

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



**Bahrain Human Rights Monitor**

مرصد البحرين لحقوق الإنسان

Issue 21 • October 2010

## In this issue

- 2** The Future of Bahrain  
Depends on Freedoms
- 4** Bahraini HR Defenders:  
Steadfast in Protest
- 6** Political & Religious Forces:  
Time to Review Actions
- 8** Elections: Chances to  
Eliminate Violence
- 9** Interview with Rachid Mesli  
of Alkarama Organization

## Security Tensions: Great Loss to all

It is quite certain that the political reforms and freedom of expression in the new democratic experience have benefited everyone. This includes all political players, civil society organizations, active parties in society and political and religious figures.

The political system has strongly promoted its legitimacy and strengthened its relations with the various social segments in an unprecedented way through the reforms. The available atmosphere of freedom has undoubtedly helped in spreading awareness in society and has provided a wide opportunity for self expression. It has also contributed to the increase in the number of civil society organizations. In addition, human rights organizations saw a decrease in incidents of human rights violations. This is evident when comparing human rights reports issued before and after the 2000 reforms. International organizations found refuge in Bahrain, something which they had never found before in any of the neighbouring countries. They were allowed both to open offices and use Bahrain as a regional base for their activities and training programmes.

Political parties, which used to work underground, have had the opportunity to appear on the surface, register as political societies, establish their own offices and have representatives in the Parliament. Moreover, many of their members also work in civil society institutions, including human rights ones. But unfortunately, some of these members have adopted extremist ideas and called for the overthrow of the regime. Had it not been for the wide margin of freedom available in the country, these extremists would not have been able to perform any of their activities. They protested and demonstrated for years, talked, made speeches and did what they wanted, including setting fires and inciting street violence.

Any party that considers itself a winner in the current situation is in fact a loser. The security tensions do not give Bahrain a good reputation as a state or as political system, even with the excuse that it was forced to take tough measures in order to confront violence and riots. Also, it is not in the interest of Bahrain and the political system to say that human rights and public freedoms have deteriorated, even for a short and temporary period. Furthermore, international human rights organizations will not be happy about the current situation. It is most likely that they are waiting to see positive developments in the fields of freedom of expression and political participation such as elections and the ratification of both the Press Law and the Civil Institutions Law. One could also say that the developments in the last two months constitute a great loss to local politicians and human rights societies.

In summary, any damage the political process through immature and irresponsible practices will not harm one party only. Any breaches of the atmosphere of freedom, abidance by the law, and respect of human rights represent a major loss to all. Whereas it is only by adopting the language of reason, logic and respecting every person, that all governmental and public parties (including international human rights organizations) will make gains in this field.

## The President of the BHRM:

# The Future of Bahrain Depends on Respecting Human Rights & Fundamental Freedoms

The President of the BHRM and member of the National Institution for Human Rights (NIHR) Hasan Shafaei was interviewed by Al Ayaam newspaper on 3/10/2010, during which he discussed the latest political and human rights developments in Bahrain. He also provided answers to some of the questions posed by the foreign media on the following issues: democracy, the relationship between Bahrain and international human rights organizations, allegations of human rights violations and the future of the political and human rights situation in general.

What is your assessment of the security confrontations between the Government and extremists?

In my opinion, what took place recently came as a result of the escalation of the street violence, including attempts to block highways, vandalism of public properties, the scaring of citizens and tourists and disturbing the civil peace. This persisted for so long and the Government only responded when it had gone too far. Two months ago, the King stated that even if the law permits us to confront advocates of violence, the Government will not forcefully impose the law. However, the escalation of violence that took place afterwards compelled the Government to take swift action and put an end to this unrest.

But the Government says that what actually took place was more serious, and was in fact an attempt to overthrow the regime?

I believe that what was meant by 'overthrow' is that the ultimate aims of violence and riots are the overthrow of the regime. This can be clearly seen in the statements of the extremists themselves, as they publically express their desire to do so. However, foreign media read the issue differently, and thought that the phrase 'overthrow the regime' meant that there was an armed group ready to attack and take charge of the country. Let us leave it to the judiciary to describe what really took place.

Some have attributed the problem to an increase in sectarian feelings, claiming that this was the real reason behind tensions, as well as behind the mutual reactions at the social and political arenas.

I do not believe that sectarianism

is behind recent tensions. However, sectarians from all parties tend to take advantage of any security unrest, which is usually followed by sectarian tension. What took place was seen by some sectarians as an attack on Sunni rule, whilst others saw it as a Sunni government assault on the Shia public. In fact, advocates of violence do not represent the mainstream Shia population, and the upcoming October elections will confirm this. Sectarianism only thrives in a tense environment, and sectarians take advantage of disturbances in order to exploit them politically.

There are those who say that the Shia in Bahrain are subject to genocide and massacres?

Genocide and massacre!! These are big words, and an attempt to form political polarizations in order to exploit them politically. How many victims have fallen as result of these so-called massacres? None. However, this is merely an attempt to create a schism between Sunnis and Shias, and is a false allegation and rumour with no credibility. The Shia are citizens who have the rights of citizenship and are an important segment of society, which no one can or wants to marginalise or exclude. Bahrain cannot fly without its two wings: the Shia and Sunnis.

