

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



*Bahrain Human Rights Monitor*

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## Inconsiderate Pressures Lead to Setbacks

There is a bitter complaint voiced by many countries attempting to develop their human rights dossier and ease foreign concerns about their human rights situation. More often than not, the majority of countries responds and interacts with the challenges they face in their human rights dossier and seek to remedy the situation, which is often the focus of attention and subject of criticism.

The major problem, however, is that the efforts of these countries may not be reflected in the desired manner on international human rights reports. This applies irrespective of whether these reports are issued by organizations, states or international institutions. When criticizing, these reports provide details of abuses, identify responsibilities and call for change in the form of recommendations. However, when the states concerned implement some or all of these recommendations, they are not met with any positive feedback in subsequent reports nor are they hailed, except incidentally, for the development achieved.

For countries advancing in calculated steps on the human rights track, this attitude is frustrating, because to ignore what these states have achieved would mean the following:

- Focusing persistently on the negative aspects and violations, thus rendering the State concerned under permanent pressure and defamation;
- No matter what the countries concerned do to improve their human rights situation, no significant change in the international human rights positions takes place. This may drive some countries to stop making efforts, since the outcome is the same in all cases, irrespective of whether they act positively or otherwise.

• In most countries that are yet emerging in terms of human rights, there is often controversy and skepticism concerning the work of international human rights organizations, especially regarding the use of human rights issues to impose political pressure on them. Hence, the lack of a positive assessment of human rights developments and achievements made by such countries will invariably lead to one conclusion. It will ultimately sway the balance in favour of advocates of estrangement and skepticism, who will seek to maintain the status quo in those countries and ignore international reports. Intransigency shall thus prevail and supersede the good will for reform and development. This certainly does not serve the cause of human rights

Hence, the approach of international human rights organizations to human rights issues in some countries needs to be reviewed. There is a notion that when a state, out of conviction or under pressure, responds and improves its dossier on a certain issue, pressure should be imposed on it with respect to another issue and so on, irrespective of the previously mentioned considerations. This could lead to a major setback for the human rights cause.

Applying continuous and intensive pressure does not mean that it will be more effective nor does it necessarily lead to positive results. In fact, this may backfire in some states causing them to disengage from all obligations and to become indifferent to pressures, criticism and defamation.

Rather than being subjected to defamatory pressures, such emerging countries may be in dire need for step-by-step assistance as well as appraisal of their achievements, and encouragement to exert further efforts by explaining the benefits of such efforts to those countries, their reputation and peoples. Perhaps this method will prove more fruitful, at least for some countries. As for the persistent pressures approach, it has proved to have failed in more than one country to achieve its objectives for the benefit of human rights.

## How could Bahrain Generate More Positive Human Rights Reports?

**No country in the world is immune from criticism when it comes to human rights. In addition to listening to criticism, countries, in general, are interested to hear references to the efforts they make to remedy their human rights situation, especially those issues that have been previously criticized in public reports.**

**Since criticism is made publicly through human rights reports issued by several international bodies; likewise, publicly referring to the reforms and rectifications achieved in those same reports may be necessary for a gradual human rights development process. A positive reference may just be the tonic needed for the development of the human rights situation in most countries of the world. Here is Why?**

It is true that one of the foremost functions of international human rights organizations is to monitor human rights violations, to call upon the states concerned to end such violations, and develop laws to protect the citizens' rights. It is also true, in theory, that the task of these organizations does not involve giving those states a pat on the back, rather than openly confronting them with their violations. However, it is also true, that, if the ultimate goal is indeed the development of human rights, the choice of approaches should consider the outcomes and consequences, and accordingly modify the means to achieve the ends.

This is because that states are not only governed by people, who go through what all other ordinary people experience, but they also behave like people in the sense that they are not always willing to accept pressures that they may deem prejudicial to their dignity. This may lead them to act contrary to those pressures and instead of complying with international law and the relevant obligations and commitments, they may resort to sending negative messages to other countries and human rights organizations, as a reaction to the way they have been approached.

Hence, using pressure and applying even more pressure is not always the solution. Pressure may be useful only as a means of opening doors with the states concerned, in order to establish a constructive relationship conducive to the development of the human rights situation. This calls for encouragement, and perhaps praise, rather than denigration of the accomplishments of those countries. It calls for human rights reporting that does not neglect

to point out the progress achieved. This serves as a motivation to continue such progress. In other words, the pressure applied needs to be equivalent to the encouragement, if we are to upgrade the human rights dossier and prevent violations.

That is why countries are eager to see the reflection of their efforts on their standing and reputation abroad, and on how the international human rights community views them. If those countries do not find sufficient appreciation, or find total neglect, they will simply stop working on their human rights dossier, especially if relentless media and political pressure continues through reporting and rallying against them. This is more so, if the states concerned do not see equity and impartiality in the reports criticizing them.

### State Responsibility

The logic of the international human rights community is different from the logic of the governments explained above. The human rights discourse and stance adopted by international organizations, institutions and even countries, is based on the following:

- There is no justification for human rights violations in any country. Even if this was due to a deficiency in the legislative and institutional structure, the country concerned may request the assistance of the international community in developing it. Moreover, states are generally governed by international conventions and treaties which oblige them to protect and promote human rights. Thus, the breach of those obligations

makes them subject to internal and external accountability.

- That each state should respect the rights of its citizens is supposed to be the norm. In fact, the very reason for creation of these states is to protect and maintain those rights. Certainly, the state's fulfilment of its human rights duties towards its people needs no thanks, since it benefits the state, as a government and as people, more than anyone else.
- The focus on criticism without praise is intended to remind governments of their duties, as well as their national and international legal obligations. This criticism, might be seen as interference in the internal affairs of another country, but in today's world the international law grants the international human rights community the right to do so.

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This should drive governments to think about 'reform' and 'ending violations' as a moral and legal duty. No doubt, the promotion of human rights in any country would benefit its image and reputation abroad, and would be reflected on the international reports, even those that specialize in criticism and the monitoring of violations.

In other words, regardless of the extent of praise and commendation contained in International human rights reporting of the human rights' progress and achievements of the relevant governments; as long as human rights reform efforts, continue persistently, they will impose themselves on the international community, not to mention their positive impact on the national level, with respect to strengthening the structure of the state and its institutions, the cohesion of its people and the stability of its political, social and security structures.

So, how can Bahrain make 2016 human rights reports more positive than the reports issued in the past four years?

Undoubtedly, the path towards this goal is clear. As much as we ask the international human rights community to be more equitable, neutral and positive in its coverage of the positive human rights developments in Bahrain, we also, on the other hand, tell Bahrain to draw up a human rights roadmap, that responds to the

issues of concern and achieves some progress in tackling them, in such a way that would oblige the international organizations to include those achievements in their reports for this year, 2016.

We and the international human rights community believe that Bahrain could help in making reports concerning its human rights situation become more positive, by taking into account the following important aspects:

- There are many countries and international human rights institutions that provide technical support to Bahrain in various fields in order to develop its human rights situation. These institutions and countries that have invested efforts, funds and expertise in Bahrain, expect their investment to pay off in the form of tangible results. Since these agencies and institutions continue to provide support, it is important and necessary for them to see the extent of achievements realized on the ground.
- Bahrain needs to issue regular reports on the extent of its implementation of the recommendations of the UN's Universal Periodic Review mechanism, and in particular those relating to collaboration with the Office of the High Commissioner for Human Rights (OHCHR). Also Bahrain has to demonstrate its readiness to receive UN's Special Rapporteurs.
- Bahrain has achieved a lot in the human rights front, but has not done enough to acquaint the international human rights community with those achievements. This can not only be done through the media, but also through engagement and cooperation with the international human rights community, especially international human rights organizations.
- Bahrain has to provide, periodically, a full report on the steps taken or being taken to address the issues of concern expressed by members of the Human Rights Council, so that the progress and development in the human rights situation could be monitored. Thing could become clearer by demonstrating the progress made in implementing the recommendations contained in Bassiouni's report, which has become both a national and international reference.
- Bahrain needs to move towards openness with the international human rights organisations (NGOs), and to express its readiness to welcome visits by them. Cooperation with these NGOs is often regarded as a positive indicator of the state's credibility and seriousness in

stopping abuses and proceeding with human rights reform.

- Bahrain needs to take the necessary steps towards enhancing political and social stability as well as confronting the changing and emerging challenges. This is necessary because political stability is a key element in ensuring the protection and respect of human rights.
- The Bahraini Government needs to demonstrate via practical steps that it is adopting an open-door policy towards Bahraini civil society institutions, and that it is seeking cooperation and consultation with them on human rights dossiers, as well as involving them in all matters relating to the implementation of the recommendations of the Universal Periodic Review mechanism. Reconciliation with the Bahraini civil society and involving it in the official human rights efforts is an international demand. Continuing the estrangement or confrontation, makes the world generally predisposed towards the civil society and inclined to believe it. Under this state of affairs, the world will show little interest in what the government has to say, and will not appreciate the government's efforts. The best testimony that Bahrain could present about its achievements, should not necessarily come directly through official channels or the media, but more so through a real human rights civil society, that is strong and plays an active and independent role in the human rights progress and achievement, and as such, will be more inclined to defend the government's human rights achievements, regarding them as its own, and seeking to build on them for a better tomorrow.
- Violations need to stop, so that the world can turn its attention to the achievements. No one can say that violations do not exist, as there is no country in the world without violations. However, what is of essence here is that the repetition and abundance of violations, however small or individual they may be, is sufficient to preoccupy human rights organizations and the entire human rights community. Thus, the spotlights will only be focused on those violations. No attention will be paid to the achievements, which will then be swept away by the torrent of repeated and persistent mistakes.

For all this, and in order for 2016 to be a positive and productive year, witnessing a shift in the views of the international human rights community towards the situation in Bahrain, a

plan of action is indispensable. This action plan needs to achieve the points mentioned above. Whatever is accomplished will constitute an achievement for Bahrain, as a government, while greatly benefiting the society, as well as creating a turning point in the progress of Bahrain's human rights, political and social development.

## Positive Example

To say that Bahrain's human rights efforts are not positively reflected in international reports is not accurate, and perhaps not entirely true. The following model is an example in which Bahrain's openness towards the international human rights community, as well as its human rights efforts, are reflected in a report by the British Foreign and Commonwealth Office. We cite here one report as a case in point.

"During this reporting period, the government of Bahrain has taken positive steps to increase engagement with the UN and international NGOs, which demonstrates a level of transparency. We welcomed the visit by Amnesty International in March and



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Office

the two-month technical visit by the UN Office of the High Commissioner on Human Rights (OHCHR) in April; we hope Bahrain will agree to accept the full technical assistance package offered by OHCHR.

In September, the government of Bahrain presented an update on implementation of its UN Universal Periodic Review (UPR) recommendations at the UN Human Rights Council (UNHRC) in Geneva. Whilst it is clear that progress has been made in a number of areas, there is still more to be done.

We welcomed some of the steps taken by Bahrain (e.g. on developing the NIHR), but encouraged the government to enhance its cooperation with OHCHR and UN officials and Special Rapporteurs, accepting the full OHCHR offer of technical assistance."

## Queries at UK Parliament on Human Rights in Bahrain

During the past weeks, the British Parliament witnessed a number of discussions about Bahrain. The discussions generally reflect the interest of the British Government and MPs in Bahrain, as well as the kingdom's importance in British politics. The questions posed by MPs to the British government, identify the areas of interest in Bahrain's affairs, while the responses by the British Foreign Office reflect UK's vision and its approach towards the human rights dossier.

