

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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Bahrain Lives Real Tolerance

The whole Arab world, including Bahrain, failed to pay attention to the significance of the International Day for Tolerance, which passed on 16 November. However, civil society organizations in Bahrain conducted some activities to commemorate the occasion.

Tolerance as a concept, value and virtue is connected to a number of concepts and greater human values. It also paves the way for the creation of cooperative and harmonious societies despite their cultural, religious, ethnic and linguistic diversity.

Tolerance is especially important to Bahrain as it is a country where Sunnis, Shias, Ismailis, Christians, Jews, Buddhists, Sikhs and Baha'is have all co-existed for a long time. This is not a coincidence, as there is no such diversity in any other GCC country.

Religious tolerance among the Bahraini public is the real reason behind the existence of such diversity. The Government, which is the main decision-maker in the country, has long realised that there is a social susceptibility to host this kind of diversity. This is reflected in the existence of churches, temples, graveyards, religious groups and civil society organizations. Also, in the freedom to practice rituals, set up private schools and celebrate special days and holidays.

It is important to sustain this state of tolerance in Bahrain in order to promote unifying human values and partnership on the basis of land and mutual interests. New generations should also be educated that cultural diversity is a great asset, and does not constitute barriers or ghettos, rather, it is an opportunity for openness, dialogue and enrichment.

The closer the political system is to democracy, the easier it will be to take steps and adopt projects that help bring people together, prevent the creation of boundaries and obstacles, and make it difficult for extremists to be influenced with foreign ideas. It would also prevent any social or political polarizations on the bases of ideology, ethnicity or stereotypes.

Without tolerance, the rule of law, and the margin of freedom which the new democratic experience provides, the country's diversity will be threatened, and it may become an obstacle in the development of the State, instead of being a unique characteristic of Bahrain. As a result, the country could lose its immunity against extremism, hatred and misleading philosophies, which are based on the monopolization of the truth.

In order to maintain a tolerant society and make our country immune against extremism and hatred, we should look for new programmes and policies that promote tolerance and educate new generations through schools and religious rhetoric. We should also treat all citizens and residents equally without discrimination or denial of their rights. This will promote tolerance on the ground and prevent the appearance of intolerant stereotypes of the 'Other'.

Human Rights Updates

■ (21 November 2010): His Royal Highness the Prime Minister said that human rights are protected in the Kingdom of Bahrain. He also expressed his pride of the country's achievements and stressed that people of Bahrain will remain one united family.

■ (November 2010): the House of Representatives proposed to penalize anyone who is in a position of authority and practices racial segregation or ethnic, religious and political discrimination. The Government objected to this proposal because it believed that it was ambiguous and contained generalizations. The Government proposed an amended bill instead, which supports the punishment against those who practice discrimination based on the definitions stated in the International Convention of All Forms of Racial Discrimination 1965, and the International Convention for the Suppression of the Crime of Apartheid and Punishment 1973.

■ (21 November 2010): The Supreme Counsel for Women supported the proposal by the Minister of Justice regarding provision of financial support by Government to the political societies, which support women during nominations and elections.

■ (23 November 2010): during the prize ceremony organized by the Foreign Press Association in London, the Ambassador of Bahrain Shiekh Khalifa bin Ali Al Khalifa said that press freedoms have flourished and developed both technically and professionally in Bahrain. This is largely due to the reform project, which achieved pioneering political and democratic accomplishments in the region, according to him.

■ (28 November 2010): headed by the Undersecretary of the Ministry of Foreign Affairs, Ambassador Abdullah Abdul Latif, the National Committee for Combating Human Trafficking discussed coordination with other official bodies. It also discussed the programs and strategies to eradicate the phenomena of human trafficking as well as promoting a media plan of the Committee.

■ (29 November 2010): the national strategy for the rights of persons with disability was launched. The Minister of Social Development stated that this strategy aims to "promote legal frameworks that are in line with the International Convention on the Rights of Persons with Disability, and in line with anti discrimination and equal opportunity principles".

Transparency Society and Combating Corruption

On 4 November 2010, the Bahrain Transparency Society called for the establishment of an independent financial and administrative authority in order to combat corruption in accordance with UN conventions. Sharaf Al Mousawi from the Society said that Bahrain's corruption ranking is declining since 2002. He added that "in 2009 we were ranked



46 and in 2010 we are ranked 48. This is a negative indication for Bahrain, which enjoys good standards on many levels". The President of the Bahrain Transparency Society Abdunabi Al Ekri stressed the importance of establishing an international alliance to combat corruption, as well as the need for public support to combat corruption across continents.. He also proposed the establishment of an international court to deal with corruption cases.