International organizations view the events as a suppression of the opposition. Is this really the case?

It is not the purpose of the regime to suppress the opposition, but rather to protect the civil peace. Nowadays, the opposition works under the official umbrella. There are 12 political societies, and most took part in the last elections, and will participate in the next

one. The one who wants to suppress the opposition will not initiate a political electoral process and undertake legislative and other reforms. The regime attempted to avoid confrontation even with the most violent opposition groups, which have refused to register as political societies in accordance with the law, for the sake of protecting the political process. In fact, many detainees were released several times. The recent confrontations could have been avoided, but violence on the streets of Bahrain has surpassed all accepted limits, and the Government's reaction was necessary to provide the minimum amount of security.

The international human rights organizations, which I personally work and cooperate with, are basically unaware of the situation in Bahrain, and I do not think their description of the situation is accurate. Although they document some human rights breaches, they do not seem to understand the general political and reforms situation. Hence, they have become preoccupied with the details, rather than seeing the wider strategic dimensions, and have favoured one-sided exaggerated information, ignoring the fact that a wide margin of freedoms and openness exists in the country.

Do you think that the events have affected Bahrain's reputation negatively, especially among international human rights organizations and the Western media in general?

The world is following what is happening in Bahrain, particularly with regards to the security confrontations. It is obvious that the media coverage and the statements of these organizations do not serve Bahrain's global reputation. I do not see any big changes in the way international organizations deal with the situation in Bahrain, and I believe they still have some shortcomings. Despite the fact that the Government was criticised for the way it dealt with a number of human rights issues, this time it did not care much about the reactions of these organizations, to the extent that it did not even respond to their letters.

I believe that international organizations have never appreciated the developments achieved in human rights in this country. Today, and after the strict security measures and decisions taken by the Government, I wonder what these organizations will say. However, sometimes I feel that some of these organizations have (unintentionally) participated in aggravating political and social tensions in Bahrain, which in turn has reflected negatively on human rights. Perhaps the political regime in Bahrain felt that the negative assessments of some international organizations will not change even if positive developments took place. This could be the reason for not responding to their letters. Of course we do not like to see any problems in the relations between the Government and international organizations. We also understand that it is in the interest of Bahrain and civil society organizations that relations and

honest in cooperating with the opposition and civil society institutions. Some opposition members, with clear political affiliations and history, were given the leadership of the NIHR, in addition to some previous opposition members, among them myself and the former Secretary General of the Bahrain Human Rights Society.

Despite this, some failed to appreciate the value of former political opposition or human rights figures heading the Board of Directors of the NIHR. The actions of the King and the Government reveal that there was no intention to exclude any one from the political process and public affairs. However, in the end, political affiliations were behind the resignation of the President of the NIHR, Kamal Al Deen. It is obvious that he was subjected to pressure from his colleagues in the political party 'Waad'. Abdulla Al Drazi was previously subjected to similar pressures, which ultimately led to

strategic vision, work plan and an annual report which illustrates their interpretation of events and their recommendations. On the other hand, local human rights organizations have the job of issuing statements and condemnations.

Despite this, and in response to the desire of the majority of the NIHR's members, we all agreed to issue a statement regarding the recent events. The president proposed a statement, which some saw as weak from a human rights perspective, then another was formulated with the help of the President and everyone agreed to it. But after its publication, the President was subjected to pressure and announced his resignation before we even knew about it in the NIHR. This is what really happened and hence, it is not right to resign just because the President has resigned. What the President did is not right, and we as members should now work towards bringing back the vitality of the Institution and maintain its credibility.

Where is the political and human rights situation heading in Bahrain? Do the observers who talked with such hope about the Bahraini experience have the right to be disappointed regarding the recent developments?

My assessment is that what took place during the last two months was necessary and limited, and does not harm or constitute a setback on previous reforms. Rather, it was just a necessary measure aimed at bringing the security situation under control. I hope that my assessment is correct. So far, any violations have been limited, and should not have taken place in the first place. There have been assurances in the statements of Bahraini officials and the King that the democratic process will continue and human rights will be respected. In addition, parliamentary and council elections will take place as scheduled and this carries hope of a better future. It is expected that the turnout for the coming elections will be high, and the election campaigns by political societies are currently at the centre of public debate and attention.

The recent events should not disappoint citizens and foreign observers. The future of Bahrain depends very much on freedoms, reforms and the respect of human rights and the law. The accomplishments achieved in this regard are great, and political parties should strive to maintain them for a better future.



communication between the two continues. It is good that the Government allowed the representatives of Human Rights Watch and Front Line to visit Bahrain and meet the families of the detainees and officials, and that they received media coverage of their activities and statements.

As President of the BHRM and as a member in the NIHR, were you surprised at the resignation of the President of the NIHR? And why did you not resign yourself as well?

Why resign when we have not started working yet? We are still in the preparation and building stage. I believe that the regime gave the opposition an important role to play in the NIHR, despite the fact that they kept their membership in their own political parties. This indicates that the regime was

a setback-albeit temporarily- in the position of the NIHR, as well as to a strategic loss for 'Waad' as a political society.

