

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

مركز البحرين لحقوق الإنسان

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After many great efforts, the Bahrain Human Rights Monitor was established in London to join a group of local, regional and international human rights organizations concerned with monitoring and developing human rights in Bahrain, and promoting Bahraini citizens' rights on the ground. The Monitor aims to strengthen relations between the civil society organizations, official bodies and international human rights organizations in order to take charge of defending citizens' rights.

The Monitor also provides ideas, analyses and news follow ups; advises human rights organizations; issues reports and publications in its field of expertise; contributes to human rights events, conferences, and workshops to strengthen the civil society actors, in order to carry out their duty to the fullest extent, and in accordance with the requirements of international standards.

The Monitor will be issuing two monthly newsletters, in English and Arabic, in recognition of the importance of establishing channels of communication with human rights institutions and activists interested in Middle Eastern issues in general, and in Bahrain in particular. The two newsletters will strive to be an unbiased and respectable voice for those seeking the truth and those aiming to achieve a better human rights future.

It is evident from this first issue that the Newsletter aims to monitor both negative and positive developments relating to human rights in Bahrain, as well as monitors the activities of the civil society institutions, and all government decisions and legislations derived from executive, legislative and judicial institutions related to human rights. The Newsletter provides analytical articles of the most important issues and events related to human rights, as well as producing a series of reports and research which shed light on the various aspects of human rights in the Kingdom, such as: freedom of expression and press, women's rights, the rights of migrant workers, political reforms, and legislation issued post-2001. We ultimately try to provide a comprehensive view of the human rights situation by learning from the past, analysing the present and envisioning prospects for the future.

Indeed, the planned activities of the Bahrain Monitor transcend research and press related activities, and will exert efforts to monitor and document the day to day developments in human rights, and to keep a close contact with local and international human rights organizations to maximise cooperation and coordination.

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Workshop on "Transparency" Regarding the Questionings of Ministers

The Bahraini Transparency Society organized a workshop on 15 January 2009 to discuss the questioning of Ministers in Parliament. The workshop recommended developing specific articles in the Constitution in order to grant greater power to the House of Representatives, and that such questioning should not be used for sectarian purposes or to the advantage of a particular group.



The workshop also emphasized the importance of continually developing the Parliamentary experience through the opening of serious channels for debate between the government and the opposition in order to solve issues of disagreement.

The Society also urged to learn from the experiences of other countries to improve regulatory performance, and to address deficiencies in the internal regulations of the House of Representatives and make the necessary adjustments,

Finally, the workshop recommended to note the balance between the use of regulatory

tools as a constitutional right, and the public interest in order to preserve political and economic stability.

The Chairman of the Council of Representatives called for 'a more professional parliamentary questioning system in order to promote public interests'. On the other hand, the President of the Bahraini Transparency Society, Abdulnabi Al Ekri, commented that 'parliamentary questioning aroused considerable controversy among the parliamentarians, societies and political elites in the country' due to the different affiliations of the targeted ministers, the issues they are questioned about, method, mechanism, and result of questioning, and the degree of cooperation of the executive authority with the outcomes of the questionings.

Dr Abdullah Al Nibari presented the Kuwaiti parliamentary experience on the subject and called for the development, reinforcement and revision of parliamentary experiences in the Gulf in order to discover shortcomings and gaps. He emphasized that such experiences should be a reflection of the popular will and should be effective and partners in decision-making.

MP Dr Salah Ali has applauded the parliamentary experience in Bahrain and has stressed the need to amend the Rules of Procedure of the House of Representatives which is currently under review in order to re-activate the questioning

mechanism, previously conducted by the Council.

33 Films in the "Human Rights Festival"

Bahrain will be organizing the Bahrain Second International Human Rights Film Festival under the patronage of King Hamad on 01 May 2009. The Festival is expected to last for four days and Africa will be celebrated this year. Mr Fadil Habib, Director of Public Relations and Media, has revealed that the number of participating films has increased to 33 and has anticipated more in the coming period. He pointed



to the international presence in the festival and hoped that the Kingdom of Bahrain will join the international network for human rights films soon.

The festival is the first of its kind in the region and around ten countries will participate including: Japan, Holland, Nigeria, South Africa, USA, India, France, Bangladesh, Cameroon and Afghanistan. The festival will allocate prizes for best documentary and feature film, best director and best actor or actress. The festival, and after its

successful first experience has been given a financial grant by the Ministry of Social Development as part of the Ministry's support for civil organizations. Several films drew the attention of critics in the first festival including: 'Under Fire' which portrays the 2006 war in Lebanon, 'Rephrasal' which recounts American soldiers' memories in Iraq, 'Soil and Soot' which narrates the tragedy of civilians in Afghanistan and finally 'It's a Free World' which deals with migrant workers in Britain, as well as another film which reflects the human tragedy in Darfur.

Study: Future Vision for Human Rights

The Bahrain Centre for Studies and Research has issued a study entitled 'A Future Vision for Human Rights'. Former UN



Secretary General and current president of the National Council for Human Rights in Egypt Dr. Boutris Boutris Ghali introduced the study. Dr Mohamed No'man Jalal, head of strategic studies in the Centre, has commented by saying: the study includes three thorough researches: the first is entitled 'the need for concerted international efforts in the light of the worsening threat of organized

terrorism' written by Mr. Ahmad Mustafa; 'Prevention as a New Mechanism to Protect Human Rights' by Mr. Ahmad Ameen Al Maydani and 'A Comprehensive and Periodical Review of Human Rights' by Ibrahim Ali Badwi Al Shakh.