Participation in Decision Making

Bahrain Dialogue Society (Hiwar) urged the Council of Ministers to make use of the expertise of the civil society organizations during its preparation of the Government's Program. On 14 November 2010, the President of the Society Sayed



Adnan Jalal said that taking into consideration the advice of the civil society organizations will help promote democracy and determine the nation's priorities. This will show that civil society is actively participating in the Government's Program.

Partnership Agreement

On the occasion of the international day for the eradication of violence against women , 25 November 2010, the President of the Board of Directors of Nahdat Fatat Al-Bahrain, Sameera Abdullah announced that a partnership agreement was signed between the Society and the UNDP. She added that the Society



Stork Thanks Ministry of Labour and Condemns Violence:

The Deputy Prime Minister, Shiekh Mohammad bin Mubarak Al Khalifa met with the Deputy Director of Middle East Watch.



They discussed the relationship and coordination between the organization and Bahrain. The meeting took place on 18 November 2010 in Washington and Stork thanked the Ministry of Labour for its cooperation regarding the rights of foreign workers in the Kingdom. He also condemned violence and vandalism that accompanied human rights protests.

provided a number of activities and programs, which support the eradication of violence against women. She added by saying that cooperation with the UNDP aims to put an end to all violent practices against women, which threaten their fundamental rights and their physical and psychological safety.

“Fatat Al Reef” and “Family Bank”

On 24 November 2010, the Fatat Al Reef Society organized a meeting with a delegation from the Family Bank in order to introduce the bank services to the Society, which will help to empower low income groups and

encourage small business projects run by women. The Bank also aims to provide expert advice and guarantees for these groups, which traditional banks find it difficult to do. Cooperation between the Society and the Bank was discussed, including supporting the Society in financing its programs for low income families.

500 Assault Cases Involving Children

The President of the Child Protection Centre, Mai Al Dowsari, revealed to the Ministry of Social Development that the number of cases recorded by the centre since its establishment in 2007 has reached 500 cases. This includes cases of ill-treatment through physical, sexual, psychological, emotional assault and grave neglect. This year the Centre recorded 198 cases, 162 involved boys and 36 cases involved girls aged 8-18 years. Some cases involved children who were only several months old.

Imprisonment for Assaulting Two Domestic Workers

On 9 November 2010, the Public Prosecutor ordered the detention of a Bahraini man and a Bahraini woman pending investigation for physical assault against two domestic Asian workers and locking them inside a toilet. The President of the Labour Committee in the Migrant Workers Protection Society, Noora Fodayfil praised the Public Prosecutor’s measures and described the referral of the accused to the Criminal Court as a step in the right direction.

Security and Legal Measures:

- 7 November 2010: The High Criminal Court sentenced 5 persons accused of killing a policeman in Al Sahla for 3 to 5 years’ imprisonment.
- 8 November 2010: 4 persons were arrested for participating in riots and burning tyres in Saar on 5 November 2010. They have been referred to the Public Prosecutor.
- 15 November 2010: A 22-year-old youth was arrested in Draz. His family stressed that their son was retarded.
- 16 November 2010: Security forces arrested a youth in Al Bilad Al Qadeem who was involved in security breaches. The Director General of the Metropolitan Police said that the youth is accused of arson and vandalism.
- 16 November 2010: A person accused of burning the Sitra Sports Club in March 2010, was released because he was outside Bahrain during the occurrence of the incident.
- 17 November 2010: The Lower Criminal Court acquitted one person accused of possessing a Molotov bomb. However, the man was charged with rioting and sentenced to 3 months.
- 17 November 2010: The detention of a football player from the Musali village was extended for 45 days. The player was arrested on 29 September 2010, and his family dismissed he was involved in illegal activities.
- 21 November 2010: The Court of Appeal is considering the so called Sahla Case, which the High Criminal Court found 5 people innocent and sentenced 4 people to 3-5 years’ imprisonment in a murder case of a policeman on 20 November 2010. The appeal is expected to be considered on 27 February 2011.
- 21 November 2010: The High Criminal Court rejected the request of the lawyer Nafeesa Do’bil for holding closed hearing session for her client, who is accused of rioting and burning tyres. According to Do’bil, her client is scared of talking about the incident in front of the police during the hearing.
- 30 November 2010: Security forces arrested four juveniles during violent incidences in Bani Jamrah. They were accused of attacking security forces with incendiary devices and were referred to the Public Prosecutor’s Office.

