough, meaning that a political activist would like to practice all cultural, religious, political and human rights activities at the same time, mixing and matching between them in order to achieve a specific goal.

Bahraini human rights organisations must resist this strong political gravity, constantly revise their positions, defend their credibility and emphasize their neutrality as much as they can – if achieving absolute neutrality is ever possible. These organizations are responsible for the implementation of international human rights standards, and should not try to bypass them or attempt to create new standards for themselves. On the other hand, and in order to safeguard the trust and respect of ordinary people, they should reconsider their priorities, for there are many vital issues which are seen by the overwhelming majority of society as being of primary concern, while less important issues are sometimes being emphasized and given more attention than they deserve.

## Bahrain: Global Crunch Affects Human Rights

On 20 February 2009, Bahrain's permanent representative to the Geneva based United Nations office, Ambassador Abdullah Abdullatif warned of the dangerous repercussions of the current global financial crisis, noting that if aggravated, the economic downturn will certainly impact people economically, politically, socially, culturally and in their civil rights as well; for all human rights are universal and indivisible. The Ambassador added, in a speech before the tenth session of the UN Human Rights Council, that 'this crisis will delay achievements', affirming that 'Bahrain, being aware of the impact of the crisis, is doing its utmost to confront it. The repercussions of the crunch have already begun to emerge at local, regional and international levels.' The Ambassador also pointed to the efforts carried out by the State in order to improve living standards, create job opportunities and provide unemployment benefits.

## Establishing Office for Human Rights Complaints

In a step, which has been described by human rights organisations as 'positive', the Interior Ministry has set up an office dedicated to receiving complaints and suggestions regarding human rights and concerning the Ministry's management of human rights issues. The Ministry's Inspector, Colonel Ibrahim Al Gaith, said that the aim of the office is to 'support human rights principles, reinforce them on the ground and to spread a culture supporting human rights through abiding by state laws, as well as scrutinizing the course of the Ministry's work with transparency'.

Gaith also guaranteed that all complaints would be dealt with in an efficient and confidential manner, and that necessary measures would be taken by putting into action a work mechanism

which would enable the office to work around the clock. He added that office employees are trained and competent and that work standards have been placed by experts in the Ministry, and are in line with international standards.

He added that the office will receive all complaints either over the phone, in person, in writing and even through the media, and that the Ministry has also allocated a telephone line and fax for complaints. The Ministry is also preparing to launch a new website for the same purpose, in addition to distributing suggestion boxes to all directorates, departments and police stations.

In 2008, the Interior Ministry established a department for complaints and human rights. Objectives of the department include taking necessary legal and administrative procedures to limit human rights violations or stop them; preparing research and studies; providing information; organising seminars and training courses and preparing the necessary reports.

## Bahrain this Month: Conference on Human Trafficking

On 1-3 March 2009, the Ministry of Foreign Affairs organised a conference under the theme: 'Human Trafficking at a Crossroads'. The Conference was attended by representatives of governments, national and international governmental and non-governmental organizations, the private sector and civil society. Dr. Rana Al Khalifah, an advisor to the Ministry of Foreign Affairs commented that the Conference comes as part of Bahrain's efforts to eradicate this phenomenon, in addition to try to include the private sector in combating human trafficking and providing support to its victims. The Conference discussed national strategies for combating trafficking; shed light on coordination between private and public sectors; and provided an overview of the executive, legislative and judicial measures taken to curb this phenomena.

## A Parliamentary Proposal to Criminalize Discrimination

A group of MPs from *al-Wefaq* parliamentary bloc (the largest in the Bahraini Parliament) have suggested the addition of an article to the Penal Code which provides for the punishment of any official who practises discrimination or discriminatory segregation as this negates the principle of equality and equal opportunities between citizens on the basis of their ethnicity, colour, religion sect, belief or political opinion. The case would be more serious if the perpetrator was an employee in the public sector. Discrimination and discriminatory segregation are defined as depriving an individual or a group from enjoying certain privileges, burdening them with obligations, or calling them names.

The Foreign Affairs, Security and Defense Committee in the Parliament has recommended the approval of this suggestion. However some parliamentary blocs have objected to the way the proposal has been worded, and the lack of a specific definition of 'discrimination'. Ali Ahmad, MP, said that 'discrimination' is an unacceptable practice and criminalizing it is constitutional, but he thought it would be necessary to specify a punishment for this crime, and that the term 'discrimination' be better defined.

