

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



*Bahrain Human Rights Monitor*

مرصد البحرين لحقوق الإنسان

Issue 3 • April 2009

## Transparent Trial for Hujjaira Detainees

In a commendable step on their part, local and international organizations including Amnesty International, the International Federation for Human Rights, International Freedom of Expression Exchange, the British Muslim Human Rights Commission, the British Bar Society and others such as the French Embassy in Bahrain, have all sent their observers to attend the so called Hujjaira trial.

The trial was held publicly on 24 of March 2009 with a large media presence and under the watchful eye of the supervisors, in a display of openness and transparency which was crucial to guarantee a fair course of justice to those accused. It was a relatively quiet trial in which the Judge received many criticisms and verbal attacks both against himself and the court which he bore with an open heart, allowing a number of detainees to speak for themselves despite the presence of their lawyers, and ignoring some irresponsible statements. The observers left the court room with a very positive impression with regards to adherence to the standards of a fair trial.

What is most important in the trial of the 35 individuals accused of conspiring and plotting to overthrow the regime and disturb the security of the country among other accusations, is the initial outcome of the trial, for the judge decided, at the Defence's request, to re-question the detainees and not to adopt Public Prosecutor's investigations, which violated the law by broadcasting the detainees' confessions on TV during the previous investigations. The Judge also agreed to look into allegations of torture with the consent of the Defence's lawyers and to put an end to the solitary confinement of prisoners. In addition to this, the accused and their lawyers enjoyed a wide margin of freedom and expressed themselves freely at the trial.

Abdul Jaleel Singace, one of the most three important political activists accused, presented his plea which included an attack on the judge, and in which he called the trial 'a trial of conscience', describing it as a case designed to settle scores in the regime's favour, and said that all the charges against him are fabricated.

Another accused political activist Hassan Mushame said that all the charges against him were politically motivated and questioned the integrity of the court which ignores the allegations of torture: 'in the past, I was unjustly detained for demanding our rights, and this happened again last year, but I was then released and the case was closed at the request of His Majesty the King. Today I am being charged for the same reason'. He also added: 'I am here at court for being a political activist and all other charges are baseless'.

As for Shaikh Mohammed Al Moqdad, he defended himself by saying that 'there is no terrorist case or terrorist cell nor is there any intention of targeting anyone or any place. I don't know any of these faces standing before me, so how could I have been able to form this so called cell? He also denied funding a terrorist network or inciting to overthrow the regime.

The Defence team demanded the withdrawal of the Public Prosecution's investigations from the evidence as they belonged to an 'opponent' of the accused. It requested that the investigation be conducted independently, the allegation of torture be investigated and for those responsible to be brought to trial. The Defence also criticised placing the detainees in solitary confinement and regarded the practice as type of mistreatment.

To this the Public Prosecutor's Representative Haroon Al Zayani replied that 'the Public Prosecutor is an honest opponent in the criminal case and is not biased against anyone' and aimed only to uncover the truth. Zayani also denied any allegations of torture based on medical records. The detainees' lawyers then responded by saying that the broadcasting of the names and pictures of the accused and details of their confessions during the course of investigations is illegal.

The trial session highlighted the determination of the judge to avoid doubts or criticisms that could tarnish the trial, and we hope that this adherence to transparency, the procedures and correct standards will continue in the next sessions.

**Hasan Moosa Shafaei**

**President - Bahrain Human Rights Monitor**

### In this issue

**2** Civil Society

**4** Riots in Bahrain

**8** Report: Bahrain's HRD

**10** Emerging Democracy

and Civil Society

### Journalist Lamees Dhaif Faces Charges under Penal Code

Deputy of the Supreme Judicial Council has filed a legal suit against journalist Lamees Dhaif. The well known columnist wrote a series of articles in AL-Waqt newspaper entitled 'Shameful case: The Time for Silence is Over', which criticized the practices of the judiciary within the context of her call for the adoption of a Family Law in order to alleviate the suffering of women in the Sharia Courts.

Dhaif, a board member of the Bahrain Journalists Association (BJA) said that she received the Public Attorney's letter and was shocked to find that she was being accused of insulting the Judiciary according to the Penal Code and not the 2002 Press Code, which unlike the former does not impose jail sentences or fines.

Dhaif defended herself by saying that the Supreme Court was attempting to charge her as a citizen and not as a journalist expressing her views on public issues within the framework of the rule of law which protects the right of free expression. She also stressed that her cause was a just one and expressed her willingness



Lamees Dhaif

to defend it. In the meantime several civil and political societies have shown their solidarity with Dhaif, notably the Bahrain Journalists Association. On its part, The Public Prosecutor has stated that Dhaif will be charged under the Press Law.

### Ministry of Information Amends Law and Human Rights Activists Demand Expansion of Freedoms

Members of Parliament, human rights activists and internet experts praised the

amendment presented by the Ministry of Culture and Information of article 19 of the Decree No. 47 of 2002, regarding the organization of printing and publishing in Bahrain. The amendment prevents the Ministry from temporarily blocking websites of e-newspapers unless court permission is obtained. They also demanded that the amendment cover all websites and not only online newspapers, and expressed their unease with the fact that the Minister of Information still has the authority over the organization of the internet, which could lead to the issuing of wrong decisions. Abdulnabi Al Ekri, Head of the Bahrain Transparency Society, said the amendment was insufficient, and demanded that the Judiciary should have the last say in any decision to block websites. He also stressed that there was a need for more freedom and that laws regulating the press in Bahrain should coincide with the level of existing freedoms, and should work to increase them. AL Ekri also pointed out that website administrators should have the right to file complaints against the Ministry of Information for the decision to block their websites.