In this regard, Dr. Jalal observed that Bahrain has complied with the Universal Periodical Report's requirements and presented its report in February 2008 for discussion in April of the same year. He added that the report itself has gained the approval of the UN member states attended the discussion and concluded that Bahrain's report, and the way in which it was prepared, could make it a model for other States.

Workshop on "Citizenship"

The Bahrain Society for Human Rights organized a workshop on 'Citizenship and Human Rights' On 28-30 December 2008. The workshop witnessed a considerable participation from human rights activists including Haythem Al Manaa, Majdi Abu Ghazala and Suaad Al Qudsi. Mr. Manaa discussed the emergence of the concept of citizenship and its evolution through the ages since the Roman. He then explained the Islamic view on the subject and its privileging of mankind, highlighting the relationship between the concept of citizenship, religious ideology in Arab history and the practical formation of the authority.

According to Manaa, this has confined the idea of citizenship to relativity and ambiguity, isolated from both religious and man-made texts.

In their joint paper, Abu Ghazala and Al Qudsi discussed aspects related to human rights and legal equality, as well as the relationship between citizenship, social and political issues and political participation. Finally, they discussed the issue of national belonging and the links formed on the basis of the moral.

Hasan Shafaei elected as Independent Advisor for OMCT

The World Organization Against Torture (OMCT) has elected Hasan Moosa Shafaei, the President of Bahrain Human Rights Monitor, as an



independent advisor for the Middle East and North Africa region. This came after his participation in an International Symposium of the (OMCT) on 'Torture: Cultural, Political and Economic Relativisms: The Clash of Convictions', which was held in Geneva on 3-7 December 2008. The symposium discussed the obstacles which prevent countries from complying with its international Standards and obligations.

The Government Says it is Committed to Legal Proceedings

Broadcast Confessions of Hujjaira Detainees on Television

It was officially announced last December that a terrorist cell was discovered while plotting bombings aimed at disturbing peace and killing innocents. The authorities first detained two people then the number increased to 14, and has now reached 20. Official statements and Interior Minister Sheikh Rashid bin Abdullah Al Khalifa announced that two Bahraini citizens residing in London are the masterminds behind the plot, and that the accused had travelled to Syria in July and August where they met with one of the orchestrates of the plot, and had received extensive training in the use of explosives and bombs in the town of Hujjaira, near Damascus.

The Interior Minister added on 27/12 that the plotters were planning to smuggle large amounts of weapons into Bahrain in order to cause considerable damage and that all the detainees have admitted participating in this destructive plot.

On the other hand, the governments' handling of the arrests has sparked controversy amongst lawyers and human rights activists who have accused the authorities of bypassing the law and committing unconstitutional acts. The debate has become even more heated after the government's official television channel broadcast the taped confessions of the accused in a special program on 28/12. These detainees had until then been in solitary confinement and had not contacted any lawyers. They presented details regarding some of the accusations levelled against them and confessions regarding their intention to attack commercial centres and police stations etc.

The lawyers of the detainees have criticized the broadcast. Lawyer Mohammed Ahmed said that it contradicts the country's constitution and contrary to the Penal Code (articles 245 and 246 paragraph 5) where it is explicitly stated that it is illegal to broadcast any confessions before trials are completed.

Mr. Ahmed also announced that the Committee for Defence of the Detainees has made a legal complaint to the Supreme Judicial Council against the Public Prosecutor for giving its permission to broadcast the confessions and also against all those who contributed to the broadcast, including state television.

He also commented on the Public Prosecutors' justification for the broadcast, in a statement, which stated that the reasons for broadcasting the confessions was in order to reassure the general public) saying that the broadcast had left a negative impression on the public against the accused, and that (the Prosecution acknowledges that it has tried to influence public opinion, including the judge,, which makes the punishment severe, while the mere publication of the names and images is a crime punishable by law). (Al Wasat, 15/1/2009).

The human rights activists Nabeel Rajab, from the Centre of Human Rights and Dr. Abdullah Drazi, Secretary General of the Human Rights Society, said that the authorities have violated the detainees' rights and that in addition to violating international standards [for fair] trials, they have also violated Bahraini law itself which prohibits the publishing of any details of cases before investigations are complete.

Dr. Drazi said that television confessions do not have value, being broadcast and published before the trial. He added that despite his support for the government in its quest to ensure the safety of citizens, however, the way of handling the case included violations of human rights.

Due to mounting criticism, the Interior Minister Sheikh Rashid bin Abdullah Al Khalifa expressed his willingness to discuss the matter and to listen to other opinions, stressing that no one wants the

situation to become even tenser, nor for these acts to reoccur. He also added that skeptics and those who adopt different legal interpretations of the events should not forget that if the plot had succeeded, many innocent lives would have been lost, and continued by saying that all the measures that were taken were in accordance with the law, and will always be so.