**(Ian Lucas (MP), January 25, 2016):** To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps the Government is taking to support the extension of democracy in Bahrain.

**(Tobias Ellwood, Minister of State for Foreign Affairs, February 2, 2016):** Governance of Bahrain is a matter for all political parties in Bahrain. We encourage all political parties, to engage constructively in political dialogue in order to reach an inclusive political settlement. Although we were disappointed by the opposition's decision to boycott the 2014 elections, we commended the participation of a broad range of candidates which saw 14 independent Shia candidates win seats, of which three were women. We regularly discuss human rights and reform with the Government of Bahrain including at the biannual UK-Bahrain Joint Working Group meeting which was most recently held in November 2015.

Reform programme activities delivered through the Causeway Institute have used lessons from Northern Ireland to improve community outreach and communication – particularly to a youth audience.

**(Ian Lucas (MP) and Kate Hoey (MP) January 25, 2016):** To ask the Secretary of State for Foreign and Commonwealth Affairs, if he will make representations to the Bahraini government on Mr Hassan Mushaima receiving appropriate medical treatment while in custody.

**(Tobias Ellwood February 2, 2016):** We are aware of the case of Hassam Mushiema and we have raised it with the Government of Bahrain. We continue to encourage the Government of Bahrain to deliver on its international and domestic human rights commitments and to appropriately address all reports of ill-treatment of detainees. We also encourage all those with concerns about their treatment in detention to report these directly to the Ombudsman.

**(Ian Lucas (MP), January 25, 2016):** To ask the Secretary of State for Foreign and Commonwealth Affairs, what recent assessment he has made of the human rights situation in Bahrain.

**(Mr. Tobias Ellwood February 2, 2016):** We regularly discuss



**Tobias Elwood, British Secretary of State for Foreign and Commonwealth Affairs**

human rights and reform with the Government of Bahrain including at the biannual UK-Bahrain Joint Working Group meeting which was most recently held in November 2015. The UK continues to encourage the Government of Bahrain to meet its human rights obligations and to honour all conventions to which it is a party. We welcome the progress made by Bahrain on their reform programme particularly in the areas of youth justice, the establishment and increasing effectiveness

of the Ombudsman's office, the Prisoner and Detainees' Rights Commission and the reformed National Institute of Human Rights. We continue to work with the Government of Bahrain to ensure momentum and progress on its reforms, for the benefit of all Bahrainis.

**(Kate Hoey (MP), January 25, 2016):** To ask the Secretary of State for Foreign and Commonwealth Affairs, what assessment his Department has made of the report of Americans for Democracy and Human Rights in Bahrain on the Bahraini government's implementation of the Bahrain Independent Commission of Inquiry report.

**(Tobias Ellwood February 2, 2016):** We have noted the report by Americans for Democracy and Human Rights in Bahrain which assesses the progress the Government of Bahrain is making against the recommendations of the Bahrain Independent Commission of Inquiry Report (BICI). In June 2014, the UN Human Rights Council presented similar findings by the Office of the High Commissioner for Human Rights. That is why we continue to encourage the Government of Bahrain to ensure full implementation of the BICI recommendations, as well as those accepted in their UN Human Rights Council Universal Periodic Review, and we are offering UK assistance to help them achieve this.

**(Kate Hoey (MP), January 25, 2016):** To ask the Secretary of State for Foreign and Commonwealth Affairs, what estimate his Department has made of the number of political prisoners in Bahrain.

**(Tobias Ellwood February 2, 2016):** We do not hold such details. However, we regularly discuss human rights and reform with the Government of Bahrain - including at the biannual UK-Bahrain Joint Working Group meeting, which was most recently held in November 2015. If we have specific concerns around specific cases, we raise these with the Government of Bahrain.

## My Message to Human Rights Defenders

Hasan Moosa Shafaei

The relationship between the Government and civil society in Bahrain was short-lived.

Despite the flourishing of civil society at the commencement of the reforms era in 2000, with the emergence of hundreds of civil society organizations in all fields, including human rights; the relationship quickly deteriorated leaving behind a common sense of disappointment.

The government felt that human rights organizations, in particular, turned away



Hasan Moosa Shafaei

from human rights activism by indulging in politics and ultimately over-politicizing human rights work. Furthermore, the government found that emerging human rights organizations

were not rational and were not seeking a gradual political and human rights development, despite knowing that the political system is incapable of omitting or transcending stages due to its own special circumstances.

For their part, human rights organizations were also disappointed. They accused the government of bearing down heavily on their activities, as well as claiming that the government has never been serious about reform in the first place nor was it seeking a break with the legacy of the past,

Ultimately, the clash broke out between the two sides, amid a charged political atmosphere and a sharp political conflict, which eventually spilled out into the street. Thus, Bahrain, as a state, society and institutions, emerged as the biggest loser. The Bahraini experience has failed at the hands of its participants. Consequently, the human rights situation deteriorated, with human rights organizations achieving nothing except further attrition. Nowadays, such organizations have almost become

political organizations or branches of such organizations, rather than being human rights organizations.

**If we aspire to improve the human rights situation:**

It is necessary to bridge the gap in the relationship between the Bahraini civil society and government.

It is necessary for each side to understand the nature of the other side's activity and fears.

It is necessary to resort to the governance of a modern law, which provides the necessary breathing space for the civil society in order to evolve and grow.

Ultimately, it is necessary to have real cooperation on the ground. It is necessary to learn from the harsh lesson of the past five years to carve a better future. Political wrestling has led to nothing but the decline in human rights conditions.

We have directed several messages to the government, urging it to take the lead; to involve the civil society in its programmes and to reconsider its policies and practices relating to human rights. This time, however, my message is addressed to human rights defenders in Bahrain. To them I say:

- Stay away from opposition political parties lest you be accused of politicizing human rights or exploiting them politically. Thus, you can affirm that your goals are not political and genuinely intended for human rights. When you hold human rights activities abroad, do not allow yourself to become a key part of the opposition, and thus appear as if you are one delegation, using and sharing the same discourse, political language and attitude.
- It is necessary to calm down the street. A human rights defender is not a political agitator. The human rights message may be severely distorted if the defender allows himself to be controlled by the mob. The frenzied street, or part of it, has no human rights education. Thus, the message of a human rights advocate may conflict

with the methods of the politically radicalized street.

- Denounce violence, hate speech and extremism in general. Denounce it out of true conviction, vision and foresight, rather than just paying lip service. Denounce it because it does not serve Bahrain or the entirety of its people. Denounce it practically by dismantling inflammatory rhetoric and by calling for peace, moderate democratic discourse and by rationalizing the dominant public culture, especially among youth.
- Try to resolve human rights issues internally, through communication and cooperation with the official authorities concerned. Try to resolve issues quietly, without fuss or thrills. Avoid disclosing news about your privacies to the public, because in the end this will restrict your margin of movement, and will diminish your ability to benefit from the freedoms available domestically.
- You know that the human rights situation in Bahrain has improved in general, and therefore you are required to, firstly, acknowledge this fact, and, secondly, to build on and interact with it; and to make your reports more balanced in presenting the human rights situation.
- As is the practice of international human rights organizations, prior to issuance, present your reports to official authorities, which may offer an opinion, correct some information, or better still resolve an issue before it is publicized in a report.
- There are official human rights institutions, join them, partake in their activities and make their work more effective. Cooperate with these institutions to improve the human rights situation. They are human rights platforms recognized by the international community. Distancing yourself from these organizations and bombarding them with criticism and vilification does not serve the ultimate human rights mission nor does it help in the development of the civil society.

## Promoting Human Rights the British Way

The international human rights community - including states, official international organizations, NGOs, as well as academic and research centres- adopts various approaches and methods with regard to promoting and improving human rights, and protecting them in the face of violations in various parts of the world. However, the dominant feature of the trends of these human rights entities is the tendency towards vehemence and sometimes confrontations with perpetrators of violations and sharp criticism and calls for strong international actions against the perpetrators that may include the threat of military intervention.

There are some, however, who believe that pressure and confrontations may not yield fruit, and that the quiet diplomacy is more capable of reaching the shore, by safely navigating the raging seas of thorny human rights issues, than the vessels of vilification, threats and intimidation.

Britain is largely inclined to favour this quiet diplomatic approach and believes that it is the best way to develop and promote human rights. Perhaps this is due to the fact that its history -the 'colonial era' – had allowed it the opportunity to come into direct contact with various cultures and civilizations throughout the globe, and to become more familiar with the characteristics that distinguish different peoples and races, whether in terms of emotional composition, or intellectual and spiritual convictions. Britain continues to manage its interests through a diplomatic approach that often takes into account the characteristics of the opposite side, while avoiding the pitfalls of provoking its sensitivities or doubts.

Such has been the British approach to dealing with political issues and human rights dossiers in the gulf region, underpinned by a deep understanding of the geopolitical and social peculiarities of the situation in the Gulf region in general, and in Bahrain and Saudi Arabia in particular. While severe condemnations of human rights violations echo with calls for intensifying pressure against Bahrain, Britain has adopted a pragmatic approach. It has engaged in dialogue with Bahrain, providing the latter with advice and assistance in various human rights aspects, in order to establish a strong human rights structure capable of protecting these rights in the future. Britain is undertaking this through multiple joint projects, with no need to raise a voice or to accentuate denunciation and defamation.

As a reflection of this policy, Britain has its own method for classifying countries worldwide in the periodic human rights reports issued by its Foreign Office. For instance, Bahrain had previously been classified as a country under the category of 'countries of concern', but in a later reports Bahrain has been classified under 'Country case studies'. The latter category implies a recognition of tangible progress in the country in question; the existence of evidence that indicates prospects for further future improvement and readiness to respond to any sincere external efforts for assistance in this regard.

Needless to say, the British government's position has been faced with criticism both domestically and from abroad. But the British Foreign Office has remained committed to its position and approach

in addressing human rights situations in the countries concerned, responding to criticism by offering explanations and clarifications inside the British Parliament; while resisting the pressures applied by major international human rights organizations (NGOs), as well as those by local and international press.

Recently, the British Foreign Office (FCO) has revealed



documented information concerning its diplomatic engagements within the human rights arena in Bahrain. This information was revealed under the Freedom of Information Act (FOIA) 2000, which requires government agencies and institutions to provide those interested, with all the information requested, except in cases where its disclosure poses a threat to supreme British interests, whether security-wise, political, economic or commercial.

During the period extending from March to October 2015, the British Foreign Office (FCO) had to respond to several inquiries made by four entities, which might have included major international human rights organizations. Those inquiries centered mainly on the degree and scope of the FCO's dealings with the human rights dossier in

Bahrain. The information revealed by the British government in that respect, offers an opportunity to view its efforts and the assistance it is providing for the improvement of the human rights situation in Bahrain, and the benefits and successes it is hoping to achieve.

## UK's Human Rights Assistance to Bahrain

We present below the questions submitted to the British government, and the FCO's responses to them; which shed some light on the British way of dealing with human rights issues in the countries concerned.