Crown Prince: Bahrain is a Country of Institutions

His Royal Highness the Crown Prince stated that the achievements of the Kingdom of

Bahrain on the political, economic



and social levels proved that the reform project was a success, and made Bahrain a country of institutions and law. He also stressed that the open political climate and the protection of freedoms, which Bahrain is enjoying, has forged a national partnership between the various groups. The Crown Prince’s statement came during his visit to the House of Commons, and his meeting with the friends of Bahrain in the British Parliament on 29 November 2010.

What Does Freedom of Expression in Bahrain Need? Objective Criticism or Incitement?

Hasan Moosa Shafaie

Bahrain (along with Kuwait) leads GCC countries in relation to freedom of expression. Both countries are the most developed in the practice of democracy, which constitutes an umbrella for all civil liberties and political rights.

While Bahrain is often criticised locally and internationally for so-called violations of freedom of expression, the level of freedom of expression in other GCC countries is much lower. However, international organisations know very little about these countries, due to lack of information regarding their continued violations.

The criticism directed at Bahrain is very much related to the lack of a modern press and publications law, which the Government and the legislative authority have not yet ratified. Also, distorted information has projected an image of Bahrain as a state that oppresses journalists and public freedoms.

Freedom of expression in Bahrain is facing another challenge in addition to the inaccurate assessment by international organizations. This involves the confusion and distortion of certain principles, which have led to blurring the lines between the practice of criticism and inciting violence and illegal activities.

The practice of criticism is a core issue in the process

of political change and in the reforms adopted at the beginning of the new millennium. During this time, officials had to endure unfamiliar and harsh criticism, which was previously unheard of. Since then, it is no longer a problem to criticise an official or the performance of a certain ministry or executive body. Furthermore, citizens are now able to organize street protests in front of ministries and state institutions, something which often takes place in Bahrain. Anyone working in the public sector can be subjected to criticism in the press and on the internet, which is a favourable kind of criticism, and is governed by laws. Criticism is also necessary for any society in the process of democratization, which aims to scrutinize the performance of the Executive Authority.

Prohibiting the practice of criticism is not possible and is also unconstitutional. The right to freedom of expression and the right to practice criticism, which the Bahraini public has enjoyed for the past ten years, are non-negotiable. Furthermore, criticism of Government officials can clearly be found in local newspapers, through various public activities.

Activities by political societies such as mass mobilization through organising seminars, protests, publications and press



Hasan Moosa Shafaie

conferences, are not only acceptable, but should also be respected and encouraged for the following reasons:

These activities are conducted within a recognised partisan political framework.

They are also conducted in accordance with the law, and in line with the National Action Charter, which reflects public consensus.

The aims of these mobilisation activities also include: the desire for political participation, the correction of the course of the Government, if necessary, and the protection of society.

It is an acceptable and normal part of political action to use mobilization in, for example, supporting or preventing a bill from being passed in Parliament, or in political or partisan elections, or in legal protests. This is as long as the State's fundamentals are maintained, and provided that law and order are respected. On the other hand, preventing legal, political and human rights activities will only harm the State and its political system.

All the above differs from incitement under its various covers such as criticism, practicing freedom of expression, or practicing civil and political rights. The question is how can we differentiate between a legal practice and incitement?

This dilemma has faced Bahrain in the last years, and was the reason behind many of the criticisms levelled against Government bodies.

When extremists are criticised for their involvement in illegal actions, they say that they are merely practicing their rights, to the extent that violence, setting fires and undermining private and public interests have become 'peaceful human rights practices', which do not require obtaining permission from the authorities!

From the experience in Bahrain, there are four main distinctions between the practice of political action and freedom of expression, and inciting and adopting a stirring rhetoric, whether or not it includes direct references to violence:

Firstly: clearly, the most important characteristic of the rhetoric of incitement is its disrespect of the law, political system and the State as a whole, as those who use it openly announce that they do not recognise the existence of the State. Thus, advocates of violence refuse to register their activities legally, as political societies, or seek to obtain permission for their protests.

There is nothing wrong with criticism and mobilization within the legal framework,

in fact they are required. The existence of political action entails that a political system and a responsible government apparatus also exist, and that there is a law that should be respected. This constitutes civilised behaviour to prevent chaos, protect public interest and develop the performance of the public and political system. On the other hand, the discourse of incitement violates the law and order and rational thought.

Secondly: the discourse of incitement is immersed in self-justification. It justifies its ideas, work and individuals, and at the same time, it does not accept the opinion, ideas and work of others. Additionally, it absolves itself of any shortcomings, classifies their mistakes as good deeds and argues for the sake of arguing about clear-cut issues, such as the legitimacy of violent acts.

It is easy for the public to distinguish between violent actions (such as burning tyres and blocking streets, using Molotov cocktails and burning power generators) and peaceful ones; but it is not necessarily that easy with regard to the rhetorical enticement. The latter does not always support violence openly, but it always finds justification for it, one way or another.