If the reason for Kamal Al Deen's resignation was due to a difference of opinion regarding strategic human rights issues, your question would be valid. But it is unacceptable to impose a political resignation on a human right issue. The reason behind the resignation of Kamal Al Deen is unrelated to human rights or to a position taken by the NIHR. I would like to clarify here that I was against the issuing of any statement regarding the recent events, as this is not part of the national institutions' work or mandate. National human rights institutions differ from human rights societies; the former should follow human rights events on a daily basis but not issue statements, rather they should present a

### Bahrain in the Report of the Observatory for the Protection of Human Rights Defenders: **Steadfast in Protest**

The Observatory for the Protection of Human Rights Defenders launched at the end of last September its annual report for 2010, which covers the situation of human rights defenders throughout the world. The Observatory for the Protection of Human Rights Defenders is a joint program between the International Federation for Human Rights (FIDH) and World Organization Against Torture (OMCT). The Observatory monitors the situation of human rights defenders throughout the year, and issue annual report coupled with analysis and recommendations.

The Secretary-General of OMCT, Mr. Eric Sottas said that defenders wherever they are perform an essential role in stand against abuses and violations, they are, more than ever, the cornerstone of the rule of law.

The title of the report comes under: "Steadfast in Protest" and the report included the situation of human rights defenders in Bahrain, which highlighted the following: political context; the continued obstacles to freedom of association; obstacles to freedom of peaceful assembly; the use of anti-terrorism laws to prosecute human rights defenders; and finally, judicial harassment of journalists exposing human rights violations.

It is difficult to review the entire report in this article, but we will try to focus on some aspects of it. Under (political context), the

report pointed out that since the universal periodic review (UPR) of Bahrain in April 2008, the year 2009 did not witness the adoption of expected key reforms to ensure greater respect for the rights of citizens. On the other hand, the report pointed to the deterioration of freedom of expression because of the blocks on some Internet websites, and prosecutions against some journalists, and media campaigns against some human rights defenders. The report also pointed to the non-amendment of the press law, which imposes prison sentences against journalists.

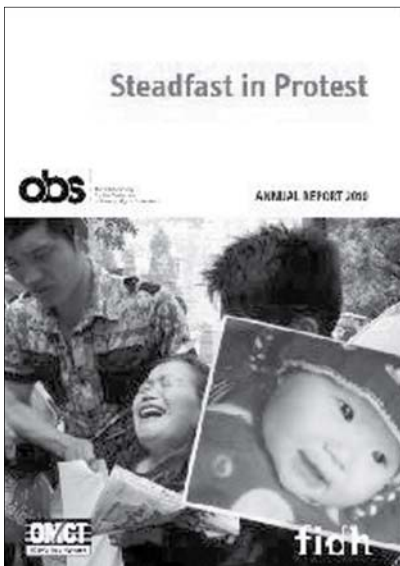
Under the political context also, the report pointed to a royal pardon issued in April 2009 to 178 detainees described by the report as political prisoners. Bahrain Human Rights Monitor (BHRM) has been calling for seriousness in dealing with international mechanisms for human rights, including the Human Rights Council and UPR mechanism, and it seems that there is need to remind about this call once again. Because there is a misunderstanding about the nature of the blocked Websites, BHRM suggests that the authorities concerned shall issue a list of such sites, and the reasons for their prohibition. Apparently the Judiciary is the right authority to decide the legality of such blockings. This has also been the call of civil society institutions, which have also called to refer the draft new Press Law

No. 47 for 2008 to Parliament for adoption after making the necessary adjustments, which include preventing the imprisonment of journalists.

Under the theme of (the continued obstacles to freedom of association), the report of the Observatory for the Protection of Human Rights Defenders pointed out that some associations had to carry out activities without registration, such as the Bahrain Youth Society for Human Rights, the Bahrain Center for Human Rights, and the Committee of the Unemployed. Despite the fact that these institutions operate on the ground, it would have been desirable if there was clarification from the authorities concerned to international human rights institutions on: why these associations operate without registration, or why the authorities withheld their registration, especially since there are dozens, if not hundreds, of civil society and human rights organizations that have been registered and operating in accordance with the law. We believe that the establishment of more associations and providing them with registration contributes to the promotion and development of society as well as the management of public affairs.

Under the context of (obstacles to freedom of peaceful assembly), the report of the Observatory for the Protection of Human Rights Defenders alluded to considerable restrictions on the organization

of peaceful public meetings in 2009, referring to preventing the organization of a seminar on the issue of “political naturalization” process in Bahrain. What is surprising here is the reliance of the Observatory for the Protection of Human Rights Defenders on one incident to confirm restrictions on the freedom of peaceful assembly at a time there are great numbers of licensed political societies



in Bahrain operating under the Political Associations Law of 2005. Such societies carry out their work freely, hold symposiums and seminars and public gatherings, have headquarters and private media outlets. Furthermore, the issue of naturalization has been thoroughly discussed in many seminars as well as in Parliament. We hoped to see a response from the Bahraini authorities on the issue of preventing the said seminar on naturalization, in case the Observatory for the Protection of human rights defenders asked

for an explanation from the Bahraini authorities.