**Q: Please confirm whether the UK Government currently provides training or any other form of assistance to the military, police and/or security services in Bahrain?**

A: In order to support of the Government of Bahrain's reform programme, the UK Government is providing a package of technical assistance, including training to the police and security services in Bahrain. This package includes two projects, centred on sharing best practice in line with international standards on neighbourhood policing and creating awareness of international best practice and providing an introduction to human rights to support recruits who are going to be prison officers. All projects have an accompanying Overseas Security and Justice Assistance (OSJA) instrument in place.

**Q: Please confirm whether the UK Government currently provides any form of torture prevention training to police and/or security services including prison officers, members of the Ombudsmen and Special [Interrogation] Investigations Unit[s] in Bahrain. If so, please supply the details of this training including its nature, form and purpose. Are any external human rights bodies used to facilitate the training of security services in Bahrain?**

A: The UK is providing a package of technical assistance to support the Government of Bahrain's reform programme and implementation of the recommendations of the Bahrain Independent Commission of Inquiry and the UN Universal Periodic Review. Information about the UK's government's assistance programme is detailed in the Foreign and Commonwealth Office's annual human rights report, which is updated every six months. Part of the UK's assistance is focussed on strengthening the oversight mechanisms responsible for investigating allegations of torture and mistreatment and supporting the reform of detention procedures in Bahrain. The UK's current work in this area includes:

- Supporting the establishment of an independent Ombudsman's office to deal with any complaints made against the Ministry of Interior. With UK funding, Northern Ireland Cooperation Overseas (NI-CO) has been providing capacity building and mentoring support to the Ombudsman's office.
- Supporting the establishment of a Prisoners' and Detainees' Rights Commission (PDRC) through Her Majesty's Inspectorate

of Prisons (HMIP). HMIP have provided exposure to UK best practice, training and mentoring on carrying out prison inspections and reporting. The PDRC is a national requirement for ratification of the Option Protocol for the Convention Against Torture (OPCAT).

- Supporting a review of prison management and detention standards in Bahrain. This involves UK advisors working with the Ministry of Interior to introduce policies and procedures in line with international best practice and ensuring that new prison plans comply with UN standards.
- Creating awareness of international best practice and providing an introduction to human rights to support police recruits who are going to be prison officers.
- Sharing best practice in line with international standards on neighbourhood policing through NI-CO.
- You also ask how we test the success of the training the UK provides. It is standard practice to evaluate the projects that we are providing to the government of Bahrain for their impact once they have concluded. Officials will do this with all British assistance projects in Bahrain. The outcome of the evaluation



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**FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0702-15**

Thank you for your email of 15 July asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*'Under the Freedom of Information Act 2000, I would like to ask about the assistance programme the FCO will provide to Bahrain in 2015/16. This is in reference to the same assistance which in 13 July 2015, Mr Tobias Ellwood MP stated will cost £2.1 million in 2015/16.*

*Please could you inform me of:*

- 1) *The full breakdown of the budget including:*
  - a) *The areas of assistance in which the money is being spent,*
  - b) *The organisations employed by the FCO for its 2015/16 assistance programme and the amount they will receive, and*
  - c) *The names and positions of Bahraini officials that will be taking part in the FCO training programmes.*
- 2) *How, when and by whom will the assistance programme be independently assessed and evaluated'*

will be used to inform and improve any future assistance that we provide.

**Q: I would like to ask about the assistance programme the FCO will provide to Bahrain in 2015/16. This is in reference to the same assistance which Mr Tobias Ellwood MP stated will cost £2.1 million in 2015/16. Please could you inform me of: 1) The full breakdown of the budget including: a) The areas of assistance in which the money is being spent, b) The organisations employed by the FCO for its 2015/16**

**assistance programme and the amount they will receive, and c) The names and positions of Bahraini officials that will be taking part in the FCO training programmes?**

A: The UK has been providing a range of technical, practical assistance to the Government of Bahrain since 2012. The range of assistance supports the Government of Bahrain's implementation of the Bahrain Independent Commission of Inquiry and UN Universal Periodic Review recommendations.

Of the £2.1 million Gulf programme funds made available for Bahrain in FY2015-2016, around £2 million will go towards our reform assistance programme. All our work with the Bahrainis



supports strengthening the rule of law, social reconciliation and governance and includes:

- Capacity-building support to the Ombudsman's Office through Northern Ireland Cooperation Overseas (NI-CO) to increase accountability;
- UK-based training to the Prisoners' and Detainees' Rights Commission through Her Majesty's Inspectorate of Prisons (HMIP);
- Supporting local NGOs and youth societies to promote freedom of expression through the Causeway Institute for Peace-building and Conflict Resolution;
- Reforming the youth justice system through Northern Ireland Cooperation Overseas (NI-CO).
- Supporting justice reform through improvements in the court administration system through National School of Government International (NSGI).
- Improving the effectiveness of the Reform and Rehabilitation system in Bahrain through Northern Ireland Co-operation

Overseas (NI-CO).

- Improving NGO governance structures and increasing civil society engagement on policy making and legislation-drafting through the Charity Commission for England and Wales.

It is standard practice to evaluate all FCO programmes and project work. The outcome of the evaluation is used to inform and improve any future assistance that we provide. Programmes are monitored on a quarterly basis to ensure that they are on track for delivery. The FCO provides updates on its programme work through the annual FCO Human Rights report, in which Bahrain is a case study. There is no plan at present to publish standalone assessments of the Bahrain programme.

Finally, you also asked for the names and positions of Bahraini officials who will be taking part in the FCO training programmes. The information that you are requesting, is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, section 40 confers an absolute exemption on disclosure.

**Q: In relation to the High Delegation to Geneva in early September (2015) and working in relation to Bahrain: Who and what organisations and government comprised the delegation? How many members comprised the delegation? What was the reason for the delegation's visit to the UN? How was the delegation financed, and by whom?**

A: There were five members of the delegation. They were not part of a larger group. The party comprised of:

- Head of Political Internal and Press & Public Affairs, British Embassy Manama
- Head of Programmes Team, British Embassy Manama
- Managing Director, Causeway Institute
- Criminal Justice Development Adviser, Northern Ireland Co-operation Overseas
- Inspection Team Leader, HM Inspectorate of Prisons The delegation visited Geneva to engage with the UK Mission to the United Nations. The delegation also met with a wide range of interlocutors, including NGOs, to inform and discuss Bahrain's progress on reform and human rights with a focus on the UK's programme of assistance.

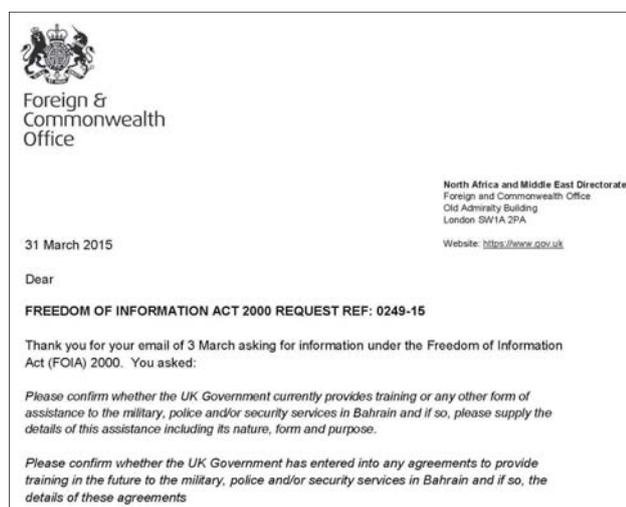
This is in line with the UK government's overarching objective on Bahrain: **to support Bahrain in its return to a stable and reformist state, with a good human rights record.**

They met with: representatives from EU Member States' Missions to the United Nations Geneva; representatives from the Swiss Mission to the United Nations Geneva; representatives from the UN Office of the High Commissioner for Human Rights (OHCHR); representatives from human rights NGOs, including Americans for Democracy & Human Rights in Bahrain (ADHRB),

the Cairo Institute, FIDH, Human Rights Watch and Amnesty [in addition to] representatives from the US, Canadian, Australian and New Zealand Missions to the United Nations Geneva. The visit was financed by the UK government's £2.1m Conflict, Security and Stability Fund (CSSF) for Bahrain.

## Conclusion

Officials in Bahrain and other Gulf States prefer this British way of dealing with things. The mindset and way of thinking in Middle Eastern societies, and in the Gulf Region in particular, is the product of a complex social, cultural and religious heritage, that set them



apart from Western and other societies.

As such only a profound understanding and appreciation of this fact could help others to find the right approach to tackle issues in the Gulf Region with the desired degree of success. Human Rights issues raised by Western governments and Human rights entities constitute one of the major areas of contention in the dealings of the West with the Gulf Region, and Bahrain, in particular. It is not the expression of concerns about such issues by the west is the problem, but rather the conduit.

Discretion is a treasured characteristic in Bahrain and other parts of the Gulf. It is synonymous to respect. Complex issues have a greater chance of being resolved discreetly than if were made Public. Going public amounts to defamation and a source of shame and humiliation, and rather than yield settlement it generates defiance, and further push the other party towards more intransigency.

In this respect it would be far more productive to approach the Bahraini Government with whatever Human Rights concerns, in a discreet and private manner, and avoid voicing criticism publicly. This way there will be a Bahraini sense of gratitude for the respect shown, and greater tendency towards responding in a positive fashion.

## Clarifications of UK's Foreign Secretary, Philip Hammond

On the occasion of the celebration of the international Human Rights Day on December 10th, 2015, the British Foreign Secretary, Philip Hammond, published an op-ed article in The Independent entitled 'Promoting human rights is not about who can shout the loudest'. The article is aimed at explaining and defending UK's human rights policy, in the face of criticism from the Parliament and the press.

The Minister stressed his country's strong commitment to the protection of human rights, which he said is being approached in three ways:

"First, we are focusing on efforts which get tangible results ... Quiet and continued engagement behind the scenes, nurturing a relationship and not being afraid to raise testing issues in private can sometimes achieve surprising results; lecturing people in public doesn't always work, and can sometimes prove counter-productive".

He added that "Just because the British Government isn't shouting about an issue from the rooftops, doesn't mean we aren't assiduously pursuing a case in private. It will depend on how best we believe we can achieve the success or shift in circumstances that we seek". The Minister cited the success of this approach in resolving the case of Karl Andree who was sentenced to prison



**British Foreign Secretary  
Philip Hammond**

and lashing, but was freed when the British Government convinced Riyadh to release him.

Minister Hammond explained the second approach by saying that "we make most progress on human rights around the world when our approach appeals to others' enlightened self-interest and is sensitive to their culture and history. In short, we have to persuade countries and governments that respecting human rights will be beneficial to them".

The third approach is based on building the capacity of FCO staff in the field of human rights. According to Minister Hammond, human rights is no longer the preserve of just a few specialised staff or experts within the FCO but is the responsibility of all British diplomats. "I have ensured that human rights sit within the everyday work of the Foreign Office... Human rights expertise is an important part of the training our staff receive", wrote Hammond.



*Human Rights Council- Geneva*

## Moving Bahraini Human Rights Dossier Abroad, Why?

Indeed! Why do we see Geneva and some European capitals becoming the main battleground for human rights' battles between the Bahraini opposition and the government?

Is it mainly because the human rights centre of gravity is currently located in Geneva, seat of the highest international human rights authority in the world i.e. the UN Office of the High Commissioner for Human Rights? Or is it also due to the presence of the UN Human Rights Council, with all its powers, tools and capabilities and international influence; in addition to the presence of the headquarters of a large, unlimited and ever expanding number of the most important international human rights organizations; and the existence in Geneva of a persistent and continuous human rights activity by countries and human rights organizations throughout the year?