On the other hand, those who presented the proposal believe that criminalizing 'discrimination' is in line with the requirements of the Constitution and with Bahrain's international obligations, for the Constitution in articles 4, 16B, and 18 and the National Action Charter as well have stressed equality of citizens and that the State bears the responsibility for achieving this. Moreover, Bahrain has acceded in 1990 to the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Based on this, the supporters of the project believe that the international agreements signed by Bahrain compel the country to take legislative measures which guarantee respect of the principle of combating discrimination and the inclusion

---

of punishment articles. They also regarded the constitutional articles on equality and justice as insufficient as long as the Penal Code does not include articles which clearly state the punishment for perpetrators of discrimination, so that citizens are able to resort to the legal system and defend their rights.

### **Al- Jodar Supports Regulations on Religious Discourse**

Shaikh Salah Al Jodar has praised the Ministry of Justice and Islamic Affairs for its regulation of religious discourse, and has also criticised some mosques for not adhering to their intended purpose of providing guidance and spreading the message of Islam. Because some mosques have become monopolized by specific groups, and others have even become centres for inciting sectarian hatred, the Ministry has ordered a restriction on religious discourses in order to rationalize them and encourage moderate ones, based on the equality of peoples in their rights and obligations.

He adds 'we need to restrain mosques so that they do not produce individuals inciting violence and anarchy, for I swear by Allah that nothing has weakened and degraded this Ummah more than the support for terror, disrespect and denigration of the 'other' emanating from such mosques. For this we demand that regulations on religious discourse are put into place with the participation of those concerned with religious issues.'

On the other hand, Bahraini MP Haider Al-Setri has strongly criticised the Ministry's order saying that sectarian discourses are very often tolerated in the country, and that the Government has failed to take sufficient measures against those who adopt discourses of terror and incite sectarian hatred. He also regarded the imprisonment of some individuals for a mere few days as inadequate, stressing that the Constitution includes sufficient rules to regulate religious discourse, and that there is no need for further orders

which he believes are in contradiction with the Constitution. At the same time some Shia leaders have issued a statement opposing the Ministry's decision to regulate religious activity.

In its order, the Ministry of Justice had prohibited the politicization of speeches in mosques, and encouraged respect of the principles of citizenship, coexistence, and human rights which are in accordance with Islam as well as international conventions. It also called for the respect of religious diversity, the 'other' and in particular, public figures and institutions, and urged individuals to avoid extremism and refrain from incitement in the issuing of religious rulings which label others as 'infidels' or 'degenerates'.

### **A Protest in Manama Demanding the Release of Opposition Prisoners**

Authorities in Manama granted permission for a protest which took place on 20 February 2009, in response to the calls of four political opposition societies to demand the release of prisoners accused by the security forces of criminal offences, and which they claim were politically motivated. The number of protestors was estimated between 1000-2000 individuals. Among the prominent figures in custody is the chairman of *Haq* movement Hassan al Mushame and Shaikh Habeeb Al Moqdad. The demonstrators gathered close to *Al-Dana* shopping centre west of Manama and shouted slogans demanding the immediate release of the accused.

On the other hand, the senior organizers of the protest demanded in their speeches that the government begin a national dialogue to address unresolved issues and for it to end the cases of those detained on political and security grounds. On 17 December 2008, the authorities had announced the arrest of alleged criminals plotting to perpetrate terrorist activities during National Day celebrations, and affirmed that they had received training in Hujjara, Syria.

The Chief of the Metropolitan Police

also announced that after the allocated time for the protest had elapsed, a group of protestors re-gathered and caused havoc and rioting by burning tyres and rubbish bins which necessitated the interference of the security forces.

### **A Recommendation to Include Human Rights Principles in School Curriculums**

A Bahraini parliamentary delegation which participated in an international conference has recommended teaching democracy, human rights principles, as well as international law in schools. The delegation affirms the necessity of protecting human rights culture and the respect of its universal principles, acknowledging the right of every human being to preserve his/her own cultural identity. It also called for the appreciation of the basis of human rights culture, and refused any unilateral cultural domination by any party, stressing the importance of participation of civil society institutions and organizations, and to take into consideration their suggestions when preparing curriculums and school books.