Under the context of (the use of anti-terrorism laws to prosecute human rights defenders), the report of the Observatory for the Protection of Human Rights Defenders pointed out to the arrest of the “terrorist” cell, which was allegedly planning terrorist operations in Bahrain at the end of 2008. This file has been closed by royal pardon issued by the King of Bahrain on 12 April 2009. At that time the Bahrain Human Rights Monitor (BHRM) had demanded to bring the defendants to fair trials or release them immediately coupled with investigation into any allegations of torture. BHRM renews once again its call to restrict the use of anti-terrorism law and the subjection of all arrests that occur under it to judicial supervision, noting the fact that the anti-terrorism law has been approved by Parliament but the expansion of its use is unacceptable.

Finally, under the context of (judicial harassment of journalists who expose human rights violations), the report of the Observatory for the Protection of Human Rights Defenders pointed out to the prosecutions against two female journalists in 2009 namely; Mariam Sharougi and Lamees Dhaif. The former for publishing an article in al-Wasat daily newspaper in which she criticized discrimination in employment, and the latter for publishing an article in al-Waqt newspaper critical of the personal status section of the judicial system.

The BHRM believes that the time has come to develop a charter of honour between the Bahraini

press and the authorities in order to distance the press from prosecution, and enhance the role of the press as a fourth authority, and stresses the right of the press to criticize and fight against corruption, injustice and enhances its role to monitor all organs of the state. Any democratic transition cannot be completed without a strong press that can play its role without fear of prosecution.

In conclusion, there remain questions that need answers from all the parties concerned, including the Observatory for the Protection of Human Rights Defenders about this report, including:

- Did the Observatory for the Protection of Human Rights Defenders conduct a field visit to Bahrain? And, if yes, did they meet a reasonable and varied number of human rights defenders in Bahrain?
- Did the Observatory for the Protection of Human Rights Defenders provide Bahraini officials with a copy of the draft report, as other organizations do, so that the Bahraini authorities concerned could reply to the report content and include such responses in the report before its publication?
- Will the Bahraini authorities concerned discuss the report and swiftly deal with its content?
- Will civil society organizations and human rights societies and human rights defenders engage in objective discussions about the report, including drawing a line and distinction between human rights defenders and other groups?
- Is it high time to enable human rights defenders in Bahrain to exercise their activity and provide protection for them?

## Political, Religious and Human Rights Bodies: Time to Reassess

Hasan Moosa Shafaei

The Government's recent security procedures have placed political societies, civil society organizations and important social and religious figures in a new and uncertain phase. Some political parties are concerned that what happened constitutes a return to square one and a setback on previous reforms. On the other hand, there are those who stress that the Bahraini political reform experience is continuing, and that the Government's decision to resort to security confrontations was just a necessary measure. Despite the different views on the issue, and the fear of a return to the pre-reform period, political and social parties in general participated directly or indirectly in the events leading up to the unrest. Many lacked political awareness and experience, whilst others had kept silent for the sake of temporary interests, or due to the fear of making a difficult decision in confronting advocates of violence which might undermine their popularity. Therefore, it is natural that they bear some responsibility for the consequences of this unrest.

Reassessment is required for two basic reasons:

First: in order to rebuild trust between the political system and the various social and political parties, as well as rebuilding trust in the reforms. This is in order to affirm the ability of reforms to confront challenges, including

the most important challenge of all: that of violence and riots, without resulting in a setback in the strategy on which the King's political reforms were built.

Second: reviewing the political discourse and views of the past years will reduce the growth of the movement that does not believe in the political process or the reforms. It will also minimize losses expected due to security confrontations, and protect the wide margin of freedom achieved by Bahrain and praised locally and internationally.

It is possible to add a third reason. According to our interpretation of the events of the last two months, the political system has reviewed the way in which it deals with issues of reform and security. We believe that these two issues should complement one another, and that implementing one should not be at the expense of the other because there is no reform without security or stability without maintaining the reforms' achievements. This is one of the most important benefits that democracy provides. On 5 September 2010, the King stressed in his speech that reforms will continue, and that the State's foundations, which include truth, law, democracy and economic, social and cultural prosperity, will be enforced. This adjusted official view should be met with a similar change in the discourse of political



Hasan Moosa Shafaei

parties.

There are some who believe that the reforms failed to provide the required and expected security (which may be accurate to some extent), and that human rights organizations are biased. With the existence of critical writings in the Bahraini press, the opposite opinion says that

### Commitment to Democratic Reform and Human Rights Standards Strengthens State and Society

comprehensive security cannot be guaranteed if the reforms (which the King stressed should continue) are abandoned. The commitment to democratic reform and human rights standards represent an additional strength to State and society. There are some claims that the reforms are the cause of the security tensions, as they provided a wide margin of freedom, pushing those who reject the political reform project to

---

benefit from it. These extremists did not only aim to go back on the reforms, but also on the political system itself, targeting its symbols and belittling its achievements.

Clearly the political reforms launched by the King are not the cause of security tensions. On the contrary, the reforms have decreased levels of tension and unrest, without which the situation would be far worse. Political reforms are not the reason behind violence and have never given it legitimacy or justified it. In fact, the roots of social, economic and cultural unrests can be attributed to the pre-reform period. However, this cannot justify the continuation of violence, rioting and the rejection of the political process. The solution to the problem should be achieved through the law and existent constitutional institutions, and should benefit from the available margin of freedom. No one can deny the existence of a problem, but the way it is approached should be changed, and this is what active political parties in Bahrain should review.