Abdulnabi Al Ekri

### Dr. Al-'Awadi: We Support Ban Ki Moon's Campaign to Combat Violence against Women

On the occasion of International Women's Day, the General Director of the Supreme Council for Women, Lulwa Salih Al-'Awadi, affirmed Bahrain's support of the UN Secretary General's campaign to intensify measures and to put an end to all forms of violence against women. According to Al-'Awadi, this can be achieved through the organization of several activities which aim to spread a culture that combats violence against women, and called on all official and civil

Bahraini institutions to support this cause. Awadi said that violence against women in Bahrain comes mainly from within the family and one of its main reasons is marriage disputes and followed by procedural constraints, which necessitate the need to develop an integrated system for the provision of legal and judicial assistance to women. She stated that the Supreme Council for Women has recommended the amendment of the Sharia (Islamic) Procedures Law in order to establish urgent courts, and also the Law of Evidence in civil and commercial areas in order to facilitate the proof of women's financial contribution. The Council has also suggested a number of measures including the establishment of a Fund to maintain women (Nafaqa); the allocation of family courts to execute court decisions on family matters; the criminalization of neglecting children and failure to support children. This in addition to the preparation of a model marriage document which guarantees the rights of both men and women, providing legal aid to all women in need. Finally, the Council has recommended the adoption of family laws as well as devising a manual indicating women's rights and obligations under the Sharia' and how to use these rights before the Sharia' Courts.



Dr. Al-'Awadi

### Political Societies Condemn the Use of Molotov Cocktails

In a meeting on 7 March 2009, all six major political opposition Societies (al-Ikha, Amal, al-Qawmi, al-Wifaq, al-Taquadumi and Wa'ad) condemned the violent means used by some citizens to express their refusal of the 'wrong' policies of Government, as well as the use of the Molotov Cocktail against security forces or civilians, vandalism of public properties, electric power stations, street lights and the assault of foreign workers.

The Societies called upon the Government and the security forces as well as citizens to respect the right to life and to refrain from the use of violence to solve political disputes. They also demanded that the Government should stop using excessive force with the public and that it should prohibit its forces from



using live or plastic ammunition and tear gas in populated areas, and to avoid the use of collective punishment against the inhabitants of villages and neighbourhoods where confrontations take place. On its part, the Ministry of Interior has denied the use of excessive force against protests and demonstrations and replied to the Societies' statement by saying that it uses force exclusively against outlaws and takes into consideration all human rights aspects.

### **Institute of Political Development: Organizes Seminar on Opposition**

The Institute of Political Development has organised a seminar on political opposition. Among the participants were political societies and activists from inside and outside Bahrain. Mr. Mohammed Ojar, former Human Rights Minister in Morocco, presented his country's experience of transition towards democracy, insisting that experiences in this particular field cannot be imitated, for each country needs to create its own experience.

Mr. Ojar affirmed that democratic transition can only be achieved after a long and gradual process and based on internal circumstances, stressing at the same time the importance of working within the framework of constitutional

institutions. He added that the political opposition should exert all efforts to build a national consensus, and to support the dynamic of trust between the government and the opposition so that the latter can become a productive force yielding fruitful proposals that can be translated into an achievable format, as well as cooperating with all active parties in the political field among others.

During his evaluation of the Bahraini experience, Ojar said that the country possesses a strong and dynamic will for reform, an open society and vitality among all societies, in spite of the difficulties of the regional situation and the pressure of the internal situation. He stressed that the basics of the democratic experience lie in the ability to organize democratic and transparent elections and that there is no democracy without a peaceful opposition, pointing to the importance of leaving behind the heavy legacy of the past and producing a reconciliation which does not aim to distort or take revenge.

### **Seminar: Dialogue is a Condition to Transitional Justice**

The Bahrain Human Rights Society has organized a seminar on transitional Justice entitled 'Truth Commissions: the Prospects, Stakes and Challenges in North Africa, the Middle East and the Gulf'. Several international and regional organizations as well as a number of local civil society institutions participated in the event. The participants included the International Federation for Human Rights, the International Centre for Transitional Justice, No Peace without Justice, Front Line, the Arab Institute for Human Rights, the Arab Democracy Foundation (Qatar) and Al-Kawakibi Democratic Transition Centre, among others.

Mr. Idris Alyazmi, Secretary General of the International Federation for Human Rights, said that there is no ready-made example of transitional Justice that can be adopted, but there is an international heritage which can be beneficial, adding

that the philosophy of transitional justice is based on finding a peaceful political means to overcome deep political crisis through the study of political history and huge violations against victims and to compensate them, both individually and collectively. Also, to develop recommendations for agreed political reforms and political consensus, as well as studying the political history of the country in question.

Leen Ma'loof, a member of the International Centre for Transitional Justice stressed that what all countries have in common with regards to transitional justice is confronting the past in order to move on to the future. This is because democracy cannot be established on lies and victims of previous violations cannot ignore what happened to them. As for Niyam Jeyponis, a member of 'No Peace without Justice', she stated that it was crucial that transitional justice committees determine their aims and make realistic decisions, which take into consideration the political and economic dimensions specific to each country.

The Secretary-General of the Arab Democracy Foundation, Muhsin Marzooq, showed a great interest in establishing a specialized centre for transitional justice and democratization issues, adding that 'we are committed to supporting transitional justice in any Arab country. However, the Foundation has singled out Sudan, Somalia, Iraq and Lebanon as their priority.' In the meantime Salwa Qantari, a member of the Kawakibi Democratic Transition Centre, stressed that the support of transitional tools and methods is one of the most important elements which helps peaceful democratic transition.