Thus we find that this discourse never condemns violence, and always tries to find justifications for it, which reflects its belief that practicing violence is a legal right, and attributes this to human rights instruments.

Thirdly, violent rhetoric and incitement relies on the use of

generalization in its accusations, and on radicalism in the solutions it offers. For example, if one official makes a mistake, the whole ruling class is blamed for it. Advocates of such a discourse do not seek to find solutions for an existing shortcoming, rather, they give the impression that the entire State apparatus is corrupt, and that the solution is to eradicate the system completely. By doing so, they seek to cancel the State and the law, and open the door for radical solutions beyond both.

Fourthly, the rhetoric of violence is often preoccupied with conspiracy theories, and its advocates constantly invent and exaggerate conspiracies by enemies, be they from the Government, a political opponent, or even an individual with a different opinion.

Hence, this violent rhetoric loses its touch with reality, and mediators miss opportunities to reach solutions and compromises which may help advocates of this rhetoric to mature. This is actually the main purpose of establishing dialogue with them, but what happens is that objective discussions quickly get out of hand, and become impossible to sustain.

The features of this rhetoric rarely compiled in one activity; sometimes only one characteristic can be found in an essay or a speech, for example. Thus, there are different kinds of violence advocates: some are clear and direct, whilst 'cleverer' ones only reveal one part of their rhetoric, in order to avoid being held responsible.

U.S. Report on religious freedom in Bahrain

On 17 November 2011, the U.S. State Department issued its annual report on religious freedoms in the world. The report confirmed that the Bahraini Constitution does provide for freedom of religion and for the free practice of a religion, as well as freedom of conscience and worship for various religions and sects, including the organization and participation in religious parades and meetings in accordance with the customs in force in the country. However, the report noted that the Bahraini Government has placed certain restrictions on the exercise of these rights.

The report pointed to the lack of any change in the status of respect for religious freedom by the Bahraini Government during the reporting period, and that the Government continued to exercise a degree of control and censorship on religious practices, pointing out that a number of international and local NGOs had indicated some forms of discrimination in some aspects.

The report emphasized that the Bahraini Constitution provides for freedom of religion, but there are restrictions imposed on this right. The report stated that “the Constitution does not impose restrictions on the right to choose, change or practice one’s religion of choice, including the study, discussion and promulgation of those beliefs. The Constitution

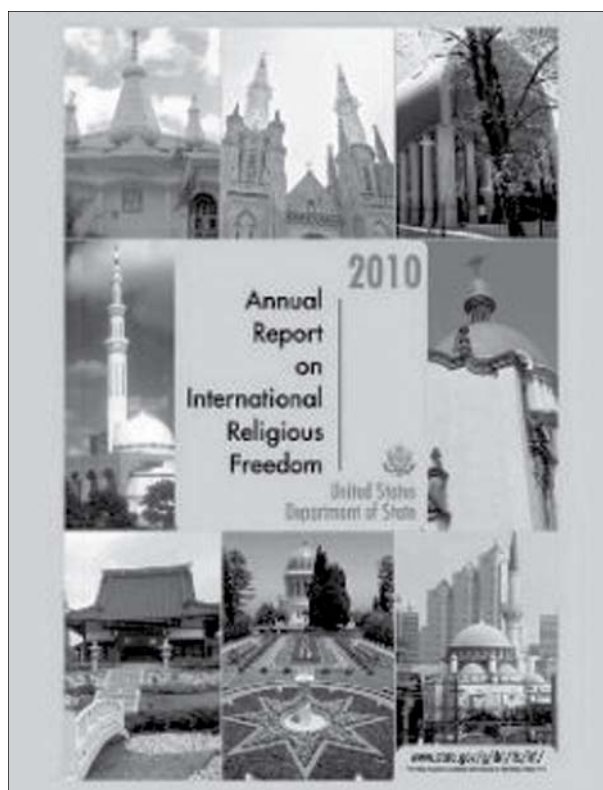
prohibits discrimination on the basis of religion or belief, but there is no law to prevent further discrimination, nor are there certain mechanisms to file complaints in this regard.”

The report pointed out that the Constitution stipulates that Islam is the official religion and Islamic law (Sharia) is the main source for legislation, referring to the civil and criminal legal systems and describing them as complex because they are based on diverse legal sources of the Sunni and al-Jaafari (Shi’a) schools of Islamic jurisprudence. This means that the rights of persons can vary according to the interpretation of Shi’a or Sunni. The report pointed to the adoption by the government of the first personal status law in May

2009, which is only applicable to the Sunni population, while the Jaafari/Shi’a section of the same law has been rejected by a large segment of the Shi’a clerics. The report considered that the institutionalization of the adoption of this law would be a protection for women, because it requires consent for marriage

and allows them to include conditions in the marriage contract.