Another issue which should be reviewed concerns the necessity of abiding by the law and condemning any actions that go against it. It is not possible to accept the law in Parliament and then reject it outside. With regards to lawless practices, they do not represent a political opportunity to attack the political system but they also represent a problem, which could undermine the political process as a whole. According to the King: 'the law is above

everyone. It is designed to protect society, the State and civil peace, as well as spreading peace and tranquillity'. Thus, the law should be respected at all times by the Government and other political parties, as this is the real meaning of the: 'law is above all'. The law organises political practices, protects the interests of society and keeps the Government and its apparatus from diverging from performing their responsibilities. Political parties bear the responsibility for maintaining social unity; much of the unrest that took place in the past was due to the presence of a sectarian discourse and a lack of respect for cultural diversity. Political parties must have noticed the recent escalation in sectarian mobilizations with the increase in security tensions. This highlights the fact that security unrest necessarily leads to a sectarian schism. We have repeatedly witnessed this in Bahrain without learning any lessons, and we should not repeat our mistakes.

The security tensions have their own clear political dimensions, which make some parties worry about their interests and the future. This is especially true if the extremists' political discourse is selective in sectarian vocabulary or in emphasizing words with a sectarian dimension, and build on that and consequently explaining political and security events on such basis. The peaks of sectarian tensions in Bahrain mostly took place during periods of unrest and security confrontations. In

a speech, the King connected security with prosperity, and stressed the importance of the principles of solidarity, cooperation, brotherhood, civil peace, collective security and avoiding schism and disagreements. He also described the events as sad, aggressive and a schism, and called upon religious preachers to be competent, moderate and reject violence. The King also called upon intellectuals and civil society organizations to work towards bringing together different Islamic sects and ensuring their cooperation and closeness.

In summary, political parties, religious and human rights

### **No Reform without Security and No Stability without Maintaining the Accomplishments of the Reforms**

figures should review their political discourse, views and announcements. They need to favour the interest of the country and social unity, and provide the minimum amount of trust between the various segments of society and the Government. This will have a positive effect on protecting society and political accomplishments. It will also reassure society that political disagreements have red lines and that political and religious leaders are matured and therefore, they will not demolish what has been built or distort what has been achieved, including their reputation and the reputation of the country in the eyes of the region and the world.

## Elections: Opportunity to Eradicate Violence

It is most likely that the council and parliamentary elections, expected to take place this month, will be affected by the security confrontations, which have yet to be resolved judicially. The repercussions of the current unrest in the media, human rights and political fields are also expected to leave their mark on the upcoming elections. The elections come at a time when the implications of recent violence are on-going forcing some observers to anticipate changing the elections date. However, the Government confirmed that the elections will take place on time.

Elections are clearly an essential part of the democratic process, and the appropriate channel for expressing opinions and political positions, as well as a means of protecting the interests of groups and political parties. Elections are an alternative route to violent change, through which interests are protected and rights are obtained by peaceful competition.

Participation in the administration of public affairs is one of the fundamental human rights. The Bahraini constitution states that citizens, both male and female, have the right to participate in public affairs and enjoy political rights, including the right to vote and nominate.

More than ever before, Bahrain is currently in desperate need for the elections to be a success. This is due to the presence of violence as an alternative for what has so far been achieved, and the doubts surrounding the political process as a whole. Although there are indications that the upcoming elections will be successful, it is necessary to remember that any setbacks in the

political process will be considered a success for the extremists' choice.

Successful elections this time mean an increase in the number of voters and the possibility of women winning seats in Parliament. The elections success will also depend on whether it results in a big change in the performance of MPs, and their relations with the Executive Authority and the extent of its flexibility.

In order for the elections to be a success and gain local and international recognition, they must be credible. Elections can only be described as free if they allow the opportunity for the public to be expressed fully. This necessitates guaranteeing freedom of: expression, media, assembly, movement and establishing societies, as well as providing security for people during the elections, and allowing them to vote without fear or pressure.

Moreover, in order to guarantee the integrity of the elections, two conditions must be met: the first relates to procedures, which include equality, confidentiality and ensuring that the elections take place periodically. The second concerns the results, which should reflect the voters' free will.

Monitoring is an effective means of guaranteeing credible elections, as the presence of monitors decreases the possibility of fraud, instils trust in voters and increases their ability to participate in elections, and to freely express their political will without any doubts or fear.

In the 2002 and 2006 elections, monitoring was limited to local societies represented by the Bahrain Human Rights Society and the Transparency Society. These two

societies, as well as the National Institution for Human Rights are expected to monitor the 2010 elections. Government apparatuses are also required to provide all the necessary help to the monitors so they can perform their duty correctly. Monitoring should cover all stages of the elections, including the campaigning stage, registration of voters, voting, counting, results and follow ups. Independent courts should also play an important role in elections through prompt dealing with voters' complaints.

Public demands can be fulfilled through elected representatives who should reflect the aspirations of their voters and defend their interests inside Parliament. MPs should also reassure voters that their demands will be presented and followed-up in Parliament. This requires them to have a high level of performance and awareness, in order to translate their slogans into actions. Additionally, bylaws that sometimes hinder the work of MPs should be amended.