Abdullatif Al Shaikh, led the Kingdom's parliamentary delegation to the work of the Permanent Committees for Legal Issues, Human Rights and the Environment in Niyami. Abdullatif Al Shaikh believes in the necessity of amending national laws and legislations in order to conform to a democratic ideology within the bounds acceptable to Sharia law. This would guarantee a better protection of rights and freedoms such as freedom of expression, and laws related to media as well as ones which organize the activities of civil society institutions. Bahrain's Minister of Education Dr. Majid bin Ali Al-Niaimi commented that the ultimate purpose of teaching the topic of citizenship as part of the subject Tarbiya (Education) is 'to produce a generation that is politically aware, respects pluralist views, and does not make enemies with others merely because they hold a different opinion'.



## National Action Charter and Human Rights

Hasan Shafaei

The turning point that Bahrain has witnessed since 2001 began by the adoption of the National Action Charter in a national referendum, in which 98% of voters were in favour of the document. The validity of the referendum was never in dispute, and no claims of forgery were made against this high percentage. Almost all the various political parties supported the Charter, which was prepared by around 50 national figures. This charter has been regarded as a significant step towards change, political modernization and development in Bahrain in many fields, such as political and religious rights, freedom of expression and the promotion of human rights principles, as well as issues related to the legislative and juridical foundations of the state.

This Charter was not intended to merely pacify the tense situation in Bahrain at the time; rather it was directed at the most important issue of all, which was the political one, among others. In fact, the Charter presented a solution to a political blockage which often creates security crisis, hampers development and causes violence and anarchy. It also put forward a political solution based on the modernization of the political state system, which few regimes are willing to adopt. Even if tensions reoccur, because of this Charter Bahrain is now more stable than ever before, as the existing political

structure is capable of absorbing the consequences of the change that has occurred, and is able to find a way out of the existing or future crisis

The eighth anniversary of the Charter has received extensive coverage from the local media and commentary from political and human rights activists. This reveals that the charter was a crucial reference point in the past and through it the country will we be able to move forward to the future.

In evaluating the Charter eight years after its endorsement, there seem to be no serious objections to its articles; on the contrary, there is political consensus on its contents. Any objections seem to stem from the practical application of its articles.

The achievements of the Charter can be summarized as follows:

1) The Charter has laid the foundation for a national reconciliation, and has strengthened relations between state and society on the basis of respecting both the law and basic citizens' rights.

2) The Charter has paved the way for the establishment of civil society organisations including human rights ones, as well as the establishment of political parties (albeit under the label of political 'societies'). The number of these societies is in the hundreds, which is sizeable in a small country like Bahrain. Not only this, but

the Charter has also obliged the government to support these

societies and organisations without forcing them to comply with any rules, other than adherence to the authority and rule of law.

3) It provided the opportunity for political participation through parliamentary elections in two consecutive sessions so far. In the council elections, the Charter also encouraged the participation of new faces in the management of local affairs.

4) The Charter has enhanced the political and social position of women. Women in Bahrain are currently more active than ever before, and participate in all fields including politics, education and diplomacy among others. This comes despite the objections and difficulties, many of which may be due to the relatively new experience or the prevalence of specific social norms

5) As well as the modernization of the political system of the state, the Charter sparked an appropriate beginning for the establishment of the state of the rule of law, and many laws and legislations were introduced regarding political and social reform.

6) The Charter has promoted the authority and independence of the judicial system, although there are still many issues that need to be addressed.

7) The charter has spread political and



### Khawaja is Prevented from Leaving the Country

Human rights activist Abdulhadi Al Khawaja failed to attend a court hearing on 08 February 2009. The hearing was held after his controversial statements on 06 January 2009, in which he was alleged to incite against the regime and call for its overthrow. Ms. Bushra Almayoof, Khawaja's lawyer who attended the hearing said that her client did not attend due to 'private reasons' without giving further clarification, assuring he would

attend the next one. Based on this, the trial was adjourned to 09 March 2009 and the judge has ordered that Khawaja be informed of the date of the next hearing. On 09 February 2009, Khawaja was planning to travel to Iraq, but was surprised to find he had been banned from leaving the country on the Public Prosecutor's orders as there is currently a case filed against him, which necessitates his presence in the country.