Finally, the President of the Bahrain Society for Human Rights, Abd Allah Drazi, stated that 'it is not possible to begin the transitional justice initiative without the support of the political leadership'. He expressed his hope that the political leadership will be the one responsible for a serious transitional justice initiative, adding that a number of victims of previous violations have resorted to the Judiciary, but the courts have so far refused to look into their cases.

## Riots and Violence in Bahrain

The cycle of rioting and violence continues to disrupt Bahrain's streets, and citizens wake up every day to find cars have been set ablaze, electricity generators destroyed and schools vandalized. The recent escalation of violence is starting to take its toll on the lives of innocent citizens. Two questions arise in regards to the recent unrest: if Bahrain is not an oppressive state and is moving towards democracy, then why is violence re-occurring despite the ongoing political process? And why does there seem to be no end to it in the foreseeable future?

Regimes that lack legitimacy are usually the ones threatened with uprisings, but democracies or those in the process of democratization are also not immune from riots, which can occur in any country, whatever its political system. The only difference between the two is that riots in authoritarian regimes can develop into revolutions. The regime in Bahrain does not suffer from a legitimacy crisis, for this legitimacy has been established since the country's independence and in the 1971 referendum, and has been re-affirmed by public consensus of the 2001 through the Charter referendum. Also, the current political process – despite all criticism - supposedly provides a stable political atmosphere, far from violence and rioting. The current events do not really threaten the legitimacy of the regime as much as they undermine the stability of the country if not controlled.

Riots usually take place in an unsystematic manner, such as a reaction to a government decision opposed by some of the public. However, in Bahrain it is noticeable that riots are systematic, in other words they have become a tool used by those opposed to the political process in order to hinder it or to achieve political gains.

Some observers believe that the

current political process has succeeded in attracting the greater part of the Bahraini public, but a small group has remained opposed to it. There is, therefore, a need to accelerate and push the political process forward in order to accommodate extremist wings, that is if these latter really do believe in the political process, and find it an appealing substitute to inciting violence. But if they are looking for a radical project which aims to overturn the whole political equation and cancel out the majority's will, in this case there is no hope in any attempts to accommodate these groups, and other solutions must be found. The real problem in this case would not be in the political process itself, its 'narrow' horizons or its capacity to accommodate others, or in the usefulness of the temptations offered to the active political forces. The problem would be in the minority's attempts to overturn the majority's choice.

It could also be said that riots stem from a culture of violence. In other words, human rights culture and civil and political rights stated in the Charter are still not deeply rooted in the public conscience, either among rioters or others. Undoubtedly, this culture of violence still exists even if it is confined to a small minority, and only with time can the new human rights culture be absorbed by society, after which it can be applied on the ground.

Moreover, there are some who attribute the causes of rioting to the economic situation and unemployment in the country, but the situation in Bahrain is not as bad as it seems, especially with the implementation of the Unemployment Insurance Project, which is one of its kind in the Arab world, in addition to the support that families on a low-income, widows and orphans receive from the government, and other projects.

Whatever the reasons behind the

troubling phenomena of rioting in Bahrain, it is unacceptable as it has become a violent and systematic occurrence used for political purposes. The unrest has caused extensive damage to public properties, has violated citizens' rights and has threatened innocent lives through the use of Molotov Cocktails which have recently claimed the life of an Asian worker. All political and human rights societies have condemned the riots, assaults on members of the public and vandalism of both private and public properties. But who is behind this unrest?



Those who defend riots are those who legitimise and benefit from them. No one can claim that burning electric generators represents a 'peaceful expression'; nor does attacking cars, including police cars, with the intention of killing those inside them represent a legal or 'civilised means'. As if there are no other channels of political expression in Bahrain, where citizens have no choice but resort to violence. What is worse is the claim by advocates of violence that those detained on charges of rioting are 'human rights activists'. In brief, riots are condemned both in a rational and legal sense, and the law should not be lenient towards those who incite or encourage violence. This has been emphasised by the government, civil society institutions and political and human rights societies alike.

## The Trial of Human Rights Activist Abdulhadi Al Khawaja:

### 7 January Speech Determines the Fate of Next Sessions

On 8 March 2009, the Supreme Criminal Court began the first public hearing of human rights activist Abdulhadi Al Khawaja, the former President of Bahrain Centre for Human Rights-officially dissolved in November 2004. The session was held in the presence of a number of international human rights organisations including Human Rights Watch and Front Line, as well as the defence lawyers Mohamed Ahmed and Hafiz Ali, and the media and family of the accused.

The judge read out all the Public Prosecutor's charges against Khawaja. According to the charges, Khawaja made a public speech in the morning of 7 January 2009 during a religious event in which he promoted the overthrow of the political system of the country by force, publically incited hatred and contempt for the regime and intentionally spreading lies and rumours about the internal affairs of the country which could disturb public order and harm public interest. After this the judge asked Khawaja if he was guilty of the charges to which he pleaded not guilty. At this point the Public Prosecutor requested to play a DVD containing Khawaja's speech, which all the accusations were based on, but the lawyer Muhammad Ahmad refused to do so because it was not shown to the defence counsel beforehand as the main evidence for the accusations.

The Defence team relied on two main issues their defence. Firstly, they challenged all the accusations against Khawaja and said they were unconstitutional as they violate article 23 of the Constitution regarding freedom of expression, noting that what their client said is a mere expression of a personal opinion. The second point related to the authority of the Public Prosecution. Lawyer Mohamed Ahmed said: "Public Prosecution cannot be considered as

part of the Judiciary as this counters any legal logic. Public Prosecution is part of the executive authority, and, therefore, cannot be considered a branch of the Judiciary". The hearing was adjourned to 15 April 2009 when the DVD content could be shown.