It should also be stressed that constructive cooperation between the House of Representatives and the Shura Council on one hand, and the Government on the other hand, is essential so that laws can be passed quickly and delays be avoided, such as the delay in passing the Press Law.

The integrity of the upcoming elections, the acceptance of results, the seriousness and mature performance of MPs to represent the voters effectively, and the cooperation of the Executive and Legislative Authorities should result in a decrease in violence, whatever its motives.



**Rachid Mesli from Alkarama Organization:**

## Unprecedented Human Rights Revival in Arab World

**Alkarama is a non-governmental human rights organization founded and situated in Geneva in 2004 by a team of lawyers and human rights activists with a view to contributing to the promotion and protection of human rights, especially in the Arab world. Objectives of the organization are many including: expose cases of human rights violations in the Arab world, provide moral support and legal assistance to victims of abuses, exert efforts to prosecute perpetrators of human rights violations; encourage governments to respect human rights and exert pressure on them if necessary.**

**Bahrain Human Rights Monitor interviewed the Director of the Legal Section of the Organization, Mr. Rachid Mesli, about a number of issues.**

**Q 1: There are many human rights organizations in the world, and Alkarama is one of these organizations, what distinguishes Alkarama from other organizations?**

Thank you for calling us distinguished. Alkarama is only one of many organizations that work in the field of human rights in the Arab world, and it is not the only one to stand out for doing so from Europe, because there are other organizations working on the human rights situation in the Arab world for various reasons.

But allow me to tell you that our organization's distinguishing characteristic derives from the nature of its work, which may be summarized under three headings:

The first heading is that our organization treats only issues tied to physical violations of human rights affecting physical and mental security and human freedom. We have restricted ourselves to working on this category of violations, without forgetting violations related to them.

The second distinguishing characteristic is that Alkarama resorts to international law to treat the violations that it learns of through its network of human rights activists, and uses the mechanisms for the protection and promotion of human rights set up by the United Nations to do so. And as there is no dedicated system set up to protect human rights in the Arab world, we therefore resort to the mechanisms of the international human rights law, meaning that our organization takes a legal approach when it comes to dealing with individual cases.

Finally, when the issue relates to intervening on behalf of the victims to

lighten their suffering or limit the violations they are being subjected to, then it appears natural to tighten as far as possible the relations with their family members and lawyers. This is the human side of our organization's work, which appears obvious although we do not try to bring it to the front. These are the three characteristics that perhaps distinguish us from other organizations at present.

**Q 2: What is your assessment of the human rights situation in the Middle East, and do you see from past experience any positive signs for the progress of human rights conditions?**

The human rights situation in general in the Arab League member states is worrying. I do not see any essential difference between the results that local and international NGOs have obtained in this regard. It varies from country to country according to their political, social and historical characteristics. Nonetheless, we observe that a culture of human rights has begun to spread in the whole region, perhaps because of the ease of communication... People have become more aware of their rights and of the need for states to respect them. As a result the citizens have come to demand that their physical security and justice and freedom of expression be



**Mr. Rachid Mesli**

respected. For example, it used to seem natural that when a person was arrested by the security forces he should be beaten up, and the victims would rarely call this torture, whereas today they have come to describe rightly such practices as torture. Now they need to take a step further, and lodge a complaint – a practice that has not yet become customary. Many people today realize that their governments have obligations in the sphere of human rights, and they have started to demand that they meet these obligations. Likewise, many political opposition groups, despite differences in their outlooks, display increasing interest in human rights issues, which was not the case previously, at least not to the same degree.

Thanks to that, the region has begun to witness an unprecedented human rights awakening, both because the wall of silence that had been imposed on it has been breaking down, and because the number of human rights activists has been increasing day by day.

On the other hand, we observe contradictory changes at the level of

---

state institutions: The obligations that the states have undertaken through their signature of international treaties and the principles of international law bring a sort of improvement to the human rights situation in some states, but they create the new problem of these institutions insincerely adopting human rights discourse while continuing to break these principles in dealing with their citizens' rights. For example, whereas the law limits the term of custody or pre-trial detention, it is exceeded by resorting to a variety of roundabout methods in order to make the legal records not officially indicate that the legal limit has been surpassed; in Algeria or Morocco, for example, to legitimize an over-long pre-trial detention period, the security forces do not hesitate to forge the official report of the initial investigation.

**Q 3: Is the violation of human rights in the Arab world has its own characteristics? Or, are there political, cultural and historical factors which have particularly contributed to the continuation of the deteriorating conditions?**

There are no cultural factors that would allow us to speak of human rights being respected especially in one part of the world as opposed to another, since the practice of secret detention and torture extends to every continent and every form of culture. Under the cover of fighting terrorism, governments in Europe and North America practice secret detention and other forms of human rights violations. Therefore, war on terror has plainly encouraged this part of the world to slide into yet more of these human rights violations.

The internal and external political circumstances of states play a decisive role in whether regimes resort to these practices. The Syrian regime, for example, whose security is exposed to continual external threats, has resorted to domestic repression in order to remain in power, and the case of Algeria has shown the extent to which a regime can resort to collective and systematic human rights violations, which may be categorized as "crimes against humanity to safeguard particular minority interests". What happened in Iraq, which sank into an unprecedented swamp of violence and unparalleled violations, is not

the best choice, compared to the period of Saddam Hussein's rule, and is simply the direct result of the occupation by American forces from which this part of the world suffers.

