

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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Issue 14 • March 2010

Beyond the HRW Report

The latest report issued by Human Rights Watch (HRW) last month under the title 'the Revival of Physical Coercion during Interrogation in Bahrain' has not covered the whole truth. Despite the fact that the report received many criticisms, it contains some positive aspects that were lost during the heated debates which followed between journalists, human rights activists, official bodies and MPs.

The report contained many weaknesses such as the absence of the official response to the allegations, and its reliance on the testimony of former detainees involved in violence and rioting, most of whom have political affiliations and oppose the reform project. Also, some of the information contained in the report was not only inaccurate but was clearly false, such as the names of some of the civil servants in the Ministry of Interior. Later on it became evident that there is no connection between these individuals and the report content.

We do not believe that HRW intended to defame the political system in Bahrain. Thus the unfounded accusations put forward by some writers and commentators, such as the claim that the organization is an agent of foreign intelligence, is unacceptable. We assume that the report was published in good faith aiming to improve the human rights situation, and hence we should benefit from it.

On a positive note, it is important to remember that the report was published from inside Bahrain, and specifically from the headquarters of the Bahrain Human Rights Society: the first human rights society founded in the reform era. The report was also thoroughly discussed in the media and was debated in Parliament and by Government officials. Furthermore, launching the report in Bahrain highlighted the margin of freedom available in the country and the confidence of the system in its abilities and its reforms. The report has also yielded impressive political and human rights activism, as well as positive discussions at the official, public and legislative levels. It raised human rights awareness, and reflected unlimited aspirations of what the status of human rights should be in the country.

It is also expected that the report will reinvigorate the country's official apparatus, especially the Ministry of Interior, and will push it to investigate torture allegations. Additionally, it will encourage it to put forward mechanisms, which prevent such breaches from taking place. The official institutions concerned with human rights should have learnt a lesson from the report namely; by delaying their response to the enquiries of international human rights bodies, these latter will issue their reports even if official responses are not included.

We are confident that torture in Bahrain is not systematic, but at the same time we cannot say for certain that there are no breaches of the law, since many doubts still exist due to the lack of transparency on the Government's part. On the other hand, it seems that the torture cases mentioned in the report were exaggerated by witnesses. Obviously, the report is unable to uncover the full circumstances of allegations of torture.

Both the Foreign Ministry and Ministry of Interior should fulfill their promises to study and investigate these cases professionally and with transparency. It is worth noting that the Ministry of Interior has admitted that breaches have taken place when it referred some of its employees to the courts for trial a few months ago. The Ministry of Interior confirmed this again after HRW issued its report, but it did not reveal the nature of these breaches to the public, or the reasons behind the referral of some of its employees to courts. Also, it did not declare the outcomes of these trials or the results of previous investigations. We hope that the report will put an end to the controversy and debates regarding allegations of torture. Moreover, there is need for a mechanism for investigation that is acceptable, transparent, professional and impartial. This mechanism will deal with all torture cases, rumours and allegations in a manner acceptable to all parties.

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Seminar on the Rights of the Disabled

On 6 February, the Friendship Association for the Blind held a seminar on 'The Intellectual Challenge: Knowledge in International Legal Rights'. More than 43 societies, concerned parties and workers in the disability field participated in the seminar. Fatima Al Jaib, a member of the Down Syndrome Society, called for combating all forms of discrimination against the disabled, pointing to the need of educating the disabled about their rights, organizing training programs and preparing the infrastructure in order to accommodate them in the labour market. Al Jaib also said that it was important to create a positive image of the disabled, respect their rights, treat them equally and establish an advocacy group to achieve this. She also pointed to Bahrain's failure to ratify the Convention on the Rights of Persons with Disability, and the absence of a special law which protects the rights of the disabled.

Democracy and Human Rights

Al Muntada Society organized a seminar on 'Democracy and Recognition of Human Rights' attended by a group of politicians and human rights activists, intellectuals and public figures. In his speech, Alzawawi Bagura, lecturer in contemporary philosophy in the University of Kuwait stated that adopting liberal democracy as a political system contributes to the creation of a civil society and the separation of religion from politics. According to Bagura, this and an increase in personal freedoms would make the state and society fairer and more progressive. He added that patriarchal societies suffocate women's rights and distort women's images of themselves and their identity.

More Women's Rights

On 1 February 2010, and on the occasion of Arab Women's Day, the General Federation for Bahrain Trade Unions praised the achievements of working women since the reform period. However, it also pointed to the continuing gap between women's rights as stated in the Constitution and what takes place

in the real world. The Federation highlighted many outstanding issues, which remain under discussion in Parliament such as maternity leave, sexual harassment in the work place and discrimination against women with regards to wages, promotions and training opportunities.

The Federation also organized a seminar entitled 'Working Women: between Constitution and Legislation' in which a Federation official, Suaad Al Mubarak, spoke of the increase of discrimination against women in both private and public sectors.



Memorandum on Domestic Violence

The Women's Union presented a memorandum containing its and other civil societies' visions and proposals regarding the Protection from Domestic Violence bill, signed by approximately one thousand people. The memorandum argued that social values are insufficient deterrents, stressing the importance of issuing a law which criminalizes domestic violence. The Union had proposed a bill to the House of Representatives three years ago which included 30 articles. Article 13 states that 'in the case of grave danger which threatens the life, health or safety of the victim or the inability to prevent this danger from befalling him/her, the court can for the sake of the victim's protection, force the abuser to leave the family home'.