On the other hand, confessions aired on television resulted in a split in views among members of Parliament (MPs). While some MPs saw the necessity of

issuing a joint statement against the accused, and standing with the government in their actions, others felt that the accused are still innocent until proven guilty by the court, according to the Constitution and, therefore, must wait and preserve standards and values

of justice, and not to ignore the principle (the separation of powers). The authorities claim that they possess substantial evidence supporting the allegations against the detainees, and this is something that no one can deny or approve, for this is a purely judicial issue, which should be neutral and not influenced by the remarks and statements published on the pages of many local newspapers.

What matters after all is the integrity of legal proceedings, as to how the arrest takes place, and not to abuse or torture detainees, or to deprive them of their rights to contact their families and to meet with their lawyers. There is one last issue that should not be overlooked by any human rights observer of the 'Hujjaira case' as it is now called, which is that broadcasting confessions represents a violation of the law and could hamper the course of the investigation because it has invited more questions than it has given answers.



Bahrain in Human Rights Watch Report 2009

Human Rights Watch is among the most important international human rights organizations, striving to promote human rights in Bahrain, through its extensive follow ups and its continued announcements and reports. It is obvious that all these efforts as well as the efforts of other international human rights organizations and activists, have contributed largely towards making a genuine development on the human rights situation in the country in the last few years. However, Bahrain is still in need of more efforts in order to maintain a close contact with these organizations at both official and public levels, the latter being represented by civil society organizations. These efforts are vital for improving the human rights situation, preventing any violations that may occur and developing legislations and local institutions in order to ensure the systematic and institutional protection of citizens' rights in Bahrain.

The latest Human Rights Watch's report, regarding the events of 2008, covered a range of topics such as: freedom of expression, freedom of press and assembly, impunity, freedom of associations and civil societies, the rights of foreign workers, women's rights and measures to combat terrorism. The report concluded that the human rights situation in Bahrain has deteriorated throughout the year 2008, and that despite the important reforms adopted by the King of Bahrain between 2001-2002, the government (has done little to institutionalize the protection of human rights in laws), and that there are (arbitrary restrictions) on the practice of fundamental freedoms.

In the area of freedom of expression and information, undoubtedly, the current margin of freedom in Bahrain is wide and does not seem to have decreased in recent years. However, Human Rights Watch's report observes that the parliament did not discuss or pass any new laws regarding the freedom of press law despite the fact that the government had presented them with a project which aims to replace the previous law (number 47 for 2002).

The report highlighted two cases in 2008 that represented a breach of the law: the first regarding the arrest of six individuals working in a monthly journal and a website. But in fact these journalists had only been briefly interrogated and no one had been detained. The interrogation was in relation to the publishing of certain provocative material against the government which incited violence. The website was then blocked, but was resumed after the provocative material was removed.

The second case is related to the Ministry of Information's blocking of at least 22 internet discussion forums in accordance with official circular from the Ministry of Information. This censorship is unacceptable in principle. However, it should be mentioned that some of these forums do not practice their freedom of expression in a balanced manner, do not comply with the law and at times encourage the use of violence and incite sectarian strife.

The report also covered 'freedom of assembly' and observed that there is a problem in defining the concept of 'public order' and 'public morals' included in law 32 for 2006 which regulates assembly and protest issues. In principle, it is well established in Bahrain that there is a large margin of freedom for people to demonstrate and protest, which occurs throughout the year. The real problem in this regard, and one which the report does not make note of is the fact that most clashes between demonstrators and security forces mentioned in the Human Right's report occurred due to two basic reasons or at least one: firstly, on the legality of demonstration and assembly without taking the permission from the authorities

concerned. This is not due to the fact that the authorities refused to grant the right of assembly, demonstration or sit-in, so some people resorted to express their legitimate rights to protest. The issue here is strongly connected to the legitimacy of the regime and the rule of law. Some of the organisers do not believe in the concept of obtaining permission from the authorities because they do not recognize the legitimacy of the political system or the country's law. This, therefore, goes beyond the fact of depriving some individuals or societies of their right to assemble and protest, to a deeper and more radical issue which concerns the very existence of the regime and law. For this reason, the issue is in need of a more holistic approach which takes into account political and legal aspects.

Although the security forces in the country do not confront illegal protests most of the time, in some cases they have attempted to stop them in accordance with the law. In the past, many political and legal parties have urged such organisers to obtain the permission to assemble and protest in order prevent any clashes with

the security forces, among them the head of the largest parliamentary opposition bloc 'al Wifaq'.

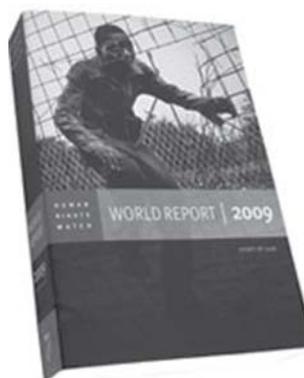
Secondly, concerning the use of violence during demonstrations, and this has only occurred in protests with no permissions, where politically incited teenagers have burned car tyres, rubbish bins and have vandalised public properties. This has been accompanied by clashes with security forces in which police cars have been burned and some policemen have been seriously assaulted, sometimes up to death.