The report confirmed that the Government does not impose any restrictions on religious expression or speech, as the law allows the production and distribution of religious publications, and does not impose or restrict or punish



the importation, possession or distribution of religious books, clothing, or symbols, and, further, the law does not impose religious dress codes. In this regard, the report pointed to the equal distribution of the budget allocated to the Shi’a and Sunni mosques. The report indicated that Islamic studies are part

of the curriculum in public schools and mandatory for all public school students, but the curriculum does not include the teaching of the al-Jaafari sect, and just based on the Maliki jurisprudence in Sunni Islam.

The report revealed that the official identity documents do not include religion or sect, while the birth certificate records the religion of the child. The report acknowledged that the Government generally respected religious freedom in practice, but criticized the restrictions on this right by the level of control and monitoring of both the Sunni and Shi'a Muslims. The report pointed to the practice of members of other religious groups to their religion without government interference. It should be noted that 99% of Bahrain's population are Muslims, while Jews, Christians, Hindus, and Baha'is constitute 1% of the population.

The U.S. State Department report noted that the Bahraini law imposes on every Muslim religious group to obtain a license from the Ministry of Justice and Islamic Affairs for the exercise of their activities. On the other hand, non-Muslim religious groups must register with the Ministry of Social Development to operate, and they should also get approvals for their activities from the Ministry of Education, the Ministry of Interior, the Information Authority, depending on the planned activities. The report said that there are 13 non-Muslim religious groups registered with the Ministry of

Development, engaged in their work through the Christian churches and Hindu temples.

The report noted that several Christian churches reported in May 2010 that the Ministry of Development instructed them to re-register without good reason. In spite of the illegality of organizing a religious meeting without a permit, the period covered by the report did not reveal denying religious groups of such permits.

The report mentioned that the Government funded and exercised control over official Islamic religious institutions, including the Shi'a and Sunni mosques, as well as religious community centres, and Sunni and Jaafari/Shi'a religious endowments and Islamic courts. Although the Supreme Council for Islamic Affairs is concerned with the approval of the organization of religious events, but the Government rarely interfere in the activities of religious rites and rituals.

The U.S. report recorded that a number of non-Muslims residents in Bahrain complained of restrictions imposed by the Ministry of Social Development related to foreign funding, which caused tremendous operational difficulties for some churches. Additionally, they complained that the Ministry of Social Development in many cases did not respond to their requests for permission to interact with the organizations they belong to outside Bahrain.

As for the positive developments regarding respect

for religious freedom, the report noted the organization of the Ministry of Justice for a series of conferences and seminars on dialogue among religions, where they invite clerics and scholars, Muslims and non-Muslims from Iran, Iraq, Lebanon, Saudi Arabia and other Muslim countries.

Regarding status of societal respect for religious freedom, the report pointed to the historical rising tensions and political divisions in Bahrain, in addition to the continuing riots in certain areas.

With regard to the policy of the U.S., the report mentioned that the U.S. administration had discussed religious freedom with the Government as part of its overall policy to promote human rights, and that the U.S. officials continue to hold regular meetings with representatives of human rights NGOs to discuss issues related to religious freedom and human rights.

The freedom of expression and religious practice in Bahrain do exist and maintained to a large extent. Bahrain Human Rights Monitor commends the national efforts to ensure freedom of belief and religious freedom, and calls on the officials to make a greater effort aimed at removing the few restrictions on religious freedom, in line with the approach of openness and peaceful coexistence between religions. This will eventually enhance the culture of religious tolerance and acceptance of others, which Bahrain has known for centuries.

Amnesty Investigates Torture Allegations

On 9, 15 and 16 November 2010, Amnesty International (AI) issued three public statements regarding the human rights situation in Bahrain where it expressed deep concerns regarding a number of issues. Due to the importance of these statements, the BHRM relayed the questions posed by AI to the Ministry of Justice and Islamic Affairs, the Ministry of Social Development and the Information Affairs Authority (IAA). So far, the BHRM has received two responses from the IAA and the Ministry of Social Development, but is still waiting to hear from the Ministry of Justice.