Political Reform in the Gulf

From 8-10 October 2010, the twelfth Development Conference was held in Bahrain. The Conference is a forum for intellectuals and political activists in the Gulf. The participants discussed the experiences of national assemblies in four of the Gulf States: Kuwait, Bahrain UAE and Saudi Arabia. The Bahraini thinker Ali Fakhro called for 'conciliations between all Islamic political movements and liberal and nationalist ones. This is in order to form a strong bloc before taking any political move'. The General Coordinator of the forum Muneera Fakhro expressed her regret at the failure to involve citizens in decision-making:

'we in the Gulf, are still run by a small political elite, and the current situation does not constitute the minimum of our aspirations'. She added that 'our message to decision-makers today is that we are mature enough to practice democracy. We are well qualified and deserve democracy, and nothing but democracy'.

Kuwaiti MP Rola Dashti criticized the large number of ministers' questionings in the Kuwaiti National Assembly, and that the ministers' concerns are limited to merely

Princess Sabeeka: the Quota System should not be Imposed

The wife of the King of Bahrain, Her Royal Highness Princess Sabeeka bint Ibrahim Al Khalifa, said in an interview with Al Hayat newspaper on 8 February 2010 that she does not perceive any obstacles which prevent Bahraini women from participating



alongside their male counterparts in building their nation. At the same time, she rejected the idea that Bahraini women should enter parliament through the quota system, adding that 'imposing the quota system could bring unqualified women into positions of authority, which might negatively affect the political experience of the Bahraini woman and cause setbacks in her participation in this field'. She also hoped that the participation of Bahraini women in the next parliamentary elections would be a success and proof of political maturity. She also said that she does not relish the idea of politically imposing women through the quota system, expressing her desire that Bahraini women follow the same route as men in securing seats in parliament, whereby they are elected by the people through persuasion and not by imposition.

providing services rather than addressing crucial issues, and called for amending the Constitution. On the other hand, Ali Fakhro noted that 'the presence of the state in the Gulf is very strong and with it comes a very weak society' claiming that the state has engulfed and weakened society in the region.



Muneera Fakhro

He also called for adjusting the balance of power between the two, through a reconciliation of state and society,

and creating a strong political bloc from all political movements. Shamlaan Al Esa said that 'no democratic experience can flourish in a closed society' asserting that the cultural aspect must be taken into consideration, as it is the root of the democracy crisis in the region. Saudi participant Mohammed Sadhaan flagged the absence of democracy in his country as the main obstacle in the face of reforms in the entire region, and if addressed 'all the Gulf States will enjoy democracy'.

Protest Demanding the Release of Detainees

On 20 February 2010, a peaceful protest was held demanding the release of detainees in the 'Maameer' case, when an innocent Pakistani worker was burnt to death during riots. The families of the detainees and a number of political activists and religious leaders participated in the protest, in which they carried banners and pictures under the Bahraini flag. They also issued a statement saying they will use all peaceful means to demand the release of the detainees.



BABCO workers protest

On the 6 February 2010, hundreds of BABCO workers protested with their families opposite the refinery gate against the privatization of the company, and against what they called discrimination against local workers in favour of foreigners, with regards to incentives, wages and promotions. The protestors carried banners which read 'No to



discrimination between national and foreign workers' and 'No to discrimination between oil company workers'. This protest is the fourth of its kind in the hope that it will help solve existing problems between the BABCO Union and the Board of Directors.

Two More Protests

On 8 February 2010, graduates of the Social Studies department protested for the thirty first time opposite the Ministry of Education demanding jobs and the direct intervention of the King in order to solve their problem, especially after officials promised to employ them 6 months ago. Also, on 9/02/2010, another protest took place opposite the House of Representatives by the guards of Manama central market demanding to be included in company promotions.



No link between Violence & Freedom of Expression

During a seminar organized by the Bahrain Lawyers' Society, the legal advisor Ahmed Abdul Hakeem gave a lecture on freedom of opinion and expression in Bahrain, saying that peaceful channels and legal means of expression (such as parliaments, unions and political societies) are well known throughout the world. He added that all these legitimate means are available for people to express their opinions, and that violence and crime are forms of terrorism rather than free expression. He also noted that there are those who justify riots and violence, falsely claiming that they are forms of freedom of expression. These justifications are unfounded and have no legal basis; rather their sole purpose is to force the state to change its policies. Abdul Hakeem also said that the Bahraini legislator has criminalized all forms of violence, and attempts to confuse freedom of expression and violence constitute violations of the law, constitution and political and social values.

The Minister of Interior Answers Fayrooz

In response to MP Jawad Fayrooz's question regarding the torture allegations contained in the HRW report, the Minister of Interior Shiekh Rashid bin Abdullah Al Khalifa said that: 'the Ministry of Interior is investigating all complaints regarding allegations of breaches from one member of the security forces, and all legal procedures are being taken. If the breach proves to be true, all necessary procedures



MP Jawad Fayrooz's & Minister of Interior

to hold the perpetrator accountable in accordance with the Penal Code and the Security Forces Act will be taken'.

The Minister also said there are other bodies in the Ministry which are responsible for receiving and investigating complaints including the Administration of Complaints and Human Rights. He added that 'approximately 32 cases have been investigated by the Ministry of Interior in 2008-2009, and are being dealt with in accordance with legal procedures'. However, the Minister also added that 'no case has yet been referred to the courts, since no torture has taken place and there has been no legal ruling which charges any member of the security forces of committing torture'. The Minister believes that 'such claims and torture allegations are merely based on rumours, and there is no concrete evidence to support them'. He also referred to detention centers by saying: 'all these are subject to judicial inspections by the Public Prosecutor and the Judiciary, who have the legal right to inspect and investigate any complaint within the legal boundaries and to take the necessary legal procedures against anyone who violates the law'.