The report also covered the subject of establishing civil society institutions and has criticised the government for not legally recognizing the Bahrain Centre of Human Rights, dissolved in 2008, despite the fact that it has remained active, albeit unofficially. It is well known fact that Bahrain, a country of about a million or more inhabitants and residents, has over the last eight years been home to about 452 organisations and societies covering most fields and activities; and according to the government the Bahrain Centre for Human Rights is the only case in which it had resorted to dissolving a civil society. This is because the Centre had become a quasi-political society, which adopted a provocative attitude towards the

government and its members as well blatantly breaching the country's law. Furthermore, there are now five basic human rights societies which are fulfilling a similar role.

It is obvious however that the government has adopted a more sensitive approach towards human rights organisations affiliated to political parties or institutions or those of a political nature using a legal cover; and this seems to apply to the National Committee for the Unemployed and the Bahrain Youth Society for Human Rights which are mentioned in the Human Rights Watch report. The authorities have not yet responded to requests for official registration made by them.

There is no doubt that the report of Human Rights Watch has pointed out many of the deficiencies and included significant criticism of the practice and legislation, but in the end the report acknowledges the fact that Bahrain has become a popular destination for local and international non-governmental organizations and this is obviously due to the margin of freedom and official support for human rights in the country.



Interactions of Political and Legal Controversy:

“Al-Khawaja” Calling to Overthrow the Regime

The Public Prosecutor summoned human rights activist AbdulHadi Al-Khawaja on 13/1/2009 to investigate the background of his speech in a religious occasion of Ashura in the evening of 6/1/2009. Al-Khawaja was charged with the promotion of the change of the political system, the public incitement of hatred against the ruling regime, broadcasting rumours and propaganda that cause disruption of public security and damage public interest.

In his public speech Al-Khawaja called the public for (interest and psychological disengagement with the unjust regime and not to pledge allegiance to it). He said that the regime humiliates people. He also described the royal family more than once as the (ruling gang). He felt (the need for uprooting the ruling family from power at any cost and sacrifices). He pointed fingers to top 14 persons in the State as members of the (gang) including: the King, Crown Prince, Prime Minister, a number of ministers and senior officials. He named them and accused them of theft, the killing of innocent people, the practice of sectarian and treason, lying, and other similar descriptions.

He continued with what was understood as promoting the use of violence by saying (it is political naivety to merely demand partial reform, and pledge to continue political allegiance to this ruling gang which lacks faith, principles and ethics. It is only possible to confront sectarian and alienation policies by calling for the overthrow of this unjust and sectarian gang). He also called for what he termed a “revival” and for striving (to cut the roots of the ruling gang from this purified land, for we are the generation of anger and revival).

Despite the fact that Al-Khawaja has

called for radical change through the use of (peaceful protest), he sees the (legitimacy of violence) as a justified reaction to government actions. According to him, (the government has given all legitimacy and justification to its opponents and victims to resort to violence). Al-Khawaja said that the slogan (Death to Khalifa Family) is full of anger, negative and unrealistic. He suggested replacing it with another slogan: “let us overturn the ruling gang” because this slogan clearly specifies the objective, i.e. their removal from power.

Al-Khawaja had pre-empted the investigation by saying in a press statement that he will confirm the views expressed in his speech, saying he would not answer to any question, and will not sign any statement, accusing the Department of Public Prosecution of being (bias and the Judiciary not independent). He added that the judicial ruling will be (as a result of a political decision, and not the result of judicial proceedings), and, therefore, (it is pointless to reply) to the questions of the Public Prosecutor.

According to three lawyers, accompanied Al-Khawaja during the investigation, he refused to answer most questions, and also refuted his call for the use of violence. Based on the investigation, which lasted for three hours whilst 20 people protested against the investigation outside the Public Prosecutors’ office, the prosecution released Al-Khawaja on bail pending the filing of a lawsuit against him. The case will be considered on 8/2/2009 before the

High Criminal Court.

Al-Khawaja’s speech was embarrassing to many parties. But it was most embarrassing to two fronts: Bahrain’s political societies (political parties), Bahraini, regional and international human rights associations, as well as other civil society organizations. The speech has raised the level of demands to its peak so far, surpassing what has been regarded as national fundamentals as well as advocating the demolition of the existing political process.



Some political societies regarded the speech a departure from the usual political discourse with its inflammatory references to the use of violence. For example, Khalil Marzooq, Vice-Chairman of the parliamentary bloc al-Wifaq, referred to the fundamentals since Bahrain’s independence

in 1971, and to the Constitution of 1973 by saying (we have never called for overthrowing the regime but we have always demanded democratic and political reforms). He added: (we call upon the authorities to address the outstanding issues of discrimination and naturalization. We do not demand the overturning of the regime. We are not interested in this proposal or any other proposal apart from our declared objectives and political actions through peaceful approach).

Sheikh Mohammed Ali Mahfouz, Secretary-General of the National Islamic Action Society, commented on Al-Khawaja’s speech by saying that his society advocates genuine reform, and (that everyone bears the responsibility of his opinion,

and has to determine his direction and options). While Hassan Al Aali, Assistant Secretary-General of the Nationalist Democratic Alliance Society has said (the opposition has made its final decision and has agreed on the legitimacy of the ruling regime a long time). He added that any other suggestions will only lead to the dispersal of the opposition's efforts and will create a schism between various components of the society and will be (seditious). He continued by saying "calls for the overthrow of the regime will give it the justification to take strict security measures and implement restrictive laws", rejecting what he called the (Bids), which he claims serves no one.