Andrea Rocca from Front Line attended the session and felt that 'the Khawaja trial and the charges against him are based on the practice of his right to express his views, which are guaranteed under the right to freedom of expression, regardless of the content of the statements made Khawaja. The government needs to be more receptive to criticism, especially with regards to charges of attempt to overthrow the government, which is not supported by evidence on the ground considering that Khawaja did not call for the use of force). He continued by saying that preventing Khawaja from leaving the country hinders his work as member of Front Line.

Advocate-General, Abdulrahman Al Sayid, replied to Rocca's statements by saying they were 'incorrect, and stem from a misinterpretation of the nature of the accusations and from failing to grasp the Prosecution's evidence' adding that 'all the accusations have nothing to do with freedom of expression or any human rights', noting that there is a huge difference, from the point of view of the law and Constitution, between the legitimate criticism of state practices and between 'the direct call to violently and forcefully oppose and change the regime'. He also excused Front Line's representative by saying 'it is obvious that Andrea Rocca made his statement without looking into the case papers or referring to official sources in order to comprehend the evidence available against the accused. Had he done this, he would not have said that the accused did not call for the use of

violence because there is a video tape of his provocative speech showing that he was clearly and publically calling for regime change using violent means'.

Human Rights Watch have issued a statement regarding the trial of Khawaja in which they demanded all charges against him be dropped and for the travel ban against him to be lifted, calling for the expansion of the margin of freedom of expression in Bahrain. They added that 'putting Khawaja on trial is one procedure amongst many which limits freedom of



**Abdulhadi Al Khawaja**

expression despite the fact that the country's Constitution protects this right'. The Deputy Executive Director of the Middle East and North Africa at Human Rights Watch, Joe Stork, said that; (The profess to speak forcefully about the rulers of the country should not be considered a crime, and the government, which claims that it promotes democracy and human rights, such as Bahrain, should not send people to prison as a result of heir spoken or written words).

He added that 'a government which claims to be promoting democracy and human rights , as Bahrain does, should not be putting people in jail for what they say or write'. In any case, it is crucial that standards of fair trial take place during future hearings as well as the presence of representatives of international organizations in order to ensure the fairness of the procedures, to discover the truthfulness of the allegations and to determine whether they merit punishment. This is what the next hearing sessions will unveil.

## An Interview with the Head of the Bahrain Human Rights Monitor Hasan Shafaei

### I Do Not Polish the Government Image!

**Q: Mr Shafaei, it seems that you have surprised many with the establishment of the Bahrain Human Rights Monitor and the publication of two human rights Newsletters. Is there a reason behind the timing of this?**

A: Not at all, the idea had been on my mind for several years, and in fact since my withdrawal from the Bahrain Centre for Human Rights, I have not stopped working in this field, and I have also managed to maintain contact with human rights organizations and to expand my activities, although I did not have an umbrella organization to work under. After several delays, I felt it was about time to kick start this project.

**Q: Does this mean that the establishment of the Monitor is not connected with the current political and human rights situation in Bahrain?**

A: No, there is no connection whatsoever. It was only by chance that the establishment of the Monitor coincided with political and security developments in the country. Human rights work is not bound to a specific place or timing. It is a constant and favourable activity at all times and situations.

**Q: So what is the purpose of the Monitor? And why establishing it in London in particular? And who funds its activities?**

A: The purpose of the Monitor is clear, and I have pointed to it in issue 1 of the Newsletter. However, its purpose is very much similar to that of the Bahrain Centre for Human Rights which I cofounded, and which unfortunately failed to carry out its expected role in accordance with its Statute. The Monitor is concerned with

monitoring both positive and negative human rights developments in Bahrain and aims to provide information and analysis as well as visions and consultations to human rights organizations and concerned parties. In addition, the Monitor aims to participate in seminars and human rights activities and to rationalise human rights work in Bahrain, so that the experience can mature and develop.

Regarding the choice of London as a headquarters, this can be attributed to my personal situation. Since my family and I are currently residing in London, it was natural for it to be my preferred work place. With regards to the question of funding, which some have used as an excuse to discredit the Monitor and those responsible for it, I would honestly like to say that the financial factor was one of the main reasons for delaying the project. However, I was able to provide the bare minimum to perform its activities. Until now the primary reliance is on individual efforts, personal funding, and the support of several friends and individuals who shared the same hopes and concerns. The Monitor's activities are still limited and there is a great reliance on technology and voluntary work.

**Q: But there are some who say that the Government is behind the establishment and funding of the Monitor and that you are still an employee in the Ministry of Foreign Affairs?**

A: There are many accusations. I have read some of them and do not pay them any attention. The work speaks for itself, and governments are not good at establishing such projects. Governments have a different mentality, and I pity those who are eager to accuse anyone of being an agent of the regime, as this

is not the language of human rights defenders nor is it the language of matured politicians. The Monitor has no connection with any official body in the state, and I personally chose the name of the Monitor and decided on the nature of the Newsletter, its policy and content. I am the one responsible for all that.