Reactions to Human Rights Watch Report on Bahrain

It is difficult to give a complete account of the many reactions to the report issued by HRW. However, in order to portray a general picture with regards to the local repercussions of the report, and highlight the extent of free dialogue and the nature of the human rights political movement in Bahrain, we have chosen a selection of views, which reflect the different spectrum in Bahrain. We also believe that all current debates are positive and beneficial for the political and human rights situation in the country in the long run.

Interior Minister Requests that Allegations be Investigated

The Government is eager more than anyone else to achieve justice for this country and its people and also rejects the use of torture in principle. Systematic torture does not take place in Bahrain and any action which involves mistreating any citizen or resident will not be ignored. The Government is also keen that all procedures are made clear, sound and complete. The Ministry of Interior dealt with HRW with transparency and met its representatives, which is indicative of a genuine desire to cooperate. However, the Organization rushed to publish its report which had been prepared before these interviews. Hence, we were not given the opportunity to respond to the cases mentioned in the report rendering it incomplete in terms of procedure as it did not include our responses to the allegations. Despite this, I have requested that all procedures be revised and that the allegations in the report be verified. Ultimately, there are no confrontations or disagreements between HRW and Bahrain. We agree with the Organization if the objective is to improve the human rights situation.

Sheikh Rashid bin Abdullah Al Khalifa, Interior Minister. 15 February 2010

Foreign Ministry Promises to Deal with Violations Seriously

The Government was transparent and fully cooperative with HRW in the preparation of its report, allowing them access to official records and organizing meetings with Government and Public Prosecutor officials. However, the report was issued before the Kingdom of Bahrain was able to provide the necessary information and included some issues that require extra attention. As a result of this, the Government will look into the report's allegations and conclusions. This is so that Bahrain can continue to perform its duties in accordance with human rights international standards. If these allegations prove to be true, and have violated the law and international agreements, they will be referred to the concerned authorities in order to take the necessary actions. The Kingdom of Bahrain openly condemns any mistreatment of any individual under detention and will take these kinds of violations seriously. This is in order to continue applying international standards in the Kingdom and to protect human rights as a basic principal for the rule of law.

Sheikh Khalid bin Ahmad Al Khalifa, Foreign Minister. 9 February 2010

Our Human Rights File

Despite the comments and criticisms regarding human rights, be it from HRW or any other organization, the human rights situation in Bahrain is advanced in comparison to many countries in the region. What remains is for the relevant government authorities to adequately monitor the shortcomings and put into place realistic solutions. Filling these gaps will fail if a policy is adopted to doubt the credibility and impartiality of such human rights organizations. What is needed is to welcome these organizations in Bahrain and benefit

from their expertise as an ideal means of solving the outstanding problems. The reform project of His Royal Majesty is able to contain and solve these files.

Adil Marzooq, Al Bilad, 9 February 2010

We have Nothing to Hide

"We are not against impartial reports or visits by human rights organizations", the Minister of Interior Sheikh Rashid bin Abdullah Al Khalifa stressed in Al Ayam on 6 April 2009. He added that he invites human rights organizations to visit Bahrain, which indicates that he has nothing to hide from international human rights organizations: "we only want them to be objective, impartial and professional when preparing their reports about Bahrain and this is what we wished HRW had adhered to".

An editorial, Al Ayam newspaper 9 February 2010.

There is nothing called 'torture'

The Bahraini Government allowed the American organization HRW to hold a press conference where numerous allegations were put forward against Bahrain with the participation of some Bahrainis who claimed to defend human rights. This affirms the Government's confidence in its policies and its spotless human rights record. If Bahrain is a police state, would it have allowed such a conference to be held in its territory? There is nothing called torture; we are suffering from the excessive use of absolute freedom, whether it be in publishing, criticism or even the freedom to lie and deceive, as these are practiced in our country without any restrictions.

An editorial, Akhbar Al Khaleej, 9 February 2010

The Report should be Investigated

The [Lawyers'] Society believes that the issues raised in the HRW report regarding torture allegations are real. These issues were previously discussed with the Public Prosecutors and officials in the Minister of Interior and government apparatus. Therefore, these bodies should cease these practices and stop distorting Bahrain's image.

Hameed Al Mulla, Vice President of the Lawyers Association. Al Wasat, 14 February 2010

The Report and its Repercussions

Allegations of torture cannot be responded to with articles full of doubt and hostility. Rather, they should be met with an objective response from the concerned parties, especially as these parties have refrained from responding to HRW for four months. It is important to respond to the report with supporting evidence. The Ministry of Foreign Affairs should be praised for its diplomatic and responsible

response when it promised to look into the allegations. Allegations of torture taint any state or political system, and whoever loves Bahrain and cares about its reputation should strive to respect and promote human rights culture in the country.

Qasim Hussain, Al-Wasat 15 February 2010

A Question to the Ministry of Interior

There have been a significant amount of complaints from detainees, their lawyers and their families regarding torture, allegations of inhumane and degrading treatment during their arrest and subsequent interrogations by law enforcement officials in order to obtain confessions by force, whether these investigations were criminal or security related. Is this true?

MP Jawad Fairuz, Al Wasat, 14 February 2010

More Important than the Report

The credibility of the Ministry of Interior concerns us more than the credibility of any local or international report, as it indicates that we are on the right track regarding our National Charter. It is also indicative of our adherence to the principles and values which respect the dignity and rights of individuals as stated in our Constitution. Credibility cannot be achieved with the Ministry of Interior's mere denial of the accusations filed against it, for these accusations will not cease so long as the Ministry continues to only deny them. Credibility is in need of a mechanism which verifies allegations, so if one of its members commits a crime or violation (torture, misuse of power) then the rules of procedure of this security institution would deter him. There is a problem in the mechanism and rules, for the investigation can sometimes be conducted without the presence of lawyers, and visits by monitors are restricted. Most importantly, the citizens do not know the outcome of any internal investigations. The transparency of the Ministry and its rules of procedure in dealing with public opinion should speak for itself.