The most important issues that were raised in the three statements relate to the case of the 23 detainees, who were arrested according to the anti-terrorism legislation introduced in 2006. AI expressed its deep concern regarding the following:

- The statement issued on 9 November 2010 stated that “the officials carrying out the arrests are said to have failed or refused to show arrest warrants, in breach of Bahraini law.”
- The statement also added that “those arrested were initially held incommunicado for some two weeks during which their families and lawyers were not able to establish their whereabouts or gain access to them.”
- A primary concern for AI is that the detainees informed their lawyers and their families that “they had been tortured or otherwise ill-treated to force them to sign confessions”. However, it also said that the Public Prosecutor referred a number of the detainees to undertake a medical examination. Moreover, the statement gave a detailed account of the 28 November first public session, and the testimonies of the detainees, which included torture allegations.
- AI also expressed its concern regarding the detainees’ lack of access to their lawyers, which is a key element of the right to a fair trial as stipulated in the International Covenant on Civil and Political Rights (ICCPR), which Bahrain is a state party, and Article 20 of the Bahraini Constitution.

The 9 November statement also highlighted the trial judge’s decision at the end of the first session on 28 October 2010, which included: moving the detainees to a prison under the supervision of the Ministry of Interior, referring a number of detainees to doctors for medical examinations in order to verify

the torture allegations, and allow the detainees regular access to their lawyers.

According to statement, the defence lawyers claim that torture was still continuing at the time and that they were unable to meet regularly with the defendants in conformity with the trial judge’s order. On 15 November 2010, AI issued an Urgent Action followed by a press statement the following day explaining the matter.

Ministry of Justice is Yet to Reply

On 19 November 2010, the BHRM wrote a letter to the Minister of Justice and Islamic Affairs, H.E. Shiekh Khalid bin Ali Al Khalifa, in which it relayed Amnesty’s concerns, and raised some questions regarding the detainees, in the hope that the Ministry will respond to them. The BHRM hoped to receive the response on time but that was not the case. The BHRM understands the complexity of the case regarding the Public Prosecutors order of 26 August 2010, which prohibited the publication of any information regarding the case or the trial. The BHRM is not looking for information that will violate the Public Prosecutors’ order, but only seeks some clarification that can be published without negatively affecting the fairness of the trial or endangering national security.

The questions that were raised by BHRM to the Minister of Justice were as follows:

- The Honourable Judge in the opening session ruled that the detainees should be moved to a prison under the control of the Ministry of Interior, and be allowed to meet with their lawyers for longer periods of time.

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: MDE 11/009/2010
9 November 2010

Bahrain: Fair trial and freedom of expression must be guaranteed

Amnesty International conducted a fact-finding visit to Bahrain in late October 2010 to update its information on human rights developments, hold talks with government officials, meet civil society activists, and investigate reports of recent human rights violations.

During the visit, Amnesty International was pleased to have meetings with senior government leaders, including the Ministers of Interior, Justice, Information, Foreign Affairs and Social Development, as well as other senior officials, including the Public Prosecutor. All government officials met by the organization stressed their desire to cooperate with Amnesty International and maintained their willingness to look into all human rights concerns raised by the organization. Amnesty International was able to meet also with families and lawyers of detainees, human rights activists, journalists and other representatives of civil society.

On 28 October, Amnesty International delegates attended the opening session of the trial before the High Criminal Court in Manama of 23 members of the Shi’a community who were arrested in August and September and who face charges of setting up, joining and financing a group which aims to overthrow the government and cancel the constitution and which uses “terrorism” as one of the methods to achieve these goals. Two other men, charged in the same case and who reside outside Bahrain, are being tried in their absence.

Also he agreed that the lawyers should be given the file. Were the Judge’s rulings implemented? If not, why?

- With regards to access to the lawyers by the detainees, how many times did they meet between 28 October and 11 November 2010?
- How many times were the detainees allowed to see their families, and how long did their visits last?
- Can you provide us with information about the services inside the prison, including

Further information on UA: 195/10 Index: MDE 11/010/2010 Bahrain

Date: 15 November 2010

URGENT ACTION

POLITICAL ACTIVISTS ON TRIAL ALLEGE TORTURE

A group of 23 detained opposition activists on trial in Bahrain have alleged that they were again subjected to torture and other ill-treatment in prison following their first trial session on 28 October. They had told the court they had been tortured and otherwise ill-treated following their arrests in August and September. They allege that the new abuses were committed against them in reprisal for having disclosed their earlier torture and other ill-treatment. They continue to have very limited access to their lawyers and there are continuing fears for their safety in prison.

The trial of the 23 activists, including leading members of Bahrain’s Shi’a community, opened on 28 October. They are all accused of plotting to overthrow the government using “terrorism” and other means. At the first trial session all of the defendants denied the charges, and most told the court that they had been tortured or otherwise ill-treated in pre-trial detention. Some also said that security officials had threatened them the day before, warning them that they should not complain about their treatment to the court or they could face further torture.