There are also internal factors that play a role in the human rights situation's continuous deterioration. Some regimes, rejected by their peoples, find no alternative to continuous persecution of the opposition in order to remain in power. In Egypt and Yemen, for example, despite arbitrary detentions and routine torture and mass forced disappearances, the situation remains explosive, whereas the Tunisian regime has succeeded in combining economic progress with advanced brutal repression.

**Q 4: Do you rely on specific criteria in assessing the human rights situation in the Middle East? Have you adopted classification measures for the Arab countries in terms of commitment to human rights standards?**

We have not developed specific criteria for assessing the human rights situation in a particular country, for a simple reason: the differing political situations make that a difficult exercise. We cannot compare, for example, the situation in Somalia, where the state is absent, to that in Tunisia, where the state is omnipresent. In the former case, one would be glad when the number of killings so much falls, whereas a case of one extra judicial killing in the latter case would represent a serious deterioration in human rights.

The idea of setting objective criteria for assessing the human rights situation across different countries and evaluating positive and negative developments is interesting, but we already know that the governments will blame NGOs for the non-objectivity of their judgments whatever happens!

Instead, it is possible to display the observations and recommendations put forward by the UN bodies dealing with the human rights situation in each country and compare them and bring them to the attention of civil society organizations that follow these issues; this data in general remains accessible only to specialists. These tasks are specific to the human

rights organizations in each country, where and when they exist.

**Q 5: Alkarama uses the United Nations mechanisms to address the human rights violation in the Middle East, can you explain the nature of these mechanisms and how they can impact in reducing human rights violations?**

The United Nations has established a variety of mechanisms for the protection and promotion of human rights worldwide and has placed them at the service of victims and organizations concerned with spreading and bringing them such information. Some of these mechanisms were put in place by international treaties and concern only states that have ratified them or the optional protocols. These mechanisms concern only a small number of Arab states when it comes to investigating individual violations.

Alongside these, we find mechanisms that concern all states, and treat most physical violations, such as the Special Rapporteurs or Working Groups. For example, there is a mechanism that follows and intervenes in issues of torture and other cruel, inhuman or degrading treatment or punishment, namely the Special Rapporteur on Torture. There is also another mechanism concerned in particular with issues of arbitrary deprivation of liberty, namely the Working Group on Arbitrary Detention.

These mechanisms may be resorted to by any victim or their representative. The violations will be subjected to investigation or special intervention with regard to the state in question through a procedure specific to each mechanism.

When the state in question cooperates with the UN mechanism and shows goodwill in a positive way, it thereby shows its desire to improve the human rights situation, either by putting an end to some violation or by correcting a general situation. It is also a matter of the country's reputation in the assembly of nations, because it is not good for its reputation to be in the spotlight for a sensitive issue such as human rights.

Thousands of complaints lodged with various UN bodies have been treated so far since our organization was founded

six years ago. We may say, after the experience that we have gained, that the results we have reached are encouraging with regard to some countries, but the situation remains worrying with regard to others.

Q 6: Despite the fact that many Arab countries have ratified the international human rights conventions, we find that there are numerous violations of these rights in comparison with the human rights situation on the ground. How can you convince the public of the usefulness of signing these international human rights charters by authoritarian regimes if such regimes do not intend or commit to apply them?

Signing international treaties contributes to improvement of the human rights situation, because it creates an additional way to put pressure on states, and gives citizens a way to act on the international level. However, we may perceive that signing international treaties does not automatically lead to an improvement of the human rights situation on the ground. Algeria signed the International Covenant on Civil and Political Rights and the Convention against Torture after the democratic openness that it experienced in 1989, but when the army put an end to democracy two years later, the country experienced systematic collective human rights violations against the Algerian people without any reaction worth mentioning from the United Nations. It thus appears clear that signing on its own is not enough, and is meaningless when the member state does not respect its obligations.

The important thing is to push states to respect the obligations to which they have signed up. It is very important for civil society organizations and NGOs to play an active role by taking measures aimed at encouraging states to respect these obligations by participating for example in the universal periodic review of the situation in each country by various UN bodies and issuing experts' reports. They can also play a more active role by following the recommendations issued by these bodies. It is clear that an exceptional improvement of the human rights situation does not depend exclusively on work

at the UN level. Rather, organizations and political parties, if they exist, need to take in the idea of human rights and their development and enforcement at the domestic level, and the country's adherence to the principles of human rights gives them a chance to remind the government of its obligations.

Q 7: One of the objectives of Karam is to disseminate a human rights culture in the Arab communities and educate citizens about their constitutional rights and means of protecting these rights. What are the tools that you use of to achieve this objective, and to what extent are such tools effective?