Sawsan Al Shair, Al Watan 16 February 2010

Controversial Title

Whoever reads the title of the report would think that unspeakable torture is taking place in Bahrain, whilst surprisingly, the actual report reveals that the alleged torture is neither extensive nor continuous. What do you expect of a report that depends in its information on figures who call for violence, vandalism, exploiting children and dragging them to illegal demonstrations, burning tires and using Molotov cocktails?

Al Waqt, 11 February 2010, Faisal Fuladh, Secretary General of the Bahrain Human Rights Watch Society

The Government's Response is Late

Members of HRW met with the Public Prosecutor; the ministries of Justice, the Interior and Foreign Affairs. In October 2009, they spoke with the Public Prosecutor and representatives of both Justice and Interior ministries in order to obtain a response to torture allegations. HRW did not receive any response, and contacted them again in December 2009, but it only received a response from the Inspector General of the Ministry of Interior who said in his statement that he had passed its message on to the human rights committee in the Ministry. The Ministry of Interior submitted its response to HRW's

letter one day before the press conference in which the report was publicized, and the Ministry of Justice's response came on the same day of the conference. The said ministries should not have ignored all these enquiries. HRW was in Bahrain 10 days before the press conference, and had meetings regarding foreign workers in Bahrain, whereas the report on torture had already been completed one full month earlier.

Abdullah Al Drazi, Al Wasat 17 February 2010

The Government's Positive Response

It was good enough that the Bahraini Government allowed the publication of HRW's report in Bahrain although it knew that the report in general would not be in its favour. Perhaps the only mistake made by the Government was failing to respond to the many questions posed by the international human rights organization at the right time. Assuming that the report is generally accurate, it did not confirm the existence of systematic torture in Bahrain. Rather, according to the former Secretary General of the Bahrain Human Rights Society, Abdulla Al Drazi, the report describes individual cases which the Minister of Interior is easily able to discover and punish the perpetrators. We demand that the Government does not turn blind eye to the report- despite its shortcomings- and investigations should start immediately on these allegations.

Ahmad Zaman, Al Bilad 24 February 2010

Unalarming Report

The report of HRW should not alarm us if the allegations it contains are unfounded. In fact, the response to this report should be transparent and accompanied with evidence. Furthermore, the security forces should publicize any individual breaches in order to promote transparency and credibility.

Radi Al Mosawee, Al Waqt, 10 February 2010

We Do Not Target Bahrain's Reputation

In light of current developments of human rights in Bahrain, we should always aim for the best and aim to uncover the shortcomings and setbacks to the public and political leadership in order to avoid their reoccurrence and find appropriate solutions. Everyone should understand that we do not aim to taint the reputation of Bahrain locally and internationally, and will not accept any distorted information which harms Bahrain. The state should discuss all allegations included in the report objectively in order to protect the reform project.

Abdulnabi Al-Ekri President of Transparency Society, Al Wasat 22 February 2010

Bahrain has not Returned to Square One

Despite that some reports indicate some setbacks in the human rights situation, Bahrain has still achieved tangible progress in this area. Bahrain has not returned to square one and will not do so as long as there are praiseworthy official positions such as the position of the Minister of Foreign Affairs as well as the Ministry of Interior, which has responded positively to the report. Our future aspirations include that the State revises issues and verifies the allegations contained in the report, and attempt to find suitable solutions.

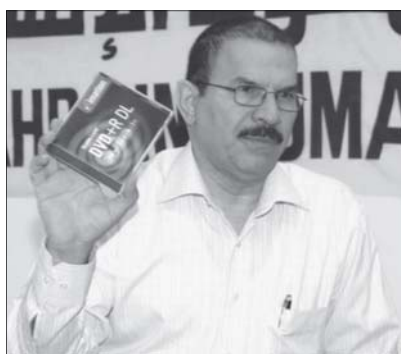
Abdallah Al Drazi Former Secretary General, Bahrain Human Rights Society. Al Wasat 22 February 2010

Politicization Removes Drazi

Earthquake in Bahrain Human Rights Movement

Anyone who follows the activities of the Bahrain Human Rights Society, the first human rights society established during the reform era, knows that it had achieved a great deal during the leadership of the recently resigned Abdullah Drazi. Drazi contributed significantly towards the development and maturity of the Society as well as building bridges with the official authorities concerned with human rights.

Despite being a leading human rights activist, Drazi remained a member of the political society Wa'd, claiming that his political affiliation did not conflict with his human rights activities. However, Drazi should by now be aware that the



Abdullah Al-Drazi

political position of Wa'd has limited his freedom of expression with regards to human rights issues. The breaking point for Drazi came after his statement on 9 February 2010, when he praised the courageous steps taken by the King during the reform project, such as cleaning prisons, returning exiles and abolishing the State Security Law. Drazi also praised the Government's openness and its unprecedented expansion of freedom of expression to the extent that a conference was held in Bahrain to discuss a very sensitive issue (he was referring to the Human Rights Watch conference on torture). He also said that it would have been impossible to hold such a conference in the country 10 years ago. Drazi also praised the Ministry of Interior and its Minister for his reform steps, and

gave examples of his cooperation with the Society, describing the relationship between the Society and the Ministry as 'good and improved'. He also pointed to the fact that the security officials whose names were mentioned in the HRW report have nothing to do with the issue of torture. The political movement Wa'd was obviously displeased with these statements, so the political pressure mounted on Drazi, pushing him to resign.