The Bahrain Human Rights Centre (which was dissolved by court order, following government request in November 2004 for its violation of the law, according to the government) issued a statement noting Khawaja's ban, and described the charges against him as 'illogical'. The Centre also anticipated that Khawaja's trial will be unjust and has called for the immediate lifting of the ban as well as the dropping of all charges against him.

---

human rights awareness among Bahrainis, with the participation of state and public media. This could not be possible without the unprecedented expansion of the margin of freedom of expression in the history of the State. Furthermore, the Government itself has adopted the promotion of human rights culture and educates citizens about their rights

8) The post-Charter period has almost completely eradicated abuses in detention centres and prisons despite some claims to the contrary which require verification, investigations and bringing violators to account. The period has also witnessed the termination of the infamous State Security Law.

However, some political and human rights activists have noted certain

shortcomings in the course of the discussion of the Charter to the media in the eighth anniversary of the Charter. Commentators have suggested the revision of some of the charter's articles, without specifying a particular article in need of amendment or the addition of new ones. It is understood from the commentators' points that the Charter has been prepared many years back, and, therefore, there can be no objections to revising it if necessary, bearing in mind the previous practical experience.

The main criticism was directed towards the various authorities responsible for the implementation of the Charter, in particular their hesitant attitude and shortcomings regarding the equality of citizens and non-discrimination. Despite the efforts

made, there remains a great need for new legislations to eradicate this provocative issue.

There is also an urgent need to activate the terms of the Charter in matters relating to the distribution of wealth, where several groups of society have not yet felt a remarkable change in their daily lives. Additionally, there is a strong feeling that services are not being provided equally, despite all efforts. This may be due to faults in the bureaucracy and culture, or due to political problems which should be addressed as some believe.

The value of the Charter lies in the application of its provisions. Bahrain, as an emerging democracy, can tolerate the slow pace of implementing the Charter, but cannot tolerate any disruption.

---

## Minister of Information: Broadcasting 'Hujjaira' Confessions is Legal

After mounting criticism over the broadcasting of Hujjaira detainees' confessions (accused of plotting to overthrow the regime) and its violation of the Bahrain Constitution, Member of Parliament, Mohamed Al Mizel, asked the Minister of Culture and Information Mai Al Khalifah about the role of State TV and radio agencies in the illegal broadcasting.



The Minister responded by saying that TV employees had complied with the Public Prosecutor's order and had adhered to the limitations imposed

by the order during the preparations, filming and production of the broadcast. The employees merely did the technical work required of them. She added that 'it is not the job of the Ministry of Culture and Information, while carrying out a judicial order, to inspect the nature of the broadcasting setting, or to be sure of the presence of lawyers, for it is not for the Ministry of Information to interfere in such matters'.

In her response regarding the legal

basis for Bahrain TV's broadcast of part of the confessions on 28 December 2008 (despite the fact that the Bahraini Constitution states that an accused is innocent until proven guilty), the Minister of Information stated that this article (20/C) does not prevent the legislator from applying any amendments or restrictions for the purpose of public interests, and that legal amendments do not necessarily contradict constitutional rights.

The Minister also pointed to para. (5) of article (246) of the Penal Code which gives the Public Prosecutor the right to broadcast the names and photographs of the accused before a final judgement is passed in a given case. As for whether the State TV had added sound effects during the broadcast, the Minister commented by saying that 'the artistic editing of shots in all stages of the broadcast were in accordance with the requirements of the Public Prosecutor's order'.

On the other hand, human rights activists have reiterated their view that the broadcasting negates both the Constitution and Bahrain's international obligations, and saw in the Minister's responses an attempt to absolve herself of the responsibility of the unconstitutional

broadcasting. Abdullah Al Drazi, Chairman of the Bahrain Human Rights Society stated that 'the broadcasting of detainees' confessions prior to a court decision is wrong, and in contradiction with the spirit of article 20 of the Constitution which affirms that 'an accused is innocent until proven guilty'. He also observed that the government should bear responsibility for this violation, highlighting that the detainees did not even know they were being filmed. The broadcasting of the confessions in any media channels before a verdict is reached, is considered a violation of the detainees' rights, and therefore all charges are illegal'.