*Hasan Moosa Shafaei*

Indeed, I do work as an independent advisor to the Ministry of Foreign Affairs without conforming to regular work hours, and I do not have an office either in Bahrain or London. Also, I am by no means an executive employee or a decision-maker. The advisory role I practice is a well known, acceptable and respectable job among human rights bodies, especially in the West. Many managers and researchers in large international human rights organizations work as advisors to several countries. Moreover, I once worked with Amnesty International for a limited period of time, and was sent on a field visit to Iraq in March 2004, and currently I am an advisor to other human rights organizations including the OMCT in Geneva. Advisory work does not discredit human rights activity. This contradiction only exists in the minds of those who do not recognise

the specific definition of human rights defenders. Even during the reform period, I was an active member in the Bahrain Centre for Human Rights, presenting suggestions and advices to official bodies. In spite of all this, if my advisory role ever contradicts my human rights activity, then I would always choose the latter over the first.

**Q: Allow me to be more frank, some people accuse you of working against human rights activists in Bahrain and of taking a negative stand against them?**

A: International human rights organizations have the expertise, knowledge and professionalism enabling them not to easily be misled. They have mechanisms and specific standards which they strictly adhere to, and hence my work in human rights would be comical if it targeted the very issue which I have been striving for. Besides, those who make these accusations lack any evidence, and some even have strong relations with international human rights organizations, as I do. They should also present evidence or point to a specific organization which saw in my work a negative effect on human rights activists in Bahrain.

Again this is a pitiful accusation that no activist should make as it constitutes a violation against the rights of others. My aims are clear and well known among human rights organizations, and it is not to polish the image of the Government or to defend advocates of violence or put down or belittle human rights activists. Our aim is clear, which is to develop human rights in Bahrain even if we disagree on political positions and working methods, and I believe our critics will realise this in due time.

**Q: Does this mean that these accusations are politically motivated?**

A: Yes, I think so, and I am afraid that political agendas will inevitably

cast their shadows on some human rights activities in Bahrain, and will seriously compromise the quality of their work. This is what I have been constantly saying in various published articles. Why else would one human rights activist accuse another of being a Government agent just because they disagree on political issues, opinions and methods of work? I could also insult my accusers in the same way, and ask them similar questions such as who funds you? Who incites you to insult others? And who plans for you? But all these questions are not befitting of a human rights activist or political opponent. This language is low in every sense of the word. In any case, going after others' faults, fabricating stories about them and provoking ordinary citizens against them, as well as creating imaginary enemies - all of these are failed methods, whatever their aims.

**Q: But aren't you also making accusations here as well?**

A: No, I merely gave examples and said that I could also make accusations against those who accuse me. I have kept silent for too long, and did not wish to preoccupy my mind with such matters. I was also busy with the work I already had. This work is the real field for a human rights activist.

**Q: Going back to the Bahrain Monitor, what distinguishes you from other Bahraini human rights societies?**

A: We are not looking for distinctiveness. All societies perform their own duty and fill a gap in the human rights field. All efforts are commendable and we are making some efforts like the others. But I truly believe in the necessity of having a comprehensive outlook on human rights just like all international human rights organizations, so we see the positive aspects as well as the negative ones, and to try to increase the first and decrease the latter. We should not

turn a blind eye to the disadvantages, faults and breaches. At the same time, we can not accept the claims that no positive changes have taken place at all, and that the whole situation in the country is bad. This is inaccurate and misleads us before misleading citizens and also causes disappointment to us all. It limits the scope for development and justifies and pushes towards radical and violent solutions which we do not believe in, while some others have been involved in it.

**Q: Do you have a different approach in dealing with international organizations with regards to internal affairs?**

A: What we do in our communications with international human rights organizations resembles the work of others. We receive information in the same way, and our demands might be similar as well. For example, we have asked Amnesty International to send observers to the ongoing trials of Hasan Mushamie', the Hujjaira group and others. We have also criticised the broadcasting of the Hujjaira group's confessions on television, and said that this was against the law. In other words we do criticise and demand the interference of international organizations either for monitoring, supervision, correction or any other purpose related to human rights. However, at the same time we distance ourselves from politicising issues, and we are against the transformation of human rights organisations into political ones. We also present a comprehensive picture of the political and social situation by highlighting the conditions of human rights in the country. The reason for this is that human rights issues can not be separated from society's culture, political and economic factors and legal and legislative structures. For this reason we believe that our vision is more realistic and our analysis is more honest. This is what we believe, and others might have different opinions which we respect.

## Bahrain in Amnesty International Report: Human Rights Defenders

In January 2009, Amnesty International issued public report under the theme: Challenging Repression: Human Rights Defenders In The Middle East And North Africa. The report covers, inter alia, a wide range of human rights violations suffered by human rights defenders (HRDs), and looks at certain categories of activists who are among those most targeted: media and legal professionals, women's rights defenders, trade unionists, and those who promote the rights of cultural and religious minorities. The report ends with a series of recommendations to governments as well as national, regional and international actors aimed at protecting human rights defenders and promoting their work.

We are trying here to give general overview about the issues related to Bahrain. However, we strongly encourage readers to consult the report in order to have a wide picture about its content. Generally speaking the report is balanced and useful in dealing with the HRDs issues in Bahrain. The report featured concerns and challenges faced by HRDs in Bahrain, criticized specific laws particularly anti-terrorism and the Bahraini Gatherings Code, but at the same time the report did not ignore the positive steps taken by Bahrain to improve the human rights situation.