The duality of political and human rights affiliation as well as the dominance of political societies over the human rights field, have transformed human rights activism into merely a political tool. This means that the visions of human rights societies have become governed by politics, forcing activists to adopt specific opinion, which they do not necessarily believe in. This also pushes them to accept evaluations of the human rights situation based on a political judgment. Not only does political polarization contribute in isolating these societies, it also clashes with official and civil bodies.

We have early warned of the consequences of politicizing human rights despite our awareness of the circumstances of democratic change, and the relatively new experience of political and human rights in the country. The negative results of connecting human rights with political affiliation have now appeared, highlighted not only by the experience of the Bahrain Human Rights Society (BHRS) and the Bahrain Centre for Human Rights, but also evident in the experiences of many other human rights societies, who were busy either in finding excuses for violations or denying that they ever took place. The writer Sawsan Al Shair has equated both parties by saying: (one group was unsuccessfully polished by the Government and this group denies any allegations, whilst the other group believes any allegations against the Government), (Al Watan 05/02/2010).

Saeed Al Hamad wrote that 'the resignation of Drazi reflects the

predicament of the human rights and politics duality' and that Drazi 'was its victim'. He continued by saying that the resignation 'reflects the effect of this duality on anyone who is both a party member and a human right activist, who should supposedly be independent from any political influence. Most human rights societies suffer from this particular problem'. We find this analysis both accurate and correct. (Al Ayam 17/02/2010)

The Minister of Interior noticed this and commented on the crisis of the BHRS by saying that it is necessary to work towards stripping members of some civil societies (especially human rights societies) of their political affiliations, so that their civil role is not affected by a political one. (The Minister of Interior addressing parliamentary committees, 15/02/2010).

We regret the resignation of Abdullah Drazi and we very much hope that he will return to the human rights field, which needs individuals like him. We are concerned that the new human rights society Salam (which is in the process of being formed) will fall into the same trap. We hope that the society will be established in the near future, however we advise our brothers in both Al Wifaq and Salam society to separate human rights and politics and call upon political figures in Al Wifaq not to influence the activity of their colleagues in Salam. This will weaken Salam and render it useless in politics and becomes a mere media organ in political conflicts. In order to achieve this separation, Salam's founders (be they members or leaders) should resign from their political positions in Al Wifaq. Salam should also be financially independent and place strict restrictions on their human rights performance to avoid slipping into politics or becoming partial to its allies. Finally, it should adhere to human rights standards so that its establishment constitutes a real step in the development of Bahraini human rights.

The High Cost of Human Rights violations

Hasan Moosa Shafaei

It is obvious that maintaining the rule of law will prevent human rights violations from taking place. It is possible to say that when countries violate human rights of their citizens under the pretext of protecting the security of the state, the opposite effect is achieved. In other words, violations destabilize the regime and the security of the country; and help deteriorate the situation as opposed to bringing about stability and peace.

The route taken by human rights violators to achieve stability and security is wrong. Thus, the claim that adherence to International human rights standards will only weaken the State's security, is false. It is for this reason that the Universal Declaration of Human Rights stresses that the enjoyment of the protection of legal system of human rights prevents individuals from resorting to rebel against tyranny and oppression.

It is worth remembering this fact especially at a time when there is fierce debate concerning torture in Bahrain. Understanding the amount of loss inflicted by the occurrence of human rights violations is an issue that deserves deep thought. Violating human rights is costly to any state and to any society, not only at the moral level but also harms Bahrain's reputation abroad. Human rights violations have huge implications including:

- They weaken the society's confidence in the Government and its security forces as well as impeding cooperation between society and Government. Additionally, violations encourage some citizens to violate and

disrespect the law and help develop hostility towards the security and judicial apparatus.

- Violations increase tension in the street and escalate violence and rioting. Historically, violations represent the fuel and justification for extremism. We have noticed that extremists in Bahrain attempt to involve the police in clashes in order to create a suitable environment for violating the law. Hence, respecting the law by Government organs help solve the problems and disagreements peacefully and promote a better relationship between the State and its citizens.
- Violations harm the reputation of the judicial system even if it is not directly involved. This because the Judiciary is a refuge for individuals and symbolizes justice. Therefore, people will question the role of the Judiciary in safeguarding and protecting human rights. In other words, violating human rights harms many Governmental bodies, distort their reputation and weaken their credibility.
- There have been some serious attempts by the Ministry of Interior to improve the relationship between society and the police to help combat and prevent crime through the recently established program 'Community Policing'. If violations occur, this cooperation and efforts will be undermined and will isolate the police and the security system from society.
- The violations harm the reputation of the State and provide an



Hasan Moosa Shafaei

opportunity for criticizing it by international human rights organizations and the media, which is something extremists try to accomplish. The violations also increase political pressure on the State which could perhaps be exploited to achieve goals that affect the State's sovereignty and independence.

We are confident that there is a political will to respect human rights in Bahrain and also a public and official consensus in condemning torture. There is a clear interest in preventing the occurrence of any form of violation. However, there remains a missing link which is the weak transparency regarding the individual breaches that take place, which then lead to exaggerating the situation and presenting these breaches as systematic. If sufficient transparency existed, it would reveal that the breaches are minimal. Such breaches occur in most countries of the world and there is no way to completely eradicate them. We demand the concerned bodies to prevent the occurrence of violations by taking preventative steps and procedures. We also demand that they deal with the issue with open-mind and open their files as this is the only way to promote their credibility.

Torture in Bahrain: Political and Social Environment

On 8 February 2010, Human Rights Watch launched a report about Bahrain under the title: (Torture Redux: the Revival of Physical Coercion during Interrogations in Bahrain). The report confirms the disappearance of torture in Bahrain since the beginning of the reform project in 2001 and until the end of 2007 where cases of torture began to emerge once again.