As for Jasim Al Mihza, Secretary General of the Arab Wasat Society, he described Al-Khawaja's call for the use of violence as "odd" and considered it as "rash political immaturity", and that it is (a call to sedition). An independent Member of

Parliament, Abdulaziz Abel described Al-Khawaja's speech as "illogical and irresponsible".

Embarrassment of human rights organizations was also substantial. Many of them in Bahrain and abroad kept silent so far about summoning Al-Khawaja for interrogation.

Al-Khawaja is a well known human rights activist to local, regional and international human rights organizations, and has just become the Middle East coordinator for Front Line Organization – based in Dublin. Perhaps this embarrassment was due to the bitter criticism that the speech had provoked from journalists and from MPs in the local media that it is hard to classify the speech within the framework of defending human rights, and that it may have violated the basic principles of the same rights it had intended to defend. One MP - Hassan Al Dosary - has called upon human rights organizations to denounce the speech because "it is

not concerned with rights and thus no human rights organization will be able to defend it" (Al Ayam, 12/1/09).

Front Line has issued a statement on 10/1/09 regarding the Public Prosecutor's interrogation of the activist Al-Khawaja and placed the issue in the context of (oppression practiced by the authorities against human rights defenders and their organizations in Bahrain). The Front Line has called upon the authorities, in its ambiguous statement (did not refer to the facts of the case), to guarantee Al-Khawaja's safety, freedom of movement and his right to leave the country considering his position in the organization.

The Front Line has demanded that the Bahraini authorities put an end to all forms of discrimination and oppression against human rights defenders and urged the Government to comply with the Universal Declaration of Human Rights and the Declaration of Human Rights Defenders.

MP's Response to 'an Arbitrary Directive'

MP Abdul Hussain Al-Mitghawi has responded to a directive issued by Sheikh Ahmad bin Attiatullah Al-Khalifa, Minister of the Cabinet Affairs, in which workers in the public sector are banned from participating in (unauthorized) protests and demonstrations, and threatens them, among other punishments with potentially losing their jobs. Al-Mitghawi commented that the directive is 'unconstitutional, goes against the National Action Charter, and limits freedoms...it is also in contradiction with international agreements and conventions, which according to article 37 of the Bahraini Constitution become part of the local law when they are approved and published in the Official Gazette (this includes the Universal Declaration of Human Rights, International Labour

Agreements and article 21 of the International Covenant [on Civil and Political Rights])'.

Al-Mitghawi stressed that the directive opposes the separation of authorities as stated in article 32 of the Constitution, as it bypasses both legislative and judicial authorities. The Constitution also states in article 20 that an accused is innocent until proven guilty and has the right to a fair and just trial; he added that article 65 of the Civil Service Law prohibits the implementation of punishments until trials of the accused are completed.

Al-Mitghawi also believes that the language used in the issued directive is too vague which allows for widely different interpretations, threatens the dignity and stability of the civil worker, instils paranoia and fear and

has a negative effect on the work environment and its productivity in general.

The directive had been discussed in the Parliament, media and civil society organisations, and the government had clarified its position by saying it has no intention to sack anyone as long as their participation in protests and demonstrations is within the confines of the law, and that the directive only applies to participation in violent and illegal protests.

It is worth mentioning that a protest was organised by opposition political societies on 30 January 2009 where around 30,000 persons took the streets to denounce what they called 'political naturalization' and no problems occurred due to the fact that the protest was authorized and peaceful.

Human Rights Organizations and Political Activity

There are 16 political organizations (parties) which aim to make political changes through elections and participation in the Bahraini parliament. Whoever wishes to participate in political life or desires to work for the political development of the Kingdom, can do so directly by joining one of these parties or forming a new one after fulfilling the necessary requirements. There are several civil society organizations in many fields including, media, intellectual, art, legal, environmental, youth, family, women and Islamic societies as well as trade unions etc. The number of these societies is in the hundreds so far, and all are practicing their expected role within the political framework, but are far from being too involved in political life.

The problem with human rights organizations in the Arab world and in Bahrain in particular is their inability to distance themselves from politics. However, it is equally impossible to achieve a complete separation of the two either in Bahrain or elsewhere. Nowadays, it has become difficult to distinguish between 'political' and 'human rights' activists in the Kingdom, to the extent that some activists describe themselves as 'political and human rights activists'. It is also difficult to distinguish human rights subjects and their organizational aims from political subjects and their parties' aims. Furthermore, the titles 'human rights activists' and 'human rights defenders' have been used to describe teenage youths burning tyres and rubbish bins and vandalizing public property; for when these individuals are arrested for

their crimes, human rights activists immediately label them as 'prisoners of conscience' and the whole issue comes under the title 'arrests of human rights defenders.'