Alkarama considers the spread of the culture of human rights in Arab societies to be a crucial issue both in terms of perception – the Arab citizen needs to be aware of his rights as a human being – and in terms of feeling that these values do not contradict his culture and identity, and are not a monopoly of other persons who have the exclusive right of enacting it and living under its wing. Of course, enacting laws and constitutions is not enough to spread this culture, especially if these laws are not respected. Karama's contribution towards spreading the culture of human rights is based on dealing with cases of human rights violation and using the tools provided by international human rights law to try to stop injustice, limit the violations, and make the victims and their relatives in general aware that there are rights and laws of direct relevance to them, and that can directly affect their situation as citizens. Alkarama envisions that the more citizens observe in practice that they can restore their rights by resorting to the law, whether at the domestic or international level, the more confidence in the rule of law and the value system of human rights increases. What we have observed in practice is that in many states the victims and their families used to look with skepticism on anything connected with human rights, and think of them as just slogans with no effect on their situation, but over time, and as our organization took on, as far as possible, more and more cases, the people in question became convinced of the importance of human rights and the

need to protect them. Another matter that contributes to the growth of awareness is that Karama, insofar as it takes care to work with governments and urge them to respect human rights, always stands with the victims and does not flatter these governments when they break their obligations. This makes Arab citizens feel that there is someone who stands with them when they are abused.

Alongside this, Alkarama organizes conferences and embraces balanced, responsible media work that supports its legal work and makes Arab citizens aware of their rights and how to protect them.

Q 8: One of the objectives Alkarama seeks to achieve is to train human rights defenders. How does Alkarama organize such trainings, and are you satisfied with what you have done in this regard so far?

We hope that every Arab citizen will become a human rights defender, at least in principle, because it is not possible to envisage a concept of citizenship without the emergence of commitment to, and defense of, human rights. But practically speaking, anyone who wants to practice this noble profession which makes a person a true human rights defender needs training and qualifications. Alkarama opens its doors to hundreds of citizens in the Arab world for voluntary work as human rights defenders, and undertakes to train them to take on the cases of victims in their areas in practice and to understand and use the legal mechanisms that can allow them to succeed in their work. Alkarama also organizes field training sessions at its base in Switzerland where human rights defenders can update their skills, both theoretical and practical. We make sure that anyone who joins this enterprise commits to the Declaration on Human Rights Defenders as established by the United Nations. Of course, this effort needs to be continuous and lasting, both on the part of Alkarama and on the part of those trained in this context. We can see that this effort always needs improvement; no organization knowing the situation of the Arab world can be content with its efforts however great they may be, because there remains a need for more work.

## **BHRM Welcomes allowing access to detainees, and condemns the expulsion of journalists**

In a statement issued on 27 September 2010, the Bahrain Human Rights Monitor (BHRM) welcomed the decision of the Office of Public Prosecution to allow visits to the detainees pending investigations into some security cases. According to press statements attributed to the Attorney-General Dr. Ali bin Fadul Al Buainain, he pointed out that every accused has the right to a visit per a week. BHRM said in a statement that allowing access to detainees is a step forward, stressing the need to ensure the right of every accused to a fair trial during arrest, investigation, trial by an independent and competent court established by law and until a final decision is announced.

BHRM explained that the permission to visit the detainees came late, i.e. after more than a month after arrest, and visiting detainees could have taken place a little bit early. BHRM said that the delay is not supported by the Bahraini law, not accepted by international laws whatever the rationale, and cannot be seen as serving the interest of the investigation.

BHRM called upon the competent authorities to provide all guarantees of fair trial for the accused, including the right to meet with lawyers of their choice, or to provide lawyers to defend them.

BHRM also urged the authorities to expedite the investigations, bring any accused before an independent court if any evidence is furnished against him, and the release of any one if evidence is not available against them.

On the other hand, BHRM expressed concern and regret over the harassment suffered by a number of journalists for being expelled from the headquarters of the National Democratic Action Society (Waad) during an open meeting on 24 September 2010. The meeting was attended by a representative of the Human Rights Watch and the families of a number of detainees. A similar incident took place on 28 August 2010 at the headquarters of the Bahrain Human Rights Society.

BHRM expressed solidarity with the journalists who will not be able to perform their mission unless they attend public meetings, and have access to sufficient information so that they perform their duty professionally and objectively, without exposure to political pressure from any party. The BHRM said that the limitation on freedom of expression is unacceptable, especially when it comes from civil society institutions that are supposed to be keener than others to support the press and expand the margin of freedom of journalists.

## **BHRM Condemns the 14 September Bombings**

BHRM condemned the violent events that took place on 14 September 2010 in Hamad Town, which targeted four cars owned by persons working in the security services. Unknown persons detonated explosives causing burning and damage to the cars, and causing panic among the people of the area, but there were no injuries or death. The BHRM said that such acts cause concern, and they diminish the individual's right to safety and security guaranteed by the international human rights law and the Constitution and laws of Bahrain. BHRM emphasized that such acts increase the expansion of the cycle of tension and poisoning the security and political atmosphere at a time the Bahrainis are about to exercise

their right to choose their representatives in the legislative elections scheduled for 23 October 2010.

BHRM called upon political societies and human rights organizations and all civil society organizations, especially women and youth associations, to educate the community about the danger of such actions on security and social peace, and to clarify the negative impact of such actions on politics and development in Bahrain. The BHRM warned of the growing phenomenon of violence, which allow for derogation from human rights, and confirmed that it is everyone's responsibility to protect the right of individuals to life, security and bodily integrity.