Many issues related to the report have been officially discussed and explained. Though the officials have categorically denied the occurrence of systematic torture, they, however, have promised to investigate the information contained in the report assuming that there may be individual cases of abuses. This article discusses the reasons that the report believes they lead to abuses, including torture. This approach goes beyond discussing individual violations to examine the political, social and legislative environment in Bahrain. This is the area that the report did not examine thoroughly though it was very useful to understand the context of torture allegations. The reasons will be examined one by one with some observations, explanations and solutions that may help Bahrain to close this file.

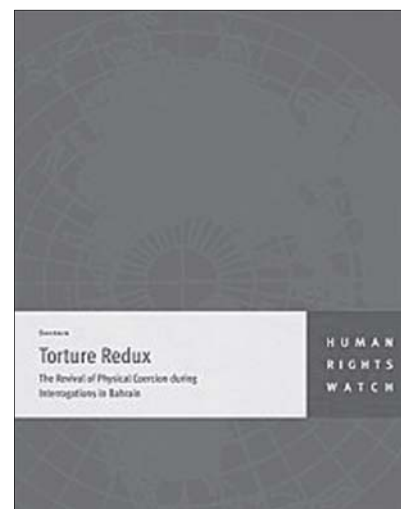
The report attributes the emergence of torture in Bahrain to increasing (political tensions ... in Bahrain. Street demonstrations involving young men from the country's majority Shia Muslim community protesting alleged discrimination by the Sunni-dominated government deteriorated with increasing regularity into confrontations, sometimes violent, with security forces). Thus, this quotation refers to the following reasons: 1/ the growing political tensions; 2/ using young people in street demonstrations; 3/ protests against discrimination; 4/

confrontations between demonstrators and security forces.

Increasing political tensions

Democratic political transformation in any country passes through transitional period. The transition from one phase to another is always coupled with obstacles and immense difficulties. According to current analysis of the matter, there is a political process in place, involving active political actors. This process is not facing deadlock, although its momentum is slowing down, and at the same time the process does not face strong opposition from within the political system to hinder its performance. Additionally, the period covered by the report (2007-2009) is characterized by relatively good relations and cooperation between legislative and executive branches. Therefore, it can be said that there is no (political tension), but rather there is (security tension) created by a minority that rejects the political process and does not even recognize the ruling system. This minority creates tension in the street, violence, riots and destruction of property. This radical minority in particular, is largely responsible for slowing the momentum of the political process and contributes to human rights violations, either directly or indirectly through excessive reactions by the security forces to its practices.

Two political blocs are competing since the launch of the reform project. One bloc is working towards a smooth democratic transition, while the other bloc is striving to impede this transition under various grounds. These contradicting/adverse positions lead to a conflict and security tension between the two sides and eventually to



human rights violations. This situation poses a challenge for everyone and puts the reform project to a test from two sides: the need to continue the democratization process; and at the same time the need to maintain security and order without committing human rights abuses.

It is, therefore, necessary to continue to try to absorb the radical opposition within the political process, while recognizing the fact that the opposition rejects this approach since it is apparent that the radical opposition is not against the reforms and the political process only, but also against the political system altogether. It is also incumbent on the Government to reaffirm its commitment to human rights standards while countering street rioting and violence including good treatment of detainees involved in such events and the prosecution of human rights abusers without delay. Moreover, the reform project always needs to renew itself and blood. It needs to be brought to the fore once again taking into consideration the current transformations at all levels in order to translate its objectives to a dynamic and genuine acts so the citizen can feel that the principles of the National Action Charter and the Constitution have been translated into reality.

Demonstrations by young people

Frequent street demonstrations and

protests by young people should not be confronted, prevented or looked at as a negative phenomenon. The burden of studying this phenomenon is largely on the media, social workers, academics, officials of social welfare, youth and sports department, legislators, enlightened clergymen, and student associations. The question is: Why do many demonstrations and sit-ins take place in Bahrain, and why large numbers of young people participate in them? Obviously, there are political, social and living conditions that should be addressed from the roots. There is need to organize events and activities for the youth in order to convert their energy into development projects through which young people can express themselves and contribute positively in nation building. But until then, the demonstrations, if organized peacefully and according to the law, will not necessarily lead to security tensions. There is a margin of freedom that any citizen can use according to law.

Protests against discrimination

The problem of discrimination exists in all countries of the world. It also exists in Bahrain in relation to women, foreign labour and other social groups. The Human Rights Watch report refers to discrimination against the Shiites only. The Bahrain Human Rights Monitor believes that there is no systematic discrimination against the Shiites during the era of reforms, and that there are real efforts to get rid of the legacy of the past in order to balance the political and social condition. There are many ways to fight discrimination, for example through (positive discrimination/affirmative action). However, it can not be accepted today, with the political process going on, that discrimination is the cause of security tension as there are no new discriminatory actions taken by the authorities. In the final analysis, street violence

and rioting is not a logical solution to get rid of the legacy of the past. On the other hand, while reaffirming that discrimination leads to tense situations in many cases, it is clear that the texts of equality contained in the Constitution and the National Action Charter, are not enough to put an end to all forms of discrimination. Therefore, it is important to have in place legislation outlawing all forms of discrimination. Legislative Council should play its role to study discrimination and develop legislative solutions to it. Protests against discrimination should be staged in a civilized and peaceful manner, and the State should allow peaceful protests without compromising national security.

Confrontations between demonstrators and security forces

The State must respect all components of society without restricting the rights of any one to express their political views peacefully. The organization of demonstrations requires the procedures to be followed, including obtaining a license and determining the location and time. Demonstrations organizers should be vigilant and careful for the safety of everyone as well as the facilities of the State. The State should ensure the safety of demonstrators and other protesters in addition to State facilities. Therefore, there is need for coordination between the organizers of any demonstration and the authorities that grant license to demonstrate. If each party sticks to its boundaries, there will be no confrontation, on the contrary security forces will protect the protesters, and protesters will thank the security forces for providing a healthy environment for demonstration. This is the ideal way for the organization of peaceful demonstrations, where everyone avoids any confrontations between protesters and security forces.