The trial judge declined to release any of the defendants on bail but agreed to a defence request that they be moved from Dry-Dock Prison in Manama, the capital of Bahrain, to protect them against possible abuses by the security officials alleged to have threatened them. Currently, however, they remain held at Dry Dock Prison, though in a different section of the prison, and they are no longer held in solitary confinement.

medical, food and contact with the outside world through newspapers and TV?

- The detainees complained to the Judge that they were subjected to torture between the first and second sessions. They also said that they were tortured between the second and third sessions, in spite of their previous complaint to the Court. Did the Court take any legal measures regarding these torture allegations? If so, what were they?
- What are the legal assurances for the detainees during their time of detention?

The BHRM has not received any reply from the Ministry of Justice, however it obtained some information on the following issues:

1. Al stated that 6 November 2010 was the last time that the lawyers met with the defendants and that the meeting lasted for a short period of time. The information available to the BHRM states that on 14 November 2010, the lawyers were given permission to meet with the defendants on 21 November 2010, in the Dry Dock Prison, but the defence lawyers failed to attend because some of them were abroad, whilst others apologized without specific reasons.
2. During the second session of the trial which took place on 11 November 2010, the trial judge ordered that the defence council be given 22 copies of the file in order to enable them to prepare their defence.
3. According to official sources, some of the torture allegations may be true but these are individual cases and not systematic, which

are investigated most of the time. The BHRM obtained information regarding the measures taken against employees in the Ministry of Interior who were involved in the ill-treatment of the detainees. The information is clarified by the table below.

With regards to the torture allegations and the ill-treatment of detainees, the BHRM stressed the necessity to conduct a transparent and independent investigation. The BHRM would like to draw attention to the previous experience regarding similar torture allegations in the Carazcan Case where the judge had ordered the establishment of a medical committee from the Ministry of Health to investigate the torture allegations. The BHRM believes that this experience should be applied to the current situation. The BHRM also believes that the National Institution for Human Rights should play a major coordinative role in such cases in order to find the truth.

Table of ill-Treatment Claims against the Police

2008 Cases

Number of Cases	Measures Taken
11	Dismissed Cases for lack of evidence
3	Frozen Cases
5	Convictions by Military Courts
19	Total

2009 Cases

Number of Cases	Measures Taken
9	Dismissed Cases for lack of evidence
2	Frozen Cases
2	Convictions by Military Courts
13	Total

2010 Cases

Number of Cases	Measures Taken
10	Dismissed Cases for lack of evidence
11	Frozen Cases
3	Pending investigation
1	Convictions by Military Courts
25	Total

Police Officer and Four Policemen in the Dock

On 13 November 2010, and in an official statement, the Minister of Interior Shiekh Rashid bin Abdullah Al Khalifa ordered that an officer and four policemen to be put on trial for their assault of a detainee in a police station - theft related case-. Assistant Undersecretary for Legal Affairs in the Ministry of Interior Mohammad Buhmood said that the order was based on a complaint made by the victim's father regarding the assault of his son during his detention. Buhmood added that the case was investigated as soon as the complaints were made, and the victim was

referred to a doctor to document his injuries.



He also said that the medical examination, which took place after five days of the incident, proved that the victim's injuries were a direct result of an electric shock.

He also added that the officer and the policemen involved in the incident were summoned and interrogated. The accused claimed that the detainee had attacked and verbally insulted them. Buhmood also added that after the investigation was completed, the evidence showed that the assault had indeed taken place. The accused were then immediately referred to the High Military Court by the Minister of Interior.

Buhmood stressed that the Ministry of Interior is committed to applying the law and adheres to human rights principles. He stressed on the principle of accountability, describing what happened as an individual case and that the Ministry of Interior has never recorded any similar incident before that involved electric shocks.

Consultations with Civil Societies and the ICNL on the Associations Bill

- **The Ministry of Social Development: no disagreement between the Ministry and the Bahrain Human Rights Society, and the latter has resorted to Courts.**
- **526 registered societies until November 2010 & only two were dissolved by judicial and administrative decisions.**
- **The law allows civil society organizations to receive foreign funds on the condition that they obtain permission from the Ministry, which has granted 20 permits this year.**

On 9 November 2010, Amnesty International issued a statement following its visit to Bahrain in October 2010, which included criticism of the Government and civil society organizations. The statement also criticised what it called 'Government interference in the internal affairs of human rights organizations', especially the Ministry of Social Development's decision of 7 September 2010 to dissolve the Board of Directors of the Bahrain Human Rights Society. The Ministry claimed that the Society had committed 'legal and administrative breaches', which violated Law No. 21 for 1989, regulating the activities of NGOs.