This merging of human rights and politics is intentional in some cases, and has caused confusion among all relevant political and human rights parties in Bahrain. The main reason for this ambiguity is that the political organizations in question have used it as a cover for some illegal political activities, which they cannot accept or publicly adopt. On the other hand, a human rights activist can always claim that his activities represent 'freedom of expression' thus entitling him to the protection and defence which the term offers. This is why some human rights activists involve themselves in politics in the name of human rights, and become more radical in their political views than political organizations themselves. We should not be surprised then, to see provocative political speeches placed and defended within a legal framework.

This intentional ambiguity also weakens human rights defenders and portrays them as bypassing the very values and principles which they claim to defend. It also lessens sympathy for them on an international legal level, when they are found to use a vague language which makes it difficult to distinguish between what is political and what is concerned with human rights. This is especially true when human rights activists are seen to be completely engrossed in politics, even more so than radical opposition leaders.

The human rights issue in Bahrain

is on its way to becoming a source of great social and political tension, and could anger the authorities. Therefore it is necessary to redraw the lines between human rights and political issues however ambiguous these lines are. The question which frequently comes to mind is: is Bahrain a special case or part of a general phenomenon which includes Arab and third world countries? It is indeed a general phenomenon which includes many countries, but Bahrain represents a special case due the accumulation of several factors, which have directed human rights activists away from what is internationally accepted as human rights related subjects.

Politics in Bahrain, as with other countries, has cast its shadow on other social, economic, security and human rights issues, so these latter have become directly influenced by the local political situation and by the nature of the political system. As a result, it is not possible to separate human rights issues from the political climate and from developments in the political system.

It is no surprise then, that political organizations in Bahrain before the 2001 reform period have established their own human rights committees, in order to follow up on human rights files and to defend their prisoners (whom they consider prisoners of conscience) on the one hand, and on the other, in order to wrestle with the regime on a political and media level and to expose it before public opinion. In these political organizations, human rights issues are a subsidiary of politics, or more precisely of the political conflict, aside

from the level of conviction for the rights on which the regime is judged. Thus the Bahraini politician appears as a human rights' defender when necessary, for he is able to perform both roles at the same time, carrying the label 'political and human rights activist' and can use either term in their distinct contexts.

When opposition members returned to Bahrain, they participated in the country's reform projects and many human rights organizations were established. It is notable that the founders of these organizations are political activists affiliated to officially recognized political parties and organizations, and were able to participate in the elections. Some of them remained heads of human rights organizations and were at the same time members in their respective political parties.

What does this all mean? It means precisely that there remains an imaginary separation of human rights and politics, and it is possible to benefit from human rights issues to serve a political purpose and according to political standards. For this reason we notice that the evaluation of the human rights situation in Bahrain by several human rights organizations is almost always politically motivated.

If truth be said, international conventions themselves do not allow for a clear and complete separation between politics and human rights. As long as there are political and social rights for individuals and communities, it is possible to approach the subject from a human rights perspective without immersing it completely in politics. However, what is happening in Bahrain is the complete opposite, where human

rights activists in the Kingdom have not produced well trained and well qualified human rights activists, but rather they have produced political activists with a human rights façade. A potential reason behind this could be due to a lack of training, or due to the fact the political field is a polarizing one and is able to involve human rights activists consciously or unconsciously in politics.

Whatever the reasons, human rights organizations in Bahrain need to rethink their aims, practices and the extent to which they are adhering to international human rights standards. There are many human rights issues which need to be addressed in the Kingdom, but how can this be achieved if activists leave what concerns them and immerse themselves in politics, a field which has its own figures and parties.

Censorship of Internet Sites

Reporters Without Borders Organisation has criticised the Ministry of Information and Culture's directive of 14 January 2009 to internet providers in the country which ordered the blocking of at least 25 political and commercial websites, stating that the Ministry was the only authority in the country permitted to unblock these sites. In this regard the organization stated that 'even if the blocking of websites is a common practise in Bahrain, the government's directive reveals its attempts to monopolize the power to censor the internet, and the truth is that this censorship has been extended to human rights websites as well.' The Organization called

on the Ministry of Information' to reconsider its decision and unblock all websites'.

The Doha Centre for Media Freedom has also condemned the directive and considered this censorship procedure as going against the Bahraini government's moves towards a free and pluralist media, calling for an immediate lifting of bans on websites as well as annulling all rules that authorise the Ministry to impose its censorship on websites. The statement stressed the necessity of benefiting from the current parliamentary debate regarding the new press law in order to protect websites and all printed press in a manner which benefits a

law-governed state.

Many political societies in Bahrain have also expressed their concern over the Ministry's directive especially as it has affected the website of an officially registered political society (The National Democratic Action Society). They fear that the Ministry's decision will undermine Bahrain's position in the international and human rights forums and will affect its human rights records related to freedom of expression and freedom of press.

The Ministry's response to these criticisms was to assert that the websites in question were publicizing provocative material and inciting hatred and sectarian violence.

A Serious Challenge Faces Bahrain

Hasan Shafaei

Bahrain can be described as 'an emerging democracy' as it has been engaging in a rapid process of democratization. As with all new democracies in transitional periods, it is a country which faces serious challenges that could either hamper its progress, or could successfully yield a stable state with well established laws and accepted norms. The challenges which have confronted Bahrain recently are the most serious challenges faced by the process of democratization since the beginning of the reforms eight years ago

The Kingdom's initial political reforms were based on reconciliation between the government and the people, during which the country was expected to move gradually towards democracy, practise freedom of expression and regulate government bodies and their practises according to human rights standards and clear legal bases.