There is no need to impose a fait accompli, by demonstrating without a permit from the competent authorities, as is happening now from the radical parties who incite their followers to destroy properties, burn power transformers, and attack the security forces. These acts are against human rights, and the excessive response to these acts by security forces also constitutes human rights violations. The cause of the clashes between demonstrators and security forces, and the subsequent arrests and the allegations of torture, is attributed to those who do not want to comply with the law by obtaining the required license and commit themselves to peaceful demonstration. We stand by peaceful and civilized demonstrations as well as by legal, humane and civilized reactions by security forces.

Stork: No return to square one

On 08 February 2010, Joe Stork, Deputy Executive Director of the Middle East and North Africa of HRW, stated at a news conference in Manama that: (obviously, since the beginning of this century, Bahrain has shown the world that political will can stop torture, which was evident in the period between 2001 and 2006. During this period it was clear that there were serious human rights issues, but torture is not one of them). He added: (it can not be said that Bahrain is back to square one, but when talking about the return of torture, there are serious issues in this regard). He pointed out that the (government reports and medical documents do not mean a return to square one. Today we are talking in a public place and the press conference is allowed without a license, and, therefore, there is no similarity between the way things were ten years ago and now).

Press Law will be born soon!

On 23 February 2009, and after a long wait, Parliament discussed the bill of the Press law. There have been delays in the discussion of the bill in recent years, which have triggered debates both inside and outside Bahrain. The outcome of the discussions and the nature of the law itself remain unknown. Bahraini journalists generally are dissatisfied with the current 2002 Press Law, which was under constant scrutiny by international human rights organizations. So, will the new amended law satisfy all the parties? And will this law meet the standards set for public freedoms?

Both the Government and the Shura Council presented different versions of this bill; the latter was welcomed by the Bahraini Journalists' Association (BJA), MPs and the Bahraini media in general. The bill was also welcomed by several Arab and international organizations concerned with freedom of expression. The debates between the Government and Parliament over the bill will decide the future of the Press Law. It is evident that the debate has moved to the Bahraini street and advocacy groups started to move in different directions. The BJA and civil society institutions have tried to influence both the Legislative and Executive authorities in order to enact a law that promotes freedoms in Bahrain. Thus, as soon as the beginning of the discussion on the new law was announced, journalists quickly met the President of the House of Representatives. Then, on 13 February 2010, the BJA issued a statement calling on all its members to gather in front of the Parliament to demand the ratification

of a developed and enlightened Press Law. The BJA also expressed its regret that some members of the 'Parliamentary Service Committee' wished to connect the Press law with the Penal Code. The BJA stressed that 'detention of journalists clearly goes against democracy, the whole journalistic body and the attitude of the leadership which has called for the omission of detention as a punishment against journalists'.

Due to mounting pressure on the Service Committee, it decided to remove its proposal regarding the detention of journalists but kept the financial penalty if a journalist 'participates in publishing material that incites killing, stealing or arson, even if the incitement does not result in a crime'. The Committee adopted the version of the bill presented by the Shura Council as an original bill and dealt with the Government proposal as an amendment to the original bill, which was contrary to the wish of the Government.

The member in the Shura Council Ibrahim Al Bashmi was interviewed about the Press Law and the atmosphere surrounding its discussion. Al Bashmi described the law that the House of Representatives attempts to create as a deformed law. He also criticized the Government for failing to convey its message to international organizations. In addition, he also criticized international organizations for 'their reliance on political figures that do not work under a legitimate political umbrella and only reflect their own one-sided view'. Al Bashmi also believes that 'the freedom of expression, which is currently available in Bahrain, places it in an



advance position when compared to many Arab and Gulf States'.

On 23 February 2010, during the first meeting to discuss the bill, MPs tried to grind out their differences. 24 MPs supported a modern and developed legislation which would satisfy the aspiration of journalists

New Law for Prisons

On 23 February 2010, the House of Representatives ratified the bill reforming the rehabilitation institutions 'prisons'. The law allows civil human rights institutions to visit these centres in order to inspect the conditions of the inmates after obtaining permission from the Ministry of Interior. This law states that 'a detainee has the right to be visited once a week, and can be deprived of visits for a maximum of two weeks, which is renewable if the Public Prosecutor believes that it is in the interest of the investigation'. According to the law the prisoner has the right to see his wife once a week in private. Prisoners also have the right to complete their marriage procedures. Article 60 states that 'it is not permissible to use force against inmates. Force can only be used to prevent violence, attempted escapes or to confront resistance'. Article 23 also states that a prisoner has the right to complete his education through long distance learning but at his own expense.

and the public opinion. MP Adel Al Moawda said that: 'we are for increasing the margin of freedom of expression' and MP Abdul Jaleel Khaleel stated that: 'we support an enlightened Press Law and we need frank opinions from journalists. We also do not support those who swear, we need honesty, we are surprised that a journalist can be taken to court for trivial matters'. In addition, MP Khalil Al Morzoq stressed that 'the Executive Authority should not dominate the media'. MP Abdulrahman also said: 'we reject the detention of journalists', while MP Jawad Fayruz demanded that 'the media and journalists' rights

Praise:

Two IOM officials, Yan Fleedman, an expert in combating human trafficking, and Fiona Al Asyouti, the regional representative for the organization, praised Bahrain's efforts in combating human trafficking phenomena at the local and international levels. This happened during the meeting with the Under Secretary of the Foreign Ministry Abdullah Abdul Latif, which took place on 9 February 2010. It is worth noting that the IOM opened its office in Bahrain in 2008 and previously launched a project entitled 'Building Capabilities and Increasing Awareness on Combating Trafficking in the Kingdom of Bahrain'. This project aims to help the Government and civil society to increase their capabilities to protect foreign workers, administer shelters, gathering data and law enforcement.

be protected'. Also, MP Latifa Al qo'od advised the parliamentary Committee which was studying the Law 'to benefit from the opinions of international organizations. We are not happy to see journalists being dragged to courts, because they expressed their opinions'.