### Political Context

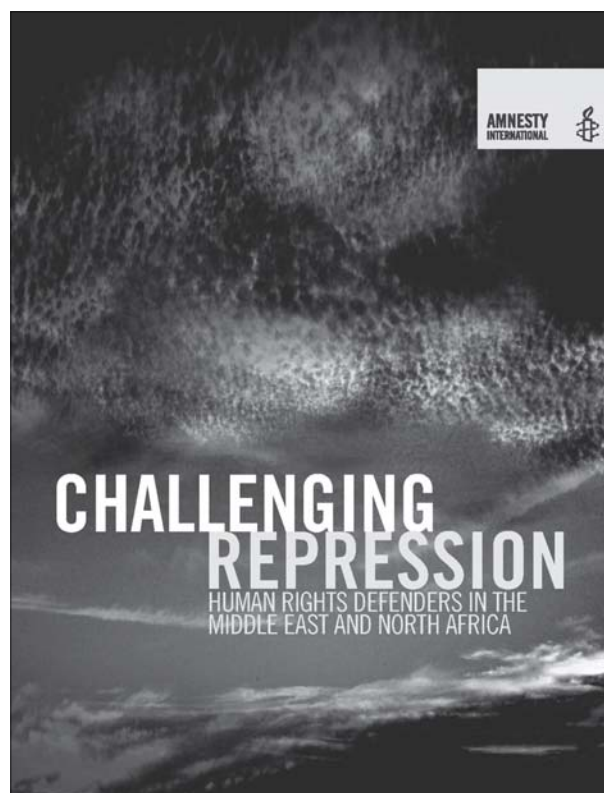
The report acknowledged that several human rights NGOs have been established in Bahrain. Some organizations, including several women's rights groups, have made a key contribution to the promotion and protection of human rights in the country, by campaigning for the rights of women and migrant workers, and against human trafficking. According to

the report, they have also monitored, documented and campaigned against human rights violations in Bahrain. Some of these organizations are members of the global Coalition for the International Criminal Court. The report highlighted the successful campaigning role played by Bahraini human rights organizations and defenders for the release of detainees held for many years without charge or trial in Guantánamo Bay. According to the report, they have lobbied and encouraged the Bahraini government to take a number of positive steps including acceding to the ICCPR in 2006 and the ICESCR in 2007. It must be mentioned that the ability of local human rights organizations and HRDs to conduct such sorts of activities reflects the relatively positive atmosphere in Bahrain that allows and helps them to carry out their activities to promote the human rights situation in Bahrain.

### Oppressive Laws

The report spoke about oppressive laws across the region, which restrict the rights to freedom of expression, association and assembly. However, the report quoted the <Special Representative on Human Rights Defenders of the UN Secretary-General> in saying that human rights

defenders can only be subjected to limitations regarding "statements or actions that, by definition, are incompatible with the status of human rights defenders", such as the advocacy of violence.



The report found that in a few cases, the rights to freedom of association and assembly are severely undermined by national law. The report stated that human rights defenders in Bahrain can be prosecuted under provisions of the Penal Code that forbid acts such as "encouraging hatred of the state", "distributing falsehood and rumours", "insulting the judiciary" and "broadcasting abroad false information or statements or rumours about the internal affairs of the country...". The report mentioned the case of Abdul Hadi al-Khawaja, former executive director of the Bahrain Centre for Human Rights,



who was sentenced in November 2004 to one year in prison on charges that included “inciting hatred” and accusing the authorities of corruption, under provisions in the Penal Code. He was released after being pardoned by the King of Bahrain. However, the report did not provide legal analysis, coupled with specific facts, to show the compatibility or incompatibility of some actions with the requirements of protecting HRDs. The report also failed to shed light on where does the line lie between protecting human rights and freedoms, on one hand, and “inciting hatred”, dissemination of ‘false information’ and ‘rumours’ that undermine integrity of a state, on the other hand.

The report criticized the Bahraini Law on Public Meetings, Processions and Gatherings (the Bahraini Gatherings Code), adopted in July 2006, which seriously restricts the rights to freedom of association and Assembly, and also imposes penalties for speech-related conduct where there is no threat of or incitement to violence or hatred. But the report did not say if the law is relevant where there is threat of or incitement to violence or hatred.

The report also criticized Bahrain for the anti-terrorism law, namely; Protecting Society from Terrorist Acts, ratified in August 2006. The report sees it as a threat to set back human rights progress due to its broad definitions and provision for the death penalty that might increase the risk of arbitrary detention. However, it is not clear in the report if its authors have sought clarifications or safeguards from Bahrain government as to the implementation of the said law in order to avoid any set back in the human rights situation in Bahrain.

### **Patterns of Repression**

The report featured patterns of repression faced by HRDs in MENA. The report stated that across the region, human rights defenders suffer the full spectrum of human

rights violations including enforced disappearances; arrest, detention and imprisonment; demonstrators attacked and prosecuted; prevention of international collaboration.

The Report did not score any incidents or reported cases against Bahrain regarding enforced disappearances; and prevention of international collaboration. In fact, regarding the latter, Bahraini NGOs and HRDs have been enjoying very good relations with international NGOs and institutions as mentioned in the report. It should be mentioned that this would not have happened without the margin of freedom Bahrain has been enjoying since the start of political reform in 2001. In the area of harassment and intimidation of HRDs, the report cited as example the case of Nabeel Rajab, the director of the banned Bahrain Centre for Human Rights. On 19 July 2005, Nabeel Rajab was reportedly harassed and physically attacked by policemen during a peaceful demonstration in solidarity with unemployed people. The report indicated that his wife Somaya had been targeted as well apparently because of the activities of her husband. The report also featured the case of Mohammad al-Jeshi, a lawyer and human rights activist, who was

reportedly about to travel to Geneva to attend a training course when he was stopped by security men on 3 November 2008. They confiscated his mobile phone and laptop for more than an hour and questioned him before allowing him to board the plane.

The report did not refer to any cases regarding media workers and legal professionals in Bahrain.