On the other hand, Mohamed Al Ansari, Chairman of the Bahrain Society for Support of Public Freedoms and Democracy, believes that the Public Prosecutor's order to broadcast the confession does not absolve the Ministry of Culture and Information of responsibility in the case. He also believes that the Ministry should admit its wrongdoing and seek to rectify its mistakes, adding that the King's wide scale reform project requires effective contribution from individuals, as opposed to the Ministry of Information's approach.

## Club of Madrid Recommends Dialogue, Amendment, and Adherence to the Law

The Club of Madrid is a new and independent organization which was established in Madrid six years ago. This initiative was put together with the participation of 50 democratically elected former Heads of State and Prime Ministers, and currently their number has reached around 74. The club aims to strengthen democracy, promote political reforms and establish dialogue between governments and political oppositions all over the world. This can be achieved by drawing on the experiences and resources of the club's members as well as the evaluation of new and emerging democracies in particular. The Club has decided to direct its interest towards three Arab countries which have taken major steps towards democracy, and feels that they can benefit from the club member states' experience. These Arab countries are Bahrain, Morocco and Jordan, and the Club presented all three with its suggestions after examining their individual processes of transformation into fully fledged democracies.

A delegation from the Club visited Bahrain three times last year and consisted of three former Prime Ministers: from Latvia Mr. Valdis Birkavs, from Bosnia and Herzegovina Mr. Zlatko Lagumdžija and from France Mr. Lionel Jospin. During their visits to Bahrain they met with representatives from the government and civil society organizations, conducted meetings and organised debates and workshops, which included the participation of all interested parties. The delegation presented their opinions and experiences to the Kingdom of Bahrain in the form of recommendations included in a report which was handed directly to the King on 15 February 2009. The recommendations included the following points:

1- The need to institutionalize regular and sustained dialogue in order to build confidence between the various parties and stakeholders. In other words, to open

channels of dialogue between officials in the government, civil society organizations and other parties –as the Prime Minister of Latvia put it- as well as emphasizing that the genuine change does not come across the decrees, but through dialogue.

2- The amendment of some laws which restrict public freedoms, including those related to political societies and freedom of assembly, to be achieved exclusively through dialogue.

3- The Emphasis on the code of ethics that governs the activity of media.

4- The report recommended that the government provide constant and regular support to political societies in order to



develop their capacities to perform their required role in advancing the political process.

5- It also recommended that political societies adhere to laws in force, and to conduct their activities and national agenda away from all forms of sectarianism.

6- Finally, the report recommended that the government ensure the independence of the judicial system.

It is obvious that all these recommendations are fair and balanced as they fulfil the government's requirements, such as calling upon all political organisations to adhere to the law, to refrain from sectarian bias, and for those working in the media, to adhere to the code of ethics which governs their activities. These recommendations do not only concern the government but also political and civil societies as well. This point was emphasized even more in the announcements of some officials of the Club of Madrid following the delivery of the recommendations to the King. During

a press conference organized by the delegation of the Club of Madrid following the meeting with the King, the former Prime Minister of Latvia said that Bahraini civil society organizations had asked the delegation to pass on their own ideas and visions to the political leadership regarding dialogue with the Government and the freedom to establish societies. He noted that one should not be hasty during the endorsement or implementation of the legislations for 'there are some problems that may impede the process of approving legislation, and this applies equally to legislations related to media, political societies and assembly in Bahrain'. He continued by saying that these legislation amendments are on the agenda of the legislative authority.

Mr Valdis Birkavs also explained that the implementation of the delegation's proposals should not lead to a state of instability in the country, saying that 'unfortunately, some believe that the recommendations mentioned in our report should be applied immediately.' He also expects to return to Bahrain soon saying 'as we have received another royal invitation, which is proof enough of the political authority's willingness to allow us to continue our recommendations. It is also clear that His Royal Highness fully supports the project we have presented to him'.

As for the former Prime Minister of Bosnia and Herzegovina, he commented that 'it is not our job to interrogate or enforce our opinions; rather it is to contribute to the local expertise here, so that Bahrain can become a more democratic country'.