Is this sufficient a reason to move domestic human rights battles, between states and their opposition groups to Geneva? and perhaps to Brussels, London and Paris?

As a norm, there needs to be in each state enough margin of freedom for activists, politicians and human rights advocates to

exercise their role and monitoring activities within their own countries.

It is also a basic principle that the local civil society in each country should enjoy protection and respect, and that there should be a legal reference capable of protecting the space necessary for the growth of the civil society. Such legislative reference is also necessary for the proper guidance of the civil society and for its participation in sharing, with the government, the responsibility for developing the human rights situation.

However, in the absence of this free domain and where there is a diminishing space for an active civil society, combined with a poor, non-constructive, or even non-interactive relationship with the authorities, it is obvious that the battle will move abroad.

This may also occur even if there is space for movement within the state. There may exist a reasonable degree of regulatory laws that protect the freedom of human rights activity, but this may not be enough in the absence of a trust-based and constructive interaction, between the political authorities and the civil society.

What matters in the end, is the interactive work that could lead to real change in the

human rights situation. The objectives are not served when the authorities and civil society act separately in parallel tracks that never meet, except maybe once a year. Because in the end, this will not bring real change, and could ultimately create a large gap, characterised by mistrust and lack of cooperation, between the authorities and the civil society.

In Bahrain, the official human rights agenda needs to interact and even intertwine with the civil society's agenda, so that everyone is involved in working towards reaching specific goals, and that both sides can always cooperate through consultations; and even through direct support and joint projects to accomplish a proper and sustainable human rights development.

Human rights accomplishments cannot be achieved, in the desired manner, through the authorities alone. Nor can they be reached via the civil society alone, when it is detached from the state and its institutions, activities and support. There should be some understanding, interaction, cooperation, as well as a unified vision and agreement on practices to realize the goals.

This has not happened in Bahrain.

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What happened exactly is that the government had allowed the civil society to be established, but the government's tools were not mature or capable enough to interact and cooperate with the civil society after sanctioning its activity.

The most senior officials in Bahrain were hoping and wishing for Bahrain's new-born civil society to reach maturity. We've heard many statements, including those made by His Majesty the King, wishing that the civil society will undertake some of the burdens and responsibilities of the state, whether in the field of human rights or other areas.

It was the belief of almost all state officials, at the beginning of the establishment of hundreds of civil societies, that it is a necessity for them to be independent. The government even provided some funding for those fledgling organizations.

But despite all these hopes, the shocking truth was that the civil society was in its infancy, and that the sincere intentions of the government, alone, were not sufficient to create the proper collaborative relationship with the civil society. Even the officials of the ministry concerned with civil society needed to understand the mechanisms of action and communication with the societies. They themselves, same as the new civil society leaders, were devoid of maturity.

Since the start of the civil society in Bahrain, the official and civil sides were working in two separate spaces, even though they shared the same subject: human rights. Naturally, this state of affairs entailed a build-up of mutual doubts between the two sides, and a diminishing degree of trust. In the absence of meetings and cooperation, the mistrust sometimes escalated to conflicts and confrontation.

For this reason, the movement of Bahraini human rights dossier abroad was a highly expected eventuality. This did not happen just in one push. It is true that it is normal for a relationship between the local Bahraini civil society and international human rights organizations abroad to exist; but it was clear that such reliance on the outside began to grow even before the events of 2011. Today, we reached a point where any meeting of the UN Human Rights Council in Geneva (held three times a year) is marred by battles and clashes. It has even become known to the UN security personnel that when any confrontation or clash occurs in Geneva,

Bahrainis will always be involved.

Surprisingly, that Bahraini human rights activists travel to Geneva to attend meetings and carry out opposition activities there and then return to their country. The government does not prevent them from travelling, nor does it hold them accountable for the activities they undertake. The government's behaviour is attributed to its commitment to an international law requirement preventing any government from harassing or holding accountable human rights activists, because of their human rights activities, particularly those activists who interact with the relevant United Nations mechanisms.

There are some who believe that the problem does not revolve around the ability of activists to express their opinion and practice their activity at home. According to holders of this opinion that is not necessarily the root cause of the problem. It is, according to them, the fact that human rights dossiers- or at least some of them- have become so intractable to be resolved domestically, and their referral of the dispute about them abroad is an indicator that issues cannot be resolved by mutual agreement; bearing in mind that the human rights dossier cannot be resolved by the government single-handedly nor by the activists on their own.

Another view, which may have some truth in it, is that Bahraini activists have planned to get external support from like-minded human rights organizations, which are able to understand their views and positions. Those activists see the 'outside' as a tool of empowerment over their own government inside. This is annoying for the authorities, and lead them to be skeptical of international human rights organizations and to doubt their neutrality and impartiality, particularly as the Bahraini authorities are not good at using the human rights language, nor are they able to use the appropriate human rights tools. To them the world of human rights activism is totally new, while, in contrast, Bahraini activists feel quite at home in this world that they know well, due to their old relationships with international human rights organisations, and their ability to use the Human rights language, and to exploit the subject of human rights for the benefit of their own political issues.

Moreover, the civil society, being the weaker party, feels the need to bring in external human rights support and to

generate pressure on the government to force it to change its positions, irrespective of whether that leads to defamation of the government or exaggeration of its mistakes. In addition to that, human rights activists also believe that strengthening relations with their counterparts in international human rights organizations provides them with a protective umbrella.

Therefore, governments cannot blame their opposition groups or activists for seeking support from the outside, unless the tools of change are available at home; and the prospects of a successful cooperation between the civil society and the authorities exist, and that the civil society has been engaged in official activities, and given its due rights of support, independence and protection. However, involving activists for public relations purposes, while maintaining a skeptical view of them and the civil society in general, can only result in the eventual transfer of the issue abroad.

So, have the governments done their share by providing the proper atmosphere?

Some might say yes, adding that those activists deliberately seek to harm the government, and do not accept the status quo because they are politicized and are not interested in confidence-building and cooperation between the two sides.

This is a debatable matter, but the government in Bahrain has a responsibility to fulfil two main requirements, without which the problems will leave their domestic enclosure:

**First,**

To secure the safe and adequate space conducive to the emergence of a civil society capable of expansion, growth and contribution, where activists are not subject to arrests, neglect, harassment or defamation.

**Second,**

The government needs to be serious and creative in exploring the ways and means of involving the civil society and contributing to its maturation through participation; viewing it as a helper rather than a trouble-maker. It is the government's duty to contain the civil society's immaturity through breadth of mind and tolerance; and to adopt a policy that is inclusive and to demonstrate forbearance when dealing with mistakes, for the sake of guiding the domestic human rights and political experience towards success.

## Bahrain & the International Human Rights Organizations: Dialogue & Problems

On the eve of the start of its reform project in 2000, Bahrain has opened the door to all international human rights organizations. This attitude was adopted under Bahrain's belief in the need to cooperate with them, as well as its confidence that it is proceeding in the right direction, as far as human rights are concerned. This openness was also intended to inform the international human rights public opinion on the developments of the situation and the government's efforts, so that the outcome is reflected in the form of balanced and neutral reporting in the reports issued by these organizations.

At that time, all major international human rights organizations, such as Human Rights Watch (HRW), Amnesty International, the International Federation for Human Rights (FIDH), Human Rights First (HRF), Reporters Without Borders (RSF), the Organization of defenders of human rights activists, and others, had visited Bahrain in frequent delegations. Many of them even held events in Bahrain and launched their reports from there.

Moreover, during that period, officials in Bahrain used to meet with human rights delegations, conduct dialogue with them, allow them to visit prisons, attend trial hearings and even attend parliamentary and other sessions.

However, after the experience of several years, Bahrain did not feel any difference between cooperation and non-cooperation with these international organizations. Bahrain even felt that it was targeted through the reports and statements of these organizations and that its efforts had little or no effect in changing the attitudes of those organizations. But those human rights organizations, justify their actions by saying that Bahrain had the political will for reform; with opportunities for progress, which is why pressure was applied to accelerate Bahrain's progress in terms of human rights. Thus, those organizations were greatly disappointed when the government changed its treatment and reduced the level of relations. Nevertheless, international human rights organizations did not stop monitoring of the human rights situation in Bahrain, and continued to issue relevant reports and statements as well as mobilizing international public opinion in Geneva, Brussels, London, Washington and Paris, among others.

On the other hand, western countries also continued to urge Bahrain with regard to the need for openness and cooperation with the international human rights organizations, by allowing them to conduct field visits.

### The need for human rights organizations visits to Bahrain

This necessity stems from the following:

**First:** The relationship with international human rights organizations is seen as an indicator of the commitment of any country to the principles of human rights. In all cases, the

worldview is that: 'No state can respect human rights, while being hostile to international human rights organizations, by preventing their visits and ceasing cooperation with them'.

Thus, it is essential that Bahrain reflects an image of a state that is open to international human rights organizations, in order to avoid international pressures, which accuse it of isolationism and lack of transparency.

Accordingly, no state can hope to ease the international pressure, except through interaction and openness with all international human rights organizations, especially those major organizations that influence the policies of states.

**Second:** Today, Bahrain is in a much better position than it was during the past years. The development of the human rights situation and the efforts made by the government are clear to see for those close enough. But information on such developments needs to be conveyed to those who are distant. Such information cannot be of advantage as long as relations are severed with international organizations. In other words, Bahrain now has points of strength and it has to be open to others, to explain to them what it has achieved on the ground, so that hopefully the official views will be taken into account in their reports and statements. This is achieved by clarifying the official position, and giving answers to the issues of concern raised.

The fundamental problem in Bahrain is not in the absence of human rights achievements by the government- as several achievements do exist- but rather lies in the poor presentation and marketing of those achievements at the international level. Therefore, it is necessary to convince international human rights organizations of those

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achievements, by opening doors, allowing their visits, providing them with information etc.

**Third:** The Continuing dispute with international human rights organizations, will not lead to any change or reduction in their activity. If anything it will aggravate such activity. In fact, the bulk of the activity of these organizations, as we have seen during the last period, will rely heavily on the information coming from one side, which is the opposition. However, openness to international human rights organizations will, on the one hand, ease the tension in the relations with the organizations and, on the other hand, when given the opportunity, these organisations will find themselves obliged to refer to information received from the government, as well as the developments and achievements made. Moreover, these organisations are bound to be influenced by and responsive to the government's answers regarding alleged concerns raised by those organizations. In the end, the outcome of openness is much better than that of the boycott which will render those organizations confined to single-source information.

Even from the government's perspective, it has to choose what it considers 'lesser of the two evils' regarding the relationship with the international human rights organizations and allowing their visits to Bahrain. In any case, those organizations will continue to write and publish statements and reports, which will at least be less acrimonious or less damaging if those organizations are allowed to visit Bahrain.

**Fourth:** It is possible to establish a new relationship with international human rights organizations in accordance with a well-defined mechanism between the two sides. When visits of delegations of these organizations take place, it is necessary to search for the best framework for a fruitful relationship with them. Some officials often think that it is detrimental to establish relationships with international human rights organizations, or to allow them to visit Bahrain. Those officials believe that this will lead to the issuing of negative reports or to the politicization of visits by the activists. However, these officials need to look at the other side of the coin, to see the benefits of visits.