With regards to the new Associations Law, which is expected to be ratified by the Parliament, Amnesty urged the Minister of Social Development 'to guarantee that the new law will be completely in line with international human rights laws, and with Bahrain's obligations under international conventions'. Amnesty called to 'enable NGOs to work freely and publicly without fear of Government interference in exercising their legal rights to freedom of expression, assembly, and establishing and joining societies'.

The Ministry's Response

Due to the importance of the issues raised in Amnesty's statement, the BHRM raised a number of questions with Her Excellency Dr. Fatima Blooshi, the Minister of Social Development. On 2 December 2010, the BHRM received the following responses from the Minister's Office:

- **What are the recent developments in the**

disagreement between the Ministry and the Bahrain Human Rights Society? There are some reports appointed to the Government's intention to dissolve the Society or take complete control over it?

We would like to inform you that there are no disagreements between the Ministry and any civil society organization. Thus, the measure and decision taken by the Ministry was due to violations by the Board of Directors of the BHRM of Law No. 21 for 1989, concerning associations, cultural and social clubs, the youth and sport committees and private institutions. The decision to appoint a temporary director for the Society was in accordance with the law mentioned above. The Society has rejected the decision and referred it to the specialized court, and the case is still pending.

- **What are the contributions of the Ministry in the issuing of a new Associations Law which fills the gaps in the current law? Will the new law provide a wider margin of freedom for civil society organisations, and limit the dominance of the Executive Authority over societies?**

With regards to the issuing of a new law which would allow societies a wider margin of freedom, the Ministry has proposed a new bill for non-profit organisations. The draft was presented to civil society organisations through four workshops, the Ministry's website, the National Centre for NGOs Support and the International Center for Not-for-Profit Law (ICNL). The draft was also discussed with civil society organizations, and their comments on the law, as well as those by the ICNL, were included in the draft before it was presented to the Government.

- **What is the number of licensed NGOs in**

Bahrain, and how many societies have been banned over the last ten years?

According to the most recent statistics taken in November 2010, the total number of civil organisations is currently 526. Only two societies were dissolved in accordance with law No. 21 for 1989 during the last ten years. One was dissolved by a court ruling, and the other was dissolved administratively. Therefore, the percentage of dissolved societies is 0.37%, which is nothing compared to what



*Dr. Fatima Blooshi,
the Minister of Social Development*

takes place in other parts of the world.

- **The current Associations Law does not allow civil societies to receive financial aid from abroad. At the same time, NGOs complain of insufficient funds from the Ministry of Social Development. What kind of financial and non-financial aid have you offered these organisations?**

Law No.21 for 1989 allows civil society organisations to accept foreign aid as long as they obtain permits from the Ministry. In 2010, the Ministry approved all twenty applications for the receipt of funds from abroad. As for the financial support we offer, the Ministry funds the projects of civil society organisations through a financial grants programme, with a total budget of 1.4 million Bahraini Dinars for 2006-2010. The Ministry also provides land and property, which it rents out to civil society organizations at a reduced price, as well as providing halls for their activities free of charge through the National Centre for NGOs Support and other social centres.

Amnesty and the IAA:

Respecting or Restricting Freedom of Expression?

- **The President of the Information Affairs Authority (IAA): we have licensed the publication of 1000 newsletters and journals, and we always strive to develop the law in line with openness and freedom of opinion and expression.**
- **Blocked websites promoted violence, encouraged vandalism of public properties, and publicised methods of manufacturing explosives, weapons and implanting bombs.**

On 9 November 2010, Amnesty International issued a statement following its recent visit to Bahrain, in which it criticised the Bahraini Government for undermining freedom of expression. This seems to be a harsh description of the state of freedom of expression in the country.

Amnesty also expressed its concern regarding the closure of several websites and publications, including those belonging to licensed political societies. The statement also pointed to some Government requirements, which restricted the freedom of expression guaranteed by international human rights conventions, signed by Bahrain.

The statement also urged the Bahraini Government 'to lift the restrictions imposed on political associations' websites and restore the associations' publishing licences and allow them to distribute information freely in accordance with international human rights law. Political associations should have the right to disseminate information freely, including to the public, and that both laws related to publication and political associations should be amended and brought into full conformity with Bahrain's obligations under international human rights law'.

The View of the IAA

On 19 November 2010, the BHRM relayed these concerns regarding freedom of expression to the President of the IAA, Sheikh Fawaz bin Muhammad Al Khalifah, which he

kindly responded to.

- **Why were some websites belonging to licensed political societies blocked? Can you explain their breaches of the law