However, this move did not at first satisfy all political parties, and was criticised by some as a tiny step which does not meet the minimum aspirations of Bahraini citizens. Others saw it as a generous initiative on the King's part that should be built upon and developed, whilst a third group alternated between these two views before finally deciding to take part in the political process.

As a result, legislative and council elections took place, the margin of freedom of expression has widened in all its forms, civil society organizations have increased in number, existing laws have been developed and new ones adopted, attempts were made to enforce control and accountability laws as well as many attempts to develop public services, strengthen the country's economy and combat unemployment, and so on.

But the experience has also uncovered the following:

1- Some active political parties do not

want the experience of democracy to continue and succeed, either because they are below the required level, or they lack faith in democracy and its results

2- Government performances were below the required level particularly regarding public services and the economy.

3- The hard-line current of opposition has raised its demands, calling for the abolition of the political process, and was able to cause tensions on the street through continuous rioting, which not only disturbed the regime, but also reinforced the position of the opponents of reform.

4- Because of turmoil in the street, the reform process has lost some momentum and has tended to slow down at the political level in particular, perhaps due to the apprehension that accelerating the reform process might lead to chaos with unexpected consequences.

5- Some economic and political factors such as the Council of Representatives' failure to achieve major achievements to meet the aspirations of citizens, all combined to increase tensions in the street and then to transfer them to the Parliament itself. These tensions reached to its peak level last December after the government announced the discovery of a plot to overthrow the regime, in addition to the provocative speeches of last January which called for the overturning of the political system, and finally the arrest of some political activists who were charged with extremism and inciting violence, which in turn sparked a series of riots and protests.

Obviously, we are faced with a serious split that threatens the reform process, and is a cause for concern among political parties who are participating in the reforms and the government alike.

Writers, journalists and politicians are raising questions as to whether this constitutes a return to the previous

security situation. Or can this political split transform into a split in the society itself due to the polarizing ideological and sectarian discourses? And does the government intend to overturn the reform project? And will the 'dark period' of the State Security Courts return?

On the other hand, the government is now questioning the purpose of freedoms and compromises if these did not provide security, and cannot remain handcuffed, unable to enforce its own laws in order to restrain those who breach them and call publicly for the overthrow of the royal family and the regime.

Undoubtedly, the ongoing rioting and breach of the law do not serve the advocates of reform or develop the current political process, particularly at the legislative level. Reformists will pay dearly if the current crisis is not contained, which can only benefit those hostile to reform and stability. The crisis has caused a split in opinions, for some say the reforms have undermined the country's security and weakened the political system, whilst others say that the political system is not serious enough about reforms and should be uprooted.

The inevitable result of this kind of logic is a great loss to both country and society, and will draw all those involved into an endless conflict, benefiting no one. So Advocates of reform and those who are great believers in political reform on both sides, official and public, are in need of a new reconciliation and also need to reconsider their relationship, emphasising national fundamentals, and giving new life to the political process. Moreover, it is a need to exercise restraint in accordance with the law and to also respect citizens' rights in order to preserve the gains achieved, without any abandonment of the strict application of the law on violators.

Opponents Accused of Conspiring to Overthrow the Regime

The Public Prosecutor in Bahrain has accused three opposition leaders of conspiring to overthrow the regime on 21 January 2009. The three have been summoned by the court for questioning on 26 January 2009 regarding their alleged connection with a group of detainees accused of participating in a terrorism plot. The three are: Hassan Mushaimie', Secretary General of Haq Movement for Liberty and Democracy in Bahrain (an unauthorised society), Abduljalil Al-Singace, Chief of the Human Rights Committee in the same movement



Hassan Mushaimie

and Sheikh Mohammed Al-Habib Al-Moqdad. All the three persons were summoned to appear before the Public Prosecutor but they declined to do so because the summon order had failed to give reasons for the questioning as required by article 137 of the Bahrain's Criminal Procedure Code (CPC).

An official source in the Public Prosecutor office has announced that an arrest warrant was then issued in accordance with article 140 of CPC in order to bring them forcefully for questioning. The specific charges that have been brought against them include taking part in establishing an illegal association which opposes the Bahraini constitution, and which uses

terrorism as a means of achieving its goals, calling and propagating for the overthrow of the regime by force, preventing the authorities from performing their duties and propagating for the hatred of the regime. On the basis of the above, the Public Prosecutor has decided to detain two of the accused for two weeks and has released Al-Singace on bail but prevented him from leaving the country.

The arrests sparked riots in many villages between the Bahraini riot police and pro opposition protesters which lasted, according to some news agencies, well into the night and caused disruption to the traffic in many areas amid the heavy presence of the Bahraini anti-riot forces. Alwafaq Islamic Society has demanded an immediate release of all three accused, stressing that Mushaimie' is well known for his non-violent political activities. The Society also believes in the need of dealing with all issues without resorting to security solutions.