The benefits here have two aspects:

- **First:** The amount of damage warded off from Bahrain by the visits: The international community will view these visits positively; and reports are likely to be less severe and the government will be able to explain its achievements in detail and on the ground. It will be able to prove that it is making efforts to address human rights problems. It will also be able to prove that the causes of concern are overstated, and that one-sided information is not accurate, and perhaps mostly incorrect.

- **Secondly:** The aspect that is mostly overlooked

relates to the possible benefits that could be gained from international human rights organizations. These organizations possess a lot of expertise, relationships, experiences and information. Instead of thinking about how to ward off what is believed to be a harm coming from them, it is necessary to think about how to benefit from these organisations to improve the human rights situation. For instance: What if the itinerary of the visit to Bahrain by these organizations, included the allocation of time to promoting the human rights culture through workshops, in which the Bahraini civil society, parliament, relevant official bodies, as well as the media and the press could participate?

In sum, it is necessary to reconsider things in favour of the establishment of a balanced relationship with international human rights organizations, especially the major ones, such as Human Rights Watch, Amnesty International and the International Federation for Human Rights (FIDH), among others.

### **Alleged International issues of Concern**

The dispute between Bahrain and international human rights organizations revolves around two main issues:

The first issue can be entitled as 'concerns' about human rights in Bahrain. The dispute here, relates to the size of these concerns, and perhaps whether some of them actually exist at all.

The second issue relates to the ways of expressing these concerns. The government believes that international human rights organizations overstate these concerns and use exaggerated phrases and vocabulary. Moreover, the government is of the view that these organisations use confrontational and defamatory language.

The mere existence of human rights issues causing concern among the international human rights community, is not new, nor is it restricted to a particular state. In most, if not all, countries world-wide, issues of concern do occur, and are classified as human rights violations, according to international standards.

Hence, it is necessary from the outset to acknowledge the legitimacy of such concerns in the event of occurrence of violation issues in Bahrain. Secondly, we have to acknowledge that sources of concern are a common factor between states and international human rights organizations, and will always be the subject of debate and dialogue, and may be controversy, between the two sides.

This is why it is advisable for officials in Bahrain to turn their attention to such concerns and to think about addressing them through dialogue with these international human rights entities. Such a dialogue represents the appropriate channel to enable both parties to find a common ground

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for mutual understanding, which would reflect positively on Bahrain and the seriousness of its efforts to improve and promote the human rights situation, and restore the mutual trust.

The following are the key international human rights issue of concern, as expressed by all human rights statements and reports (texts mostly from Amnesty International reports):

**First: (The exposure of those regarded by the international community as political dissidents or human rights activists, to severe repression, which includes arrest, trial, imprisonment, and may reach the extent of the deprivation of citizenship in some cases)**

Relevant official Bahraini bodies are supposed to present evidence of their commitment to due legal process. This should include the specifying of the legal articles upon which accusations are made, providing the evidence used against defendants and demonstrating the application of the criteria and elements of a fair trial for them. This also includes demonstrating the compatibility of the local laws and legislations applied in this regard with the international standards that are binding on Bahrain, which are included in international agreements ratified by Bahrain.

**Second: (The imposition of restrictions on freedoms of expression, association, peaceful assembly and demonstrations, in addition to the use of excessive force against protests).**

Again the competent authorities should provide evidence of Bahrain's commitment to allowing freedoms, and explain the compelling circumstances that require the adoption of exceptional measures.

**Third: (The subjection of many detainees to torture and other forms of cruel, inhumane and degrading treatment).**

It is the duty of the Prisoners and Detainees Rights Commission (PDRC), the Special Investigations Unit (SIU), the Ombudsman's Office in addition to the National Institute for Human Rights (NIHR) to inform on their investigations on this matter, presenting evidence of the existence or non-existence of abuses, as well as indicating the procedures and measures taken or being taken to prevent violations.

**Fourth (Not putting an end to the culture of impunity that allows many perpetrators to avoid facing justice and escape bearing the responsibility for their actions).**

It is the duty of the public prosecutor and the SIU, to submit the outcome of their efforts in prosecuting the perpetrators of violations, in a manner that illustrates

Bahrain's seriousness in dealing with this matter. They need to show that legal action has been taken against those who committed violations. Thus, it could be proven that there is no 'culture of impunity' in Bahrain.

**Fifth: (Guaranteeing freedom of expression, ensuring that official media agencies are independent, impartial and balanced and ensuring that they accommodate all, without excluding or antagonizing any one).**

The responsibility for elucidation of this matter lies with the Ministry of Information. This is achieved by demonstrating that official media are independent, impartial and balanced with regard to the participation of all the segments of the society and the varying opinions. The Ministry should indicate the steps taken in this regard, whether in terms of legislation or the rationalization of the practice.

**Sixth: (Poor cooperation with the Office of the High Commissioner for Human Rights (OHCHR), and faltering in the arrangements to conclude technical cooperation between the two sides), as well as (poor cooperation with the mechanisms of the Human Rights Council procedures - particularly those related to the UN Special Rapporteur on Torture, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on the situation of human rights defenders- as well as any other special procedures requiring visits to Bahrain). Added to that is (Bahrain's adoption of the boycott policy, and putting obstacles in the path of international human rights organizations that wish to visit Bahrain to assess the human rights situation).**

The Ministry of Foreign Affairs- which is also responsible for the human rights dossier at the national and international level – exerts intensive efforts towards addressing international concerns regarding cooperation with the OHCHR, and openness to international human rights organizations (e.g. Amnesty's recent visit). What is required from the Ministry of Foreign Affairs is to review the efforts made, the plans laid out, and the progress made on the level of cooperation with the international human rights community with all its components. It also needs to justify the failure to allow the visits of the special rapporteurs, and to move ahead towards concluding the technical cooperation agreement.

**Seventh: (Deficiency and tardiness in Bahrain's fulfilment of all of Bassiouni's Report recommendations which Bahrain has pledged to implement, as well as those recommendations it endorsed within the framework of the universal international review of its**

human rights dossier).

The committee responsible for monitoring the implementation of the recommendations, together with the Ministry of Foreign Affairs, are both required to submit a comprehensive statement supported by documents and evidence concerning those recommendations that have been implemented in Bassiouni's report as well as those in OHCHR's Universal Periodic Review. This statement should also clearly identify the recommendations that have not been implemented, together with the reasons for this and the anticipated implementation period in the future.

### **On the methodology of Dialogue with Human Rights Organizations**

To pave the way for a good, sustainable and positive relationship between Bahrain and international human rights organizations, and to eliminate the causes of tension, the following is proposed:

1 / Both the international human rights side and the official Bahraini side are required to abandon the confrontational attitude, in language and actions. Both sides must adopt a policy that accommodates the other. They should not allow the domination of the emotion charged language, use of rough phrases, the hurling of unsubstantiated accusations. The purpose is not to score points over the other to the extent of alienating each other, but rather to search for a common ground on which to cooperate.

2 / To put matters in perspective and to treat problems according to their true size, the content of human rights reports should not be underestimated, nor should the policy towards them be based on total denial. On the other hand, human rights organizations, should not believe that what they publish is one hundred percent true. Any observer of the Bahraini domestic situation, realizes that there are many gaps in the reports issued about Bahrain, which include exaggerations, and sometimes incorrect information. It is important to refrain from the belief in the infallibility of human rights organisations, but it is also essential to recognize the existence of violations and abuses. It is necessary that both the international human rights advocate and the official party agree to address those issues that are real and true, within the boundaries of the actual size of the problem.

3 / Both sides are required to appreciate each other's efforts in improving the human rights situation, each in its own way. International human rights organizations reveal errors and abuses, which is a key element in human rights work; but these organizations also need to appreciate the government efforts to correct the situation. Both sides need to realize that they need each other's cooperation and that the human rights situation cannot be developed

without joint efforts. Certainly, both the official party and the international human rights side have contributions that could benefit each other's work.

### **The British Ambassador Meets Bahraini Human Rights Organizations**

The British ambassador to Bahrain, Simon Martin, met with representatives of human rights organizations in Bahrain on February 3, 2016. Ambassador Martin described the meeting as a "fruitful."

Human rights activist, Nidal Al Salman, who attended the meeting, emphasized that the meeting was positive, pointing out that the British ambassador stressed the need to reach out to the civil society and indicated that no reform can take place without the exchange of views and discussion to arrive at solutions that suit everyone.



She added that the ambassador spoke about the importance of Bahrain's establishment of human rights bodies, such as the Office of the Ombudsman, and explained his government's efforts to contribute to the success of their work, through training and surveillance.

For their part, human rights activists, according to Al Salman, welcomed the establishment of the official human rights bodies, but at the same time expressed regret, that these bodies did not prove their effectiveness and impartiality when filing complaints, as hoped by human rights activists.

At the end of the meeting, the activists who attended the meeting said that the meeting with the British ambassador represents a "good start."

## HRW: Torture of Detainees Continues Official Response: We Build on Human Rights Successes

Human Rights Watch's (HRW) report on torture allegations in Bahrain has been based on interviews, conducted by telephone and Skype with 14 individuals, who had been in police detention or in prison, and with several Bahraini defence lawyers. According to HRW, the interviews were conducted in this manner because Bahraini authorities refused to grant visas to HRW team.

The report reviewed the outcome of the activity of the Office of the Ombudsman and the Special Investigations Unit (SIU) concluding that they have both failed to provide proof of their effectiveness, a fact already illustrated when the SIU was sharply criticized in the 2013 annual report of the National Institute for Human Rights (NIHR), which described it as lacking "the aspired independence and impartiality".

The appendices of the report included answers and responses from the ombudsman and the Ministry of Interior, most recently in November 2015, to HRW's questions and inquiries. Apparently, HRW has deemed such responses inadequate due to their failure, in its opinion, to include sufficient data to refute HRW's allegations on the lack of independence of those institutions.

The main focus of HRW report, issued in November 2015, is what it describes as Bahrain's failure in the commitment to implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI) regarding combating torture, despite the establishment of three bodies for this purpose, namely: the Office of the Ombudsman, the Special Investigations Unit (SIU) and the Prisoners and Detainees Rights Commission (PDRC). The report cites the lack of available information on investigations and prosecutions, and the fact that there have been no prosecutions for torture, as an indicator supporting its view on the failure to tackle the "culture of impunity".

The bottom line, according to Human Rights Watch, is that Bahrain still experiences the continuation of both the practice of torture and the culture of impunity and non-accountability.

On the other hand, the report relied on the testimony of ten detainees, who claimed exposure to coercive interrogation, and that of four former inmates of Jaw prison who also claimed to have endured torture.

Here, the report reviews what it describes as manifestations of the failure of the government institutions, established in response to the recommendations of the Bassiouni Commission, regarding combating torture. These include:

### The Office of the Ombudsman:

- No transparent reports are available on its activities and there is no information on the cases it referred to SIU, numbering only 83 of the 561 complaints it received.
- The Ombudsman's affiliation to the Ministry of Interior is inappropriate, because the Ministry, according to the report, is implicated in the violations.



**Special Investigation Unit (SIU):** The report says that SIU has so far failed to hold senior security officials accountable for

abuses against detainees.