Institutionalising the dialogue between the Government and civil society organisations represents a passport of sorts, through which it is possible to agree upon the required legislative amendments and others, although it seems that the Government prefers to achieve this exclusively through the parliament gate, which is not wide enough.

### Meetings of the President of BHRM in Bahrain

During his recent visit to Bahrain on 22 February 2009, the President of the Bahrain Human Rights Monitor Hasan Shafaei met with Sheikha Mariam bint Hassan Al Khalifa, Vice-President of the Supreme Council for Women and Dr. Lulwa Al-Awadi, Secretary-General of the Council.



Sheikha Mariam bint Hassan Al Khalifa

The meeting was held at the headquarters of the Council and the aims and activities of the Monitor were introduced. Discussions also centred on means of cooperation between BHRM and the Council at both the local and international levels in order to benefit human rights in Bahrain, especially in



Dr. Lulwa Al-Awadi

the fields of documentation, research, international relations and culture and media. Both ladies praised the Bahrain Monitor Newsletter for its impartiality and professionalism in the presentation of news and analysis, and observed that the Newsletter reflected a realistic picture of the human rights situation in Bahrain.

Furthermore, on 23 February 2009 Mr Shafaei also met with Dr Ibrahim Majid Al-Rumaihi, Executive Director of the Bahrain Institute for Political Development, and was briefed about the activities, aims and programmes of the Institute. During the meeting, Mr Shafaei shed light on the possibilities of cooperation and coordination between the Monitor and the Institute, especially with regards to spreading a human rights culture among citizens and promoting the values of democracy and its requirements. He also praised the efforts made by the Institute, which included the printing of several books

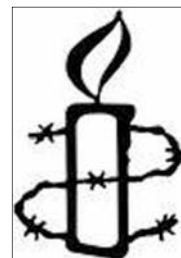


Dr Ibrahim Majid Al-Rumaihi

and conducting research studies among other publications on the human rights situation in Bahrain.

### Meeting with Amnesty International

On 4 March 2009, the President of the Monitor met with Dr. Said Boumedouha, a researcher in the Middle East Section at the International Secretariat of Amnesty International (AI) in London (Dr. Boumedouha is also in charge of Bahrain's desk in AI), and with Mr. Khalid Chibane, also a researcher in the Middle East Section. The meeting discussed the latest developments in the human rights situation in Bahrain as well as the possibility of sending observers to attend trials to be held soon of what is known as 'Alhujjaira case', and also the trial of the political activist Hasan Mushaima and his colleagues, as AI would like to ensure that all these trials are conducted in accordance with (standards of fair trial).



### Condemnations of Violence against Asians and the Police

The Bahrain Human Rights Monitor has issued a statement strongly condemning the recent acts of violence against a number of Asian workers, as well as the unjustifiable vandalism of police cars and the burning of public properties.

The statement warned against this unjustifiable escalation of violence that has until now affected the lives of many innocent civilians, and described this kind of behaviour as having no connection to political action or freedom of expression whatsoever. It also affirmed that noble political goals and legitimate demands cannot be achieved by throwing bombs or targeting civilians and the police. The statement also condemned the use of provocative language of incitement to violence and to encourage hatred that

drive youths to rebel against the law and to adopt violence as a means of achieving political goals, far from the natural and legitimate channels of change.

Many violent incidents have recently occurred in the country. For example, last February six unknown assailants attacked a group of Asian workers- most in their early thirties- in the area of Bani Jamra, where they lived.. The assault resulted in two workers permanently losing their eyesight and a third losing one eye and sustaining 50% damage to his other. The other workers sustained injuries such as bruises and broken arms.

Before this incident, unknown assailants had hurled a Molotov cocktail at a police vehicle and torched it at the entrance of Duraz village which resulted

in the complete destruction of the car. The police patrol car was surprised when 40 masked individuals attacked them with stones and Molotov cocktails, but were able to escape the vehicle before they were hurt. In the most recent violence, on 8 March 2009, an Asian worker was attacked while in his car in Shaikh Jabir street in the village of Al Ma'amir, sustained serious burns to his face, chest and back and his car was completely burned after Molotov cocktail was thrown at it. It is worth noting that all these violent attacks take place regularly and systematically during the night.