It is inspiring to see the report dealing with ESCR. The report featured abuses suffered by defenders of economic, social and cultural rights. The report found that the absence of independent trade unions has particularly serious consequences for migrant workers in the Gulf. Bahrain has been flagged as the only notable exception for allowing non-citizens to join trade unions. It is worthy in this context to mention that foreign workers have established an organization called the Migrant Workers Protection Society (MWPS). The organization works on issues related to migrant workers and protecting their rights. The MWPS is unique not only to Bahrain, but to the entire Arab gulf region. However, we think that more needs to be done to allow non-citizens to take part in licensed demonstrations and meetings, in accordance with the law.

---

## **Bahrain Joins International Convention against Corruption**

The Bahraini Parliament has approved proposal of the Committee of Foreign Affairs Defence and National Security concerning the ratification of the Convention against Corruption. This important international convention calls on member states to combat all forms of corruption and to toughen punishments against employees who are proven to be involved in some form of administrative or financial corruption, in addition to promoting integrity and accountability and a sound management of public issues and properties.

On the other hand, the Bahraini Transparency Society said it would lead an awareness campaign, financed by the Ministry of Social Development, about the Convention and called on the Bahraini Parliament to amend laws and legislations which are not compatible with the Convention. If officially ratified, Bahrain would be the second Arab country, after Jordan, to adopt the Convention against Corruption.

## Emerging Democracy and Civil Society

Emerging democracies are faced with many challenges, one of which is very much related to the newly born experience itself, which makes it difficult to predict limits and anticipate challenges and difficulties. However, these democracies gradually learn from their own experiences and then progress very quickly after initial fears and caution subside. Emerging democracies obviously present a young and preliminary experience, and not a fully mature one. Moreover, the experience of civil societies themselves in these new democracies can only be described as young and immature as well.

It is difficult for those who have become accustomed to working in secrecy and oppression to know exactly how to take advantage of working under the spotlight, and in an open atmosphere within a short period of time, or even to develop at the required pace. Therefore, both new democracies and civil society organizations are expected to make many mistakes during this new and developing experience. This can be applied to almost all countries, including Bahrain. It is important when criticising the Government for any wrongdoing, to bear in mind that we are dealing with an inexperienced regime in the process of change, with officials who possess differing levels of awareness, understanding and ability to adapt to new reform situations. This does not necessarily mean that one should stop criticizing the Government, but we should give priority to understanding before criticism.

It is important that civil society institutions have a clear understanding of the grounds on which they are working and the political system with which they are dealing, and to learn how to aid the latter step by step towards the public interest. Criticism of the Government should take place

within a framework of awareness and understanding, allowing it to be regulated and directed to serve its main purpose, which is the improvement and development of political performance; and just as civil societies are required to be more considerate of the special circumstances of this political transformation, so the Government should also take into consideration the fact that civil society organizations, including political ones, make mistakes and that they are also in need of help and guidance.

Currently, we are all at the stage of making mistakes which are unintentional, and come as a result of the nature of the pre-reform period and the lack of expertise, experience and trust between reform advocates in both the Regime and civil societies. Thus, whoever wishes to deal with the Regime as a single mature block, responsible for the behaviour of all its officials, should in turn expect to be held accountable for all his mistakes, and according to the same standards. In this case we are left with two undesirable scenarios: the Regime accuses civil society organizations of committing breaches and drags them to courts, whilst these organizations defame the Regime at every opportunity and blame the head of the authority instead of certain institutions or officials. This is exactly what will lead us to clashes, prolong the transition period, hinder reform and cause tension on the streets.

At the beginning of the reform period we witnessed several officials' inability to adapt to the new situation, or take criticism well or even face the media and address the public adequately. The Government quickly noticed these shortcomings and responded by insisting that a number of its officials undertake training courses on how to deal with criticism, media and civil societies etc. On

the other hand, civil societies, while multiplying on the surface, are not all professional in their work, and some are constantly making mistakes, which do not necessarily stem from ill will, but are due to the lack of experience and awareness of the new situation. Even today we still hear some immature statements and attitudes. No one can deny the existence of shortcomings on either side, and, therefore, we all need to be more considerate towards one another, to cooperate, learn, mature and gain experience.

Not all officials or even all the representatives in Parliament are mature enough, and human rights



societies are not infallible either. So are we all equal? And is it acceptable for us to turn a blind eye to each others' misdeeds? Surely not, for wrong acts remain wrong and we should draw attention to them, but in a constructive way and not for the purpose of scoring points against each other as some might do.

Obviously, some official government institutions as well as civil societies are still immature and this is something that international organizations should take into account when dealing with the political, security and human rights situation in Bahrain. This consideration can distance the reform project from political adversary and the immediate political interests in the political, human rights and legislative fields, and would make it possible to achieve a better political atmosphere in order to develop the political system as well as human rights.

## Excessive Use of Force:

### Security Forces Disperse Peaceful Protest in Sitra

The authorities have given permission for a peaceful protest to take place in Sitra on 6 March 2009. A number of local individuals, several members of Parliament and local councils have participated in protesting against the so-called 'illegitimate burying' of the sea on Muhsa beach.

The protest started peacefully, but security forces quickly used tear gas and plastic bullets to disperse tens of protestors including women and children, which led to injuries and some cases of fainting due to the use of gas. MP Haider Al Sitri estimated the number of protestors as 32 men and six women. According to sources in the media, one of the protestors has sustained broken ribs while another is in a critical condition due to a broken shoulder resulting from a plastic bullet injury. The sources stated that a 40-year-old deaf man, Ahmad Al Basri, sustained an injury to his right eye which could damage it completely, also due to the use of plastic bullets and has been sent abroad for treatment by one of the political societies (al Wefaq). It is worth mentioning that Al Basri did not participate in the protest and was driving his car on his way home after the protest had ended, and for this reason his family intends to file a complaint against the Ministry of Interior. The security forces had also continued following protestors on foot and one member hit protestors and chased them by cars inside villages and between alleyways.