### Criticism against the Government and demands for practical steps:

On the other hand, according to the report, the Bahraini government has not allowed impartial review of the performance of these institutions to ensure their effectiveness. The report notes that the Government has cancelled the scheduled country visit of the UN Special Rapporteur on Torture after postponing an earlier visit in 2013. It also added that the government has not ratified the Optional Protocol to the Convention against Torture (OPCAT), which stipulates the setting up of a transparent and fully independent inspectorate (National Preventive Mechanisms).

Given their lack of independence, according to the report, the previously mentioned Bahraini institutions fall well short of the basic standards that OPCAT requires. Moreover, the Bahraini government, refused to allow HWR to visit Bahrain.

### Report recommendations

HRW report has specified practical steps to be undertaken by the Government of Bahrain and other agencies:

- To Issue an immediate invite to the UN Special Rapporteur on torture to conduct a country visit with unfettered access to freely carry out his tasks;
- To ensure the complete independence

of the three institutions (ombudsman, SIU and the PDRC) from any link to any executive authority such as the Ministry of Interior;

- Ombudsman reports should detail the nature of the complaints received and responses thereto; specify the reasons for any case's dismissal, and disclose the sanctions imposed as well as offenders' names and ranks;
- The nomination of candidates to both the ombudsman and PDRC and subsequent appointment should be carried out by a committee, drawn from a broad cross-section of the Bahraini society;
- The establishment of an independent civilian oversight committee to scrutinize the work of the SIU and ensure its independence;
- Amending the Code of Criminal Procedure to stipulate the necessity of a medical examination by an independent physician, in addition to the Public Prosecution Office's medical examiner, for any suspect who claims to have been subjected to torture or ill-treatment and requests such an independent examination;
- To allow human rights groups, including HRW, access to the country and to places of detention; and
- To Call upon the ombudsman and PDRC to conduct an investigation into allegations related to the use of excessive force and torture.

## Government's response

The Bahraini government has acted correctly by issuing a preliminary response the following day, on November 24, 2015, following HRW's torture report, indicating that it is in the process of "reviewing its content, including the allegations it contains".

The response issued by the Bahraini Foreign Ministry noted that the report acknowledges "many of the reforms Bahrain has implemented over the past few years. These include the setting up of the Bahrain Independent Commission of Inquiry (BICI) and the establishment of independent watchdogs, namely the independent police Ombudsman, a Special Investigations Unit (SIU) within the Public Prosecution, and a

Prisoners and Detainees Rights Commission (PDRC). It also recognizes the alignment between Bahrain's national legislation on mistreatment with international standards. On several occasions, the report mentions initiatives taken by the independent police Ombudsman to inspect places of detention and investigate allegations of misconduct, including Jaw prison."

The official statement added that since the "Cases mentioned in the Human Rights Watch report fall within the mandate of the independent police Ombudsman, the Government of Bahrain again urges Human Rights Watch to lodge all complaints with these institutions and provide them with sufficient information to enable them to conduct effective investigations. Efforts to safeguard and bolster human rights are not served by criticizing these institutions publicly before they have had the opportunity

play a vital role in safeguarding human rights in Bahrain."

The official statement expressed the Government of Bahrain's concern that "allegations of torture from specific individuals in the report have in many cases already been responded to on previous occasions. For instance, the Ministry of Interior has responded publicly to one case on two occasions when Amnesty International investigated his case. The allegations may have changed, but the government's position does not; no mistreatment occurred during arrest or detention of the case highlighted in the report."

Finally, the statement noted that "It is also of concern that two of the recommendations made by Human Rights Watch call for the suspension of cooperation programmes from the United Kingdom and technical

رداً على تقرير منظمة "هيومن رايتس ووتش".. مملكة البحرين ملتزمة بحماية حقوق الإنسان والحريات الأساسية

PM 02 : 06 - 2015/11/24

المنامة في 24 نوفمبر / بنا / لقد تلقت حكومة مملكة البحرين تقرير منظمة هيومن رايتس ووتش الأخير، وهي تصدق مراجعة مطوارة وما ورد فيه من ادعاءات.

وفي حين تضمن التقرير الصادر عن المنظمة عدداً من الإصلاحات التي نفذتها مملكة البحرين على مدى السنوات الماضية والتي شملت إنشاء للجنة البحرينية المستقلة لتقصي الحقائق، والأمانة العامة للمنظمات، ووحدة التحقيق الخاصة بالنيابة العامة، ومفوضية حقوق المسجونين والمحجزين، وأقر التقرير أيضاً بمواصلة البحرين لتتريباتها الوطنية الخاصة بسوء المعاملة مع المعايير الدولية، مشيراً إلى أنه في العديد من المناسبات أخذت الأمانة العامة للمنظمات مبادرات لتفقد أماكن الاحتجاز والتحقيق في مزاعم سوء المعاملة بما في ذلك سجن جو.

ونظراً إلى أن الحالات المذكورة في التقرير تندرج ضمن اختصاص الأمانة العامة للمنظمات، تود حكومة مملكة البحرين حث منظمة هيومن رايتس ووتش مجدداً على تقديم مثل هذه الشكاوى إلى هذه المؤسسات وتزويدها بالمعلومات الكافية لتمكينها من إجراء تحقيقات فعالة، لا سيما أن توجيه الانتقادات المثنية لهذه المؤسسات دون أن تتاح لها فرصة الإطلاع على هذه المزاعم والتحقيق فيها، لا تخدم الجهود المبذولة من أجل حماية وتعزيز حقوق الإنسان.

to receive and investigate the allegations."

The statement pointed out that the anonymous allegations contained in the report are "based on a very limited number of interviews, including interviews with some activists with a political agenda", stressing that the Kingdom of Bahrain "continues to bolster the capabilities of its national institutions to carry out their mandates effectively. The awarding of the European Union's Chaillot Prize to the independent police Ombudsman and the NIHR in 2014, and the Ombudsman's admission to the International Ombudsmen Institute as a full voting member, are testament to the success of these efforts. These national institutions continue to build on their successes and

assistance from the United Nation's Office of the High Commissioner of Human Rights (OHCHR). Human Rights Watch should applaud and support the cooperation and technical assistance of other entities that are assisting in Bahrain's reform progress. HRW is invited to take a look at the report issued by the National Institution for Human Rights (NIHR), for a more holistic approach towards addressing human rights developments."

## How to respond to the report?

Since the Bahraini Government has promised a comprehensive response to HRW report, and an investigation into

the allegations of torture, we propose the following:

- Bahrain needs to provide adequate data on the cases presented by the report, and the action taken in respect of verified and authentic cases. Otherwise, Bahrain should declare the initiation of an inquiry, if it has not already done so. Bahrain also needs to provide enough evidence to refute the argument claiming lack of independence of the three institutions involved (SIU, the ombudsman and PDRC) both in terms of their composition or the exercise of their functions.



Perhaps the greatest doubt cast over these institutions, in terms of seriousness and credibility, is what international human rights circles describe as 'the culture of impunity'. Unless these institutions provide proof to the contrary, this suspicion will persist. Such proof should include peremptory evidence of transparent investigation of all torture accusations, and bringing the alleged perpetrators to justice.

- Bahrain needs to give clear answers on the issue of the pending invitation of the UN Special Rapporteur on Torture to Bahrain, and the issue of Bahrain's accession to the Optional Protocol to the Convention against Torture (OPCAT). The answer should clarify the reasons preventing the complete resolution of these two issues as soon as possible.

The issue of the visit of the UN Special Rapporteur on Torture to Bahrain will remain a persistent demand of the international human rights community.

- Bahrain is also required to clarify the reasons for denial of visas to HRW and other international human rights organizations seeking to investigate the

human rights situation in Bahrain. The imposition of such restrictions invariably leads to accusing Bahrain of failure to cooperate with the international community and of lack of transparency, as well as raising suspicions that Bahrain has issues it does not wish to disclose.

- Bahrain's request for technical assistance from the OHCHR and the international community in general, should have been construed as a reflection of a genuine desire on Bahrain's part to address the shortcomings, and improve performance in the field of human rights. Such pursuit is worthy of support and encouragement, rather than alienation and calls for boycott, as demanded by Human Rights Watch. We at Bahrain Human Rights Monitor believe that HRW's call for boycott has not been appropriate and does not serve the cause of human rights reforms in Bahrain.

HRW's call for boycott poses the question: Why should Bahrain be required to cooperate with the international human rights community, when international human rights organizations such as HRW, issue reports claiming that cooperation with Bahrain is futile, and calling on the international community to refrain from it?

- Bahrain's response to HRW's report should explain the complexities of the internal situation in Bahrain, where certain elements are inclined to adopt the methods of violence, vandalism and sectarian incitement. International human rights organizations ultimately wish to see results on the ground, but unfortunately do not care much for reading the difficulties and challenges that delay the emergence of results or lead to incomplete results. The exposure of these organizations to the situation on the ground, with all its complexities, would undoubtedly help them to better understand the full picture of the human rights situation and its entanglement with the political and social conditions. This should allow a more accurate appreciation of the situation and its implications, as well as enabling a better assessment of

the performance of key human rights players, and the extent to which their tools conform to the major human rights goals envisaged.

### **Information Minister: HRW Report ' Misleading and Unbalanced'**

Bahraini Information Minister, Isa Al-Hammadi, stressed that the Government continues to work in cooperation with its international partners, to promote human rights and legislative development, through independent national institutions, that have been established by the Government during the past few years, due to its desire to promote the rights of individuals and to prevent any extrajudicial practices. He pointed out that Bahrain rejects working with politicized watchdogs which work through an agenda aimed at defaming the Kingdom.



He added that Bahrain is in no need for organisations that issue 'one-sided' reports, describing HRW's report as "misleading, unbalanced, controversially drafted and based on false information".

Minister Al-Hammadi said that independent national watchdogs have been established in Bahrain for probing any alleged illegal practices involving detainees, inmates or others. He added that Bahrain has cooperated with Human Rights Watch and provided it with information, which is virtually the only fact mentioned in the report.

## Bahrain in HRW's Annual Report

Human Rights Watch (HRW) released its World Report 2016, which claimed the existence of credible and consistent allegations of torture and mistreatment of detainees in Bahrain during 2015. According to the report, such allegations undermined claims of reform. While the Bahraini government and its friends, such as the United Kingdom, have contended that the new institutions established by Bahrain are effectively contributing to the development of the human rights situation and the protection of detainees, the report argues that these institutions have failed to provide protection, just as the authorities have failed to hold accountable those responsible for torture and other abuses.

The report said that the police forces still use excessive force to disperse demonstrators, and that restrictions on freedom of expression still exist, and trials of activists and prominent opposition figures for crimes related to expression still continue in courts lacking in fair trial standards.

Authorities have attributed the death of two policemen, in two separate incidents, to terrorist acts, and complained of the escalation of violence and terrorism.

HRW report noted that Bahraini lawyers complained about official practices that have the effect of circumventing the country's legislative safeguards against torture, particularly the authorities' failure to divulge the whereabouts of detained suspects, often for weeks at a time.

Former detainees and families of inmates held at Jaw Prison alleged that security forces firing tear gas and bird shot used disproportionate force to quell violent unrest among prisoners there on March 10, 2015.

As for the new institutions established by the authorities, such as the Special Investigations Unit (SIU) and the Ombudsman Office, the report insists that they are "still failing to hold security forces and high officials accountable for torture and serious mistreatment of persons in custody." The SIU, claims the report, has not conducted investigations or prosecutions that have led to the conviction of any individuals for acts of torture in cases relating to Bahrain's political unrest.

According to HRW report, "The ombudsman, who accepts individual complaints and directs them to the appropriate investigatory authority, did not provide details concerning the 83 cases his office referred to the SIU".

With regard to freedom of expression and fair trial, HRW report referred to the arrest of human rights activist Nabeel Rajab. In May 2015, according to HRW, the Court of Appeal upheld his six-month sentence issued in 2014 after he criticized the government on social media for the use of anti-terrorism laws to prosecute human rights defenders. Rajab has said that the Bahraini security forces belief in violence is similar to the practices of the Islamic State (ISIS).

In July 2015, continues the report, the authorities announced that King Hamad had pardoned Rajab for health reasons, but the latter still faces charges related to the comments that led to his arrest in April, and is still banned from travelling.

HRW report also referred to the arrest, by the authorities, of Ibrahim Sharif, Secretary General of the opposition National Democratic Action Society, for allegedly encouraging the government's overthrow and "inciting hatred" in a speech that consisted solely of peaceful criticism of the government and calls for political reform. According to the report, the authorities had condemned Sharif in 2011, for being a member of a group that chose to "advocate the declaration of a republic in the country " and he was sentenced to five years. However, the report continues, the authorities released Sharif 9 months before the expiration of his sentence, only to be arrested again two weeks after his release.

On the other hand, HRW's annual report alluded to the arrest of Sheikh Ali Salman, Secretary General of Al Wifaq Society, claiming that he was tried and convicted on June 16, 2015 on three speech-related charges, and sentenced to four years in prison. According to the report, the presiding court judge refused to allow Sheikh Salman's defense lawyers to present potentially exculpatory evidence, including the speeches for which he was

prosecuted, arguing that it is intended to cast doubt on the overwhelming evidence that convinced the court.

The report noted that in August 2015, the Bahraini cabinet discussed a draft law on criminalizing "contempt of religions", which would also criminalize "any hate and sectarian discourse that undermines national unity." The cabinet referred the draft to the Ministerial Committee for Legal Affairs for further study.

From HRW point of view, as a result of the 2014 amendment to Bahrain's citizenship law, the Interior Ministry can, with cabinet approval, revoke the



citizenship of any person who, is proved "to aid or is involved in the service of a hostile state" or who "causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it."

HRW noted that on January 31, 2015, the Minister of Interior revoked the citizenship of 72 Bahrainis stating that they had been involved in "illegal acts," including "inciting and advocating regime change through illegal means," "defaming brotherly countries," and "defaming the image of the regime." HRW report added that the 72 individuals included former parliamentarians, doctors, politicians, human rights activists, and other Bahrainis alleged to have joined ISIS.

## Public Prosecution's Response to HRW Report 'HRW Failed in Finding the Truth'

On February 3rd, 2016, the Public Prosecution, through Advocate General, Abdulrahman Al Sayed, responded to Human Rights Watch's (HRW) annual report which covered the developments in the Bahraini human rights situation in 2015. Al Sayed said that the report was based on 'unofficial and unreliable information', adding that HRW "has failed to find the truth. This resulted from HRW officials' methodology of quoting others without taking the trouble to carry out research, scrutiny and investigation, to ascertain the authenticity of the news reported to them. This led to the false conclusions contained in the report".

Advocate General Al Sayed, responded to some of the key issues, included in HRW's report, particularly with regard to the performance of the Special Investigation Unit (SIU), affiliated to the Public Prosecution. HRW report claims that the SIU has not conducted any investigations that have led to the conviction of any individuals for acts of torture in cases relating to Bahrain's political unrest (the events of 2011).

### Special Investigation Unit

The Advocate General responds by saying "This claim is incorrect, and conflicts with reality, as reflected in the investigations conducted or being conducted by the SIU and the sentences issued regarding the cases which the SIU referred to the competent courts. It even conflicts with SIU's reports which include detailed explanations on the nature of the complaints and investigated by the SIU, as well as SIU's decisions and actions in respect of the cases registered with the SIU. The SIU has been publishing these reports regularly on a monthly basis. HWR only had to make a little effort in following up SIU's activities to find out the truth".

- The public prosecution has also asked the Special Investigation Unit (SIU) to express its opinion regarding the allegations made in Human Rights Watch annual report with respect to SIU's activities. The following is a brief summary of the SIU's reply:
- Implementing BICI's recommendations, the SIU assumed the investigation of all incidents of death, torture and cruel treatment, alleged to have occurred during the

February 2011 events and during the state of national safety, which were referred by the Ministry of Interior and the National Security Agency. The SIU also initiated investigation and took subsequent action regarding deaths and allegations of torture, ill-treatment and excessive use of force claimed to have occurred after establishment of the SIU.

- The incidents subject of those cases ranged from beatings leading to death, torture, light beating, insults, and knowingly failing to report the occurrence of a crime. These are alleged to have been perpetrated by security forces, in places of detention and during the period of the state of national safety, while some were alleged to have been committed at a later period.
- In addition to the cases mentioned above, the SIU received other direct complaints. A total of 45 cases were referred to the competent criminal courts, with some cases including multiple defendants. The number of defendants referred reached a total of 88 police staff, including 16 police officers. Moreover, defendants in several incidents were referred to military courts for disciplinary accountability.
- Criminal courts' rulings condemned 21 defendants in 13 cases, with acquittals in 26 cases. The SIU challenged the verdicts of acquittal in 19 cases at the Appeals and Cassation courts. In one case, the SIU even challenged penalties issued against defendants for being disproportionate to the

criminal offense. The SIU challenged the sentence on the grounds of legally accentuating circumstances that call for a stricter punishment; and successfully managed to obtain a ruling to accentuate the sentence when the Court of Cassation accepted its contestation of the verdict for the justifications cited.

- Penalties for cases with conviction sentences, ranged (in ascending order) from confinement for a month, to a 7-year prison term, after exhausting appeal procedures.



- HRW's report incorrectly mentioned that convictions for allegations of torture were limited to only six convictions, for allegations of drug dealing. Actually, out of all convictions in the cases referred to above, numbering 13 cases, only one conviction was related to a case involving drug allegations.

Based on SIU's response, the Advocate General, Abdulrahman Al Sayed, concludes that the latter "contrary to HRW's report claims, has initiated legal procedures to investigate into any

allegations of torture, cruel treatment or degrading treatment. The SIU is still proceeding with its duties through serious and effective investigations for this type of complaints and reports. The SIU conducts its investigations with full independence and in light of the rules set forth in Istanbul Protocol for effective Investigation and Documentation of torture and other cruel treatment.”

## Effectiveness of the new institutions

The Public Prosecution's Advocate General, Abdulrahman Al Sayed, continued his response to HRW's report, describing it as “arbitrary and contrary to the truth” in its views about the Kingdom's institutions established to implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI); and in particular the SIU, which HRW described as being unable to hold accountable the security forces and those responsible for torture and ill-treatment of detainees.

Al Sayed said that HRW “cited the insurgency incident that took place in Jaw prison in March 2015 and the use of force by security forces to quell this rebellion. But HRW's citation in itself is proof of HRW's failure to investigate the truth and to verify the information it receives. SIU has been carrying out an investigation into this incident since receiving the Public Prosecution's notification of the same. The SIU is also investigating the complaints it has received from a number of inmates. The SIU has declared all this in its periodic reports, as well as its press statements which HRW failed to follow up. Hence, the SIU is already in the process of bringing to account and holding accountable any person from among the security forces against whom a charge is proved, as revealed by the investigation”.

## Harassment of activists

The Advocate General, Abdulrahman Al Sayed, also responded to the case of Nabeel Rajab, in which the HWR report said that Rajab has been tried as a ‘prominent human rights activist’

for criticizing the government on social media, and was sentenced to six months in prison for offending national institutions until he was released by virtue of a royal pardon for health reasons. Al Sayed responds by saying that “the Public Prosecution has charged Nabeel Ahmed Abdulrasool Rajab under case number 07201409039 for insulting two official institutions namely: the Ministry of Interior and Bahrain Defence Force, by publishing tweets on the social networking site ‘twitter’ where he said that members of Bahraini security and military institutions belong to the terrorist organization Da’esh [ISIS], and that those institutions are the intellectual incubator of that extremist ideology”

Al Sayed added that “the aforementioned defendant has been questioned in the presence of his lawyer, and he has admitted to committing the physical act of the crime by publishing those tweets. Accordingly, the prosecution ordered that the defendant be detained under remand, and referred under custody to the criminal trial. The competent court examined the case and decided to release him. The court convicted him on 20/1/2015 and he was punished with imprisonment for six months, with a bail of 200 dinars to grant a stay of execution. The defendant challenged the verdict by appealing to the Criminal Court. The Appeals Court upheld the verdict. The defendant then challenged the ruling before the Court of Cassation, which rejected his appeal and upheld the sentence.”

The Advocate General, Abdulrahman Al Sayed continues by pointing out that “It should be stressed that the judiciary in the Kingdom of Bahrain, is impartial. Its decisions and actions are free from any influence. It does not question any person, whether Nabeel Rajab or the others mentioned in HRW's report, for their capacity, opinion, belief or activity, but applies the provisions of the law where any person actually commits what the law deems a punishable crime. It must also be noted on the other hand, that HRW has not adopted a neutral stance at all when its report contradicted facts by declaring simplistically that Nabeel Rajab has been convicted for expressing his opinion,

and criticism of the government. HRW even went on to alter- on its own accord- the phrases posted in his tweets in an unjustified attempt to reduce the criminal responsibility for which the aforementioned was prosecuted. HRW mentioned that the aforementioned tweeted saying that “Bahraini security forces foster violent beliefs akin to those of the extremist group Islamic State (also known as Da’esh)”, but in his posted tweets he accuses the Kingdom's security and military staff explicitly, and not implicitly or in terms of beliefs held, as claimed by HRW. Because he asserted positively that they belonged to Da’esh [ISIS] and that these agencies are the intellectual incubators of such extremist ideology. This indicates HRW's indiscriminate dependence on whatever



**Advocate General,  
Abdulrahman Al Sayed**

news is reported to it. It indicates that HRW has seriously failed to investigate the truth, prior to reaching the opinion set forth in its report, unless its opinion has otherwise been reached for some other reason”.

The Advocate General also responded to HRW's report concerning the arrest of the leaders of Al Wifaq and Waad [National Democratic Action] societies, adding that “... the same response applies to the false information mentioned in the report concerning Ibrahim Sharif and Ali Salman whose charges go beyond the freedom of opinion and expression with which HRW justifies their actions. They have committed crimes punishable by law, and it should be noted that the cases against Ibrahim Sharif and Ali Salman are still under judicial proceedings with all due legal guarantees accorded

## Doha conference

### UNHCR & the Promotion of Human Rights in the Arab Region

A Conference was held in Doha, Qatar, to discuss “the Role of the High Commissioner for Human Rights in Promoting and protecting Human Rights in the Arab region”. The Conference was attended by nearly 250 Arab and international human rights organizations, and more than 43 personalities responsible for human rights dossiers worldwide. Among the participants were 17 delegations representing foreign ministries of Arab countries, human rights commissions or legal committees in parliaments and consultative councils in the Arab region, in addition to the participation of a group of special rapporteurs and international treaties bodies.