On the other hand, Amnesty International issued a statement on 30 January 2009 expressing serious concerns about the continued detention of the two opposition figures and allegations against the 13 young men accused of the terrorism plot as well as criticizing the broadcasting of their confessions on the national TV. In a letter to the Interior Minister, Amnesty International called for an urgent and independent investigation into allegations of torture. It also requested a prompt clarification of the exact reasons for the continued detention of Hassan Mushaimie' and Mohammed Al-Moqdad, and questioned whether the two were held

solely because of their non-violent political activities, including criticism of the government. If so, Amnesty International would then consider them to be "prisoners of conscience" and calls for their immediate and unconditional release. In addition, the organization urged that all detainees be humanly treated and have regular access to their lawyers, families and medical care.

It is worth mentioning that the detainees' lawyers have attended the investigation from the very beginning, and are able to meet with them regularly, as are their families. The Public Prosecutor confirmed that all detainees are getting the necessary care including medical care. According to human rights organizations, Bahrain has not witnessed any "prisoners of conscience" since 2001, for no one has been convicted solely on the basis of the peaceful expression of their opinion.

On 1st February 2009, the Public Prosecutor commented on Amnesty International's report by saying that the investigations have so far been conducted with the approval of the detainees themselves and the presence of their lawyers. He added that all legal aspects and required guarantees are being fully considered, observing that 'there are no prisoners of conscience in the Kingdom of Bahrain, and that no one has been detained merely due to their views, in accordance with international human rights standards', stating that the case being investigated by the Public Prosecutor is related to highly dangerous crimes and not to issues of public conscience or freedom of expression.

Head of the Bahrain Human Rights Monitor in Geneva:

Meetings with International Officials to Develop Human Rights

Hasan Moosa Shafaei, a human rights defender and Head of the Bahrain Human Rights Monitor (BHRM) met with several international human rights organisations and officials from the Office of the United Nations High Commissioner for Human Rights (OHCHR). These meetings took place in Geneva on 22-23 January 2009 to discuss the human rights situations in Bahrain and the region. During his visit, Mr Shafaei met Mr. Adam AbdelMoula, Coordinator for the Middle East and North Africa at OHCHR, and discussed with him the latest developments in Bahrain and the need to provide institutional support for the official Bahraini bodies as well as non-governmental organizations. This institutional support aims to improve their performance, enhance their compliance with international standards and develop local expertise to build a better human rights future in the Kingdom.

Mr. Shafaei also met with Ms. June Ray, Chief of the OHCHR Civil Society Unit, who has been a close observer of the human rights situation in Bahrain since the 1990s, when she was Director of the Middle East Section at Amnesty International. They discussed how Bahraini civil society organizations can benefit from the Civil Society Unit's expertise and knowledge in order to increase their performance and enhance professionalism in the field of human rights.

Mr. Shafaei also met with Muhammed Abu Harthiya, a legal researcher in the Human Rights and Counter-Terrorism Section, at the Rule of Law and Democracy Unit, OHCHR. The two discussed possibilities of providing training and expertise to those involved in the application of law.

On the other hand, the head of BHRM met separately with three officials of OMCT (the World Organization Against Torture) at its International Secretariat. They are; Mr. Eric Sottas, Secretary General of the Organization, Ms. Anne-Laurence Lacroix, Deputy Secretary General and Ms. Haleema Dukaisi.

Considering Mr. Shafaei's position as an independent advisor to OMCT for

the Middle East and North Africa, the meetings discussed human rights issues related to Bahrain and the region. The meeting also discussed the defence of human rights activists, the importance of documenting the human rights situation in the region and other relevant issues.

OMCT, established in 1986 and based in Geneva, is currently one of the largest and most active human rights organizations at the international level. It has a large network of hundreds of human rights organizations of national and regional members. The Organization also has a good reputation. OMCT has consultative and observer status with the United Nations.

Mr. Shafaei also met with Ian Seiderman, Senior Legal & Policy Advisor of the International Commission of Jurists (ICJ) and with Said Binarabia, the Commission's Legal Officer for the Middle East and North Africa. Discussions centred on transmitting the ICJ's experience to the human rights activists in Bahrain, as well as for those involved in the application of the law there.

It is worth mentioning that the International Commission of Jurists is a non-governmental organisation dedicated to promoting understanding and observance of the rule of law and providing legal protection for human rights all over the world. It has 85 national sections and affiliated organizations, and enjoys consultative status in the ECOSOC, UNESCO, the Council of European and the Organization of African Unity.

Finally, Shafaei met the Executive Director of the International Federation for Human Rights FIDH, Mr. Antoine Bernard, in the headquarters of the Federation in Paris. They discussed the recent developments of the human rights situation in Bahrain. FIDH is an international non-governmental organization dedicated to the defense of the rights enshrined in the Universal Declaration of Human Rights (UDHR). It was established in 1922 and has 141 affiliates around the world.



Mr. Shafaei with Eric Sottas, Secretary General of OMCT, in Geneva



Head of BHRM meeting with Ann-Laurence Lacroix from OMCT



Haleema Dikhsy from OMCT with Hasan Shafaei



FIDH Executive Director Antoine Bernard, met with Head of BHRM, in Paris



Hasan Shafaei with Ian Seiderman and Said Benarabia in ICJ Headquarters, Geneva