The reason for this confrontation is that the Security Directorate had allocated a specific place for the protest, but the protestors did not comply with the decision and tried to change it, moving instead towards the sea and sitting on the ground.

The security forces then tried to make them return to their allocated place and asked them to retreat within a specific time limit before resorting to force by using batons, tear gas and plastic bullets. However, no confrontations occurred between the protestors and the riot police.

Khaleel Marzooq, MP, who participated in the protest, criticised the security forces for not being lenient or showing restraint, adding that 'the security policy adopted by the forces was based on violence and oppression'. He also said: 'it would have been better if they had contained the event and should not have punished people in such a tough and barbaric way'. A police spokesman justified what happened by saying that protestors had violated the terms of the conditions when they began gathering before the specified time. They also refused to adhere to the designated place of protest, started moving towards a prohibited military base,

and threw stones at the police which necessitated the interference of the security forces. Protestors



*Ahmad Al Basri*

refuted the Ministry of Interior's account of the incident, affirming that the military base was far from the place of protest and could not even be seen. This incident reveals the excessive use of force and a breach of the limits of the law, and the Ministry of Interior is required to investigate it, to compensate victims and to bring those responsible to justice.

### Two Peaceful protests demanding the release of Hujjaira Detainees

Tens of protestors demonstrated in the village of Albilad Alqadeem, calling for the release of 35 detainees accused of attempting to change the regime and plotting to use explosives. The case is publicly known as the Hujjaira detainees. Protestors affirmed the innocence of the accused and demanded their immediate release, especially political activist Hassan Mushaimie' and Shaikh Mohammed Habib Al-Muqdad. The protest lasted for an hour and families of the detainees were among the participants. The security forces did not intervene

to disperse the protest and there were no security breaches. On another level, the families of the Hujjaira detainees protested opposite the United Nations Headquarters in al Maarid Street on 5/3/2009 demanding the release of their sons, and reiterating their refusal of the broadcasting of the detainees' confessions before the court reaches its verdict, which is unconstitutional. This protest lasted an hour and protestors delivered a letter explaining the detainees' case and demanding the UN interference to secure their release.

## The Use of 'Shozin' Weapon Unjustifiable

The Bahrain Human Rights Monitor has expressed deep concern over the use of 'Shozin' weapon (a weapon used for bird hunting) by one element of the security forces against a group of people who - according to a police official - rioted and attacked the security forces as they were searching a house. The Monitor, in a statement issued on 30 March 2009, stated that the use of any deadly firearms, including 'Shozin' which injured three citizens by stray bullets, is not justified.

The Monitor expressed concern about the leniency in dealing with the use of weapons - whatever their kind - during confrontations with advocates of violence, and added that violence and rioting are condemned by all sectors of society as well as civil society organizations, and should be handled with the least amount of losses.

It is noteworthy that the Director of the Police explained the circumstances of the incident and said that the security

forces were searching a house in Sanabis, which reportedly contained fire bombs and gas tanks prepared to be used during rioting, and that a group of people attacked them with stones and sharp objects. The police then reacted by firing tear gas and when the situation escalated, one element of the security forces used the 'Shozin' weapon in self-defence. The Director of the Police refuted the accounts of those injured which were reported in the press.

## APT Offers Training Program in Bahrain

With regards to Bahrain's international obligations made before the United Nation's Human Rights Council during its revision of Bahrain's annual comprehensive report, the country's Minister of Foreign Affairs, Nizar al Baharna, has stated that an agreement has been made between the Supervision Committee for the Fulfillment of Bahrain's International Obligations and the APT (Association for the Prevention of Torture) to conduct several training programs in the country. These programs are primarily

directed at those responsible for the administration of justice in the Ministry of Internal Affairs and the Ministry of Justice and Legal Affairs as well as the Public Prosecutor's Office.

Baharna also pointed to other technical training courses on human rights directed at representatives of ministries and said that all members of societies which are represented in the committee have been informed that the project has been provided with the required expertise in order to conduct these kinds of courses. Baharna also noted

that work on human rights databases in Bahrain is continuing which includes developing and activating the Ministry of Foreign Affairs website which was launched some time ago, and providing it with the required data.



**Nizar al Baharna**

## The Minister of Interior:

## Violence is Unjustifiable in Light of Freedom of Expression

In an interview with Al Ayyam newspaper on 22 March 2009, Bahrain's Minister of Interior refused demands for the amendment of the Protest and Assembly Law, saying that all restrictions included in the law achieve the required margin of freedom, and described it as a modern law which complies with international standards. The Minister noted that the total number of protests and demonstrations that took place in the country is 115 for the year 2008. This number excludes unauthorized protests

and necessary procedures have been taken to prevent these, he said.

The Minister denied the existence of any breaches and said that respect of human rights was the Ministry's policy, and that all procedures undertaken are in accordance with legal restrictions: 'the procedures are clear, the trials are public and our doors are open to receive and investigate any complaints'. He added that violence on the streets is committed by a small group of outlaws, stressing that 'there is no justification

for violence in light of the freedom guaranteed in this country'. The Minister reiterated the official position that 'there are no political prisoners or prisoners of conscience, rather there are detainees accused on criminal charges. Many have taken advantage of the freedom of expression in the Kingdom, guaranteed by the Constitution, and are unchecked in their statements and speeches, but when this becomes a violation of the law, deterrent legal procedures are required'.