The human rights meeting was of a very large scale and is probably unprecedented in the Gulf region. The UN High Commissioner for Human Rights, Prince Zeid bin Ra'ad Al Hussein, delivered a speech, which he began by acknowledging that “The Arab region has not seen this level of violence, killing and displacement of innocent people as witnessed in these days” Unfortunately, this reading of the events is quite true. Violence is unprecedented with respect to its intensity and the fact that it is spreading over vast areas, transcending Arab countries into Muslim countries to reach Europe, America and other areas.

The UN High Commissioner is disappointed by the outcome of the Arab Spring, as it has led to more bloodshed and human rights violations, political tyranny and a decline in freedoms. This view is shared by all observers and activists. Prince Zeid explained that extremist groups have emerged in areas witnessing a “lack of rule of law”, adding that such extremist organizations “destroy all aspects of civilization in the Arab region, as well as destroying the religious harmony and coexistence enjoyed by the peoples of the region for thousands of years. We have seen practices that we thought had disappeared and were shunned by mankind such as slavery, torture, identity-based killing and sexual exploitation of women from religious and ethnic minorities”. He also noted “the emergence of some voices that support and justify such barbaric acts, which seek to destroy the overall progress made in the field of rights and freedoms, and in particular those of Arab women.”

The human rights situation in the Arab world, as seen by the UN High Commissioner,

is extremely bad. However, he deemed it necessary to note three specific areas of interest:

**First, the provision of security for the citizens in the face of terrorism**, which is the duty of every state. However, maintaining security and combating terrorism, should not be used as a pretext to infringe on human rights, to gag the freedom of expression or to stifle other freedoms. According to Zeid, security-based solutions and approaches that do not respect human rights and the principles of justice and equity, will ultimately

terrorism is possible, while maintaining the rule of law and respect for the fundamental rights of citizens. Otherwise, proceeding without a commitment to human rights standards in the face of terrorism will only create grounds for the growth of terrorism, rather than extinguishing it.

In a related context, the UN High Commissioner called for combating the roots of terrorism, noting that in the long run, addressing terrorism will not lead to results, unless the underlying causes are addressed. These include marginalization, poverty, and



lead to nothing but more extremism, and a growing sense of frustration and hostility towards governments. The final outcome will then be: the regeneration of violence and counter-violence.

The crux of the matter, is that maintaining security and combating terrorism does not require, and should never require, infringement on the rights of citizens, or expanding the umbrella of accusations to the extent of charging activists with practicing terrorism. Combating Al Qaeda and ISIS

inequality among individuals, as well as the presence of educational curricula inciting hate and discrimination against the other. He added that any economic well-being, or the achievement of good growth rates that is not based on the wellbeing of humans, the promotion of their rights, and strengthening their role in the political decision-making process; may only delay-but not end- the popular movement of the opposition. This, he noted, is because a human may live by food and drink, but a human spirit can only

live by being honored and protected from humiliation and oppression.

**Second, Arab governments have signed international human rights agreements**, but stripped them of any value, through lack of implementation. Prince Zeid bin Ra'ad pointed out that the Arab states have gone a long way in the ratification of the conventions and treaties pertaining to human rights and international humanitarian law, however, "... Arab citizens in general



**Zeid bin Ra'ad Al Hussein,  
UN High Commissioner for Human Rights**

do not touch the significant impact of these legal obligations in daily life. The acceptance of international legal obligations requires seeking to modify and develop national legislation to enable individuals to exercise their political, civil, economic, social and cultural rights", he said.

In other words, the Arab governments' ratification, amid much tardiness and reluctance, is not enough. In order to get rid of international pressure, some states have resorted to accession and ratification of treaties without having the slightest intention to abide by them at all, neither through application on the ground, nor by incorporating them as part of national laws. In contrast to that, the idea behind obliging governments to sign such treaties, is based on binding such governments and to gradually compel them to implement. But it seems that Arab governments have so far succeeded in proving the error in the vision of the other party, which wrongly believed that merely signing treaties is sufficient to commit governments and lead them along

the path of human rights development.

**Third, the alleged cultural specificity of the Arab region or certain countries**, is used as a pretext for exclusion from obligations or immunity against abiding by laws and international human rights treaties. The cultural -particularly religious-specificity is cited as a justification preventing international commitments. The UN High Commissioner Prince Zeid bin Ra'ad Al Hussein says that this alleged specificity "is always touched when you talk about the principles of human rights", noting that those who use this argument overlook the fact that the Islamic faith is based on the principle of unity of the human race; and that the differences between people in terms of race, religion, social class or language, are intended for the benefit of population and construction of the universe within the

framework of coexistence. He continues to say that "Islam touched the majority of political rights, civil, economic, social and cultural in the contemporary sense of international human rights law, and the principles of international humanitarian law on the protection of civilians — children, women and the elderly, places of worship, and hospitals are included in the Islamic teachings"

Prince Zeid added that the Prophet Mohammed, peace be upon him, had emigrated to Medina in search of a wider space for deployment of faith, and the early companions took refuge in Abyssinia in search of safety, "How can we not open our doors to refugees and protect them and expect others to undertake this duty?", asked Al Hussein in a reference to Syrian refugees and others. The High Commissioner stressed the need to build on these commonalities and human values, and to accelerate the accession to the rest of the core human rights treaties, and to implement and comply with them in practice and behavior.

## Joint workshop with the ICRC

Activating a memorandum of understanding signed five years ago, the International Committee of the Red Cross (ICRC), in collaboration with Bahrain's Interior Ministry, held a training workshop for 33 officials from the General Directorate of Reformation and Rehabilitation (prisons), the General Directorate of Criminal Investigations, the Criminal Evidence Department, and the Office of the Ombudsman among others.

The workshop, which was held in January this year, displayed a documentary film about the humanitarian approach in detention, and awareness on the ICRC role and work in places of detention and the role of the ICRC doctor in those centers. The workshop also discussed model international standards for treatment of persons deprived of their liberty, and the most important problems faced by those working in correctional and rehabilitation centers during the discharge of their responsibilities.

Col. Ghazi Saleh Al Sinan, Acting Director General of the General Directorate of Reformation and Rehabilitation, said that ICRC delegations that visit Bahrain and inspect correctional and rehabilitation centers usually issue reports including recommendations concerning the living conditions and treatment of detainees, pointing out that such reports are examined and quickly responded to.

It should be noted that the memorandum of mutual understanding between Bahrain and the ICRC, provides for allowing ICRC delegates to visit all the detention places affiliated to the Ministry of Interior in the Kingdom of Bahrain, as well as accessing detainees, regardless of their legal status, whether previously convicted or not, and whether or not a sentence has been issued against them. The purpose of the visit is to assess prison conditions, treatment of prisoners, and then seek to resolve them directly with the official authorities.

## How to Combat 'Violent Extremism'?

UN Secretary-General presented to member states an action plan, which he considered an urgent call to forge a new global partnership to confront what he described as 'violent extremism'.

Ban Ki-moon said that Muslims make up the vast majority of the victims of this 'violent extremism', and that it is not limited to any one religion, nationality or ethnic group. However, upon reading the published details of the action plan, one finds that it cited no examples of such 'violent extremism' other than Al-Qaeda, Boko Haram and Da'esh (ISIS), which are organizations that emerged among Muslims and within Muslim territories, by exploiting their religion. Such exploitation led them to legalize the spillage of Muslim blood and looting of their property, as well as sexually violating Muslims in some cases.

The Secretary-General's plan explained the roots and causes of extremism and provided states with practical proposals to confront it. The UN plan noted that there is reluctance among states to confront the 'roots of extremism'; and that they mostly fail to adhere to human rights standards when facing extremism.

However, it seems that there is no such thing as 'non-violent' extremism. All extremism is either inherently violent, such as terrorism founded on religious claims or based on a religious interpretation (as in the case of Al Qaeda, ISIS and their branches); or it is an extremism that is intellectual, ideological or racist upon inception but eventually, and almost inevitably, leads to violence.

Of course, 'violent extremism' has numerous root causes, which were enumerated in Ban Ki-moon's plan. Some of these root causes are due to governments and their behavior, while others are attributed to the personalities and ambitions of individuals involved in terrorism and the motivating influences to which they are exposed, which ultimately lead them to engage in blood-stained causes.

States may spawn terrorism and exacerbate the situation by adopting short-sighted policies (as described by Ban Ki-moon) by relying entirely on security measures in confrontation. The Secretary-

General noted that a total disregard for human rights, to the extent of unrestricted heavy-handedness of authorities against its opponents, would inevitably transform groups of people towards adopting violence. According to the UN plan, sectarian discrimination, marginalization policies, oppression in prisons, failure of economic development, sealing off channels of partnership in decision-making and other factors create the perfect environment for the growth of violent extremism.

The action plan noted that adoption of sectarianism and incitement of hate speech contribute to the growth of 'violent extremism', and called for the promotion of a culture of tolerance and human rights in educational curricula, youth welfare, as well as positive contribution in the media and social networking sites to prevent the spread of violent extremism culture.

It is clear that the Secretary-General's action plan or call to confront violent extremism is addressed to us, as Arabs and Muslims, more than other groups. Bloody violence is virtually spread over all countries. The culture of religious extremism, in particular, does not only provide justification for sectarianism and sectarian wars, and lead to destruction of the social fabric by turning citizens against each other, but also ultimately leads to the destruction of the very foundations of coexistence. Thus, social cohesion becomes difficult and countries come closer to civil wars. Under such conditions, violence becomes the only available means of survival.

Failed states also seek to implant violent rhetoric, which leads to bloody outbursts; affecting 'the other' at first, but then ends in self-destruction of humans and even inanimate objects. Some governments, as do political groups, use sectarianism believing that it adds to their strength. However, they ultimately discover that the ultra-sectarian rhetoric, which relies on verbal violence and death threats, would be heeded by the extremist groups, such as ISIS and Al Qaeda, which exploit the effects of the sectarian discourse to create youth groups that are keen on blowing themselves up with explosive belts.

In order to secure themselves against 'violent extremism', countries must first adopt a policy based on the principle of 'prevention-is-better-than-cure'. Prevention requires nurturing the community on the basis of open and tolerant discourse. However, such discourse cannot survive in an environment of political tyranny; in a lawless state; in a country afflicted with racial, religious, tribal, sectarian or regional discrimination, nor in any country that does not respect human rights. Ban Ki-moon's call and UN action plans do not work except in a country that is under good governance or actively working towards it.

Prevention requires strengthening of the legislative structure, by enacting stringent laws to combat extremism, sectarianism and hatred, because the mere existence of these diseases in itself constitutes a violation of human rights, as it conflicts with the principles and requirements of equality and true citizenship. But more so because these diseases are capable of leaking into the official media, where they may be used for narrow political purposes. This in turn paves the way for 'violent extremism' as adopted by al Qaeda, ISIS and their branches. A third factor is that the 'laissez-faire' attitude adopted by governments, deliberately or negligently, accelerates the spread of the plague of extremism, as well as the conversion of cultural and societal differences into an internal war between citizens, which would consequently lead to the destruction of the foundations of the state itself.

Hence, it is necessary to develop a law for combating racism, sectarianism and extremism, provided that it is applied rigorously. This in itself can put an end to the politicization of intellectual and religious differences by political players, and will eventually help in controlling the spread of the spirit of extremism, and in guiding the community towards the participation in decision-making through open political channels, rather than through the exploitation of partisanship and fanaticism that will ultimately play into the hands of extremists who can only drag the country into the road of slaughter, murder and blood