Moreover, MP Sayed Jameel Kazim described the ideal press as the 'one which uncovers corruption. We support free and responsible journalism which does not live off on sectarianism'. MP Salah Ali pointed to the fact that 'the press has uncovered many issues and information, which were hidden from MPs, some of which led to the establishment of parliamentary inquiry committees, and the Council discovered later on that the information was true'. MP Essa Abu Al Fatih supported the idea that there can be 'no reform project without freedom of expression, we must have a law that supports the press'. Also, MP Abdulrahman Bu Majeed said that 'we need to put into place some limitations, but we reject the detention of journalists'. MP Mohammed Jameel Al Jamri added that 'people cannot interact with their representatives without using the press, any calls for the limitation of freedoms under any excuse will suffocate the democratic atmosphere'. Finally MP Sayed Abdulla Al Aali believes that 'if the freedom of the press does not increase, the means of accountability and real supervision will not develop'. These were some of the opinions held at the eve of the discussion of the bill. It reflects the positive atmosphere which was filled with wise opinions and great expectations. We hope this will result in the ratification of the Press Law very soon.

The detention of Journalists Freedom of expression is meaningless

The President of the IFJ Jim Bu Milha supported the position of the BJA regarding the abolishment of detention as a punishment for journalists.

He also added that 'it seems that there are some MPs who do not want



to see the ratification of a modern amendment which keeps up with the standards in the developed world. Bu Milha regarded the linking of the Press Law with the Penal Code or any other law as very dangerous. He said that "all this press freedom in Bahrain will become meaningless if the detention punishment remains in any form. We must not imprison journalists for what they write; even the worst journalists should not be treated in this manner.'

Bu Milha also said that the House of Representatives should understand that the press is the cornerstone of democracy and that MPs cannot practice democracy without the press. Moreover they cannot make the right decision without the press, which provides them with information and various opinions, the press acts as a supervising authority. Bu Milha also criticized website censorship and described it as backward which is bad for Bahrain.

The Secretary General of the IFJ Aidan White said that 'the Government should consult with Bahraini journalists regarding the Press Law and the issue of self regulation'. He added that 'any proposed laws will fail without the support of the journalists'.

Bahrain Human Rights Monitor:

Calls for Objective and Calm Dealing with HRW's Report

Within the context of different views in Bahrain and abroad, and different reactions about the report of Human Rights Watch (HRW) recently issued on 08 February 2010, the Bahrain Human Rights Monitor (BHRM) calls upon all parties concerned to deal with the report with the requisite objectivity and not be hasty in making judgments. The BHRM also calls upon the relevant parties in Bahrain to undertake an extensive and thorough study of the report; form a committee to look into allegations of torture contained in the report; and address such allegations if proved.

Following a careful reading, the BHRM can make the following points:

- The report came after a very short time of launching HRW's annual report in Dubai in the last week of January this year. This does not seem normal to the observer of the work of international human rights organizations. But objectivity requires us to consider it as a matter of coincidence that does not happen very often, and thus dealing with the report in good faith because HRW, though does not have much of the information on Bahrain, is not an enemy of Bahrain or human rights.
- The report came as a result of a visit by HRW to Bahrain in June 2009 lasted about two weeks, and the Bahraini government allowed them access to interview whoever they want to interview without restrictions or censorship. HRW also met with a few human rights activists and human rights organizations in Bahrain. HRW was even allowed to familiarize themselves with many documents and records of the Bahraini courts, public prosecutor's office and security forces. HRW also examined the medical reports in relation to complaints of ill-treatment. This positive development should be built upon. This point is in favour of the Government of Bahrain, which seemed more confident in dealing with the human rights file, and more willing to deal seriously with international organizations and allowing them to contribute positively to correct and draw lessons from past mistakes.
- There is need to build on the objective and calm reply of the Foreign Minister Sheikh Khalid bin Ahmed Al Khalifa related to Bahrain's obligation to consider the allegations raised in the report and referring them to the relevant authorities to take the necessary actions.
- On the other hand there is need for HRW to be patient until receiving the Bahraini government's response to its legitimate questions. There is no doubt that the Government of Bahrain was late in submitting their answers to some questions, and Bahrain should be aware that the delay for any reason it is not useful. The clarification of the facts about human rights issues, and trying to address the shortcomings with the formal and informal institutions, should be the end. This requires the Government to speed up the creation of a mechanism to respond to international organizations within specific period of time.
- The Bahrain Government, as well as civil society organizations, should be keen to meet human rights organizations visiting Bahrain. Furthermore, the relevant official bodies should provide the necessary assistance to such organization to facilitate their missions and tasks. This approach will help visiting organizations to meet a broad spectrum of relevant actors, and to form a general picture of the situation closer to reality, as well as to provide information for research purposes.
- BHRM also thinks that Bahraini human rights organizations can carry out its functions through a mechanism that meets periodically to discuss the latest developments in the field of human rights in Bahrain for protection and promotion purposes. Such a mechanism would invite a government official each time to discuss a specific human rights case in order to find solutions.
- Finally, BHRM considers that the time has come to designate the members of the National Foundation for Human Rights to commence its work, being the best place to deal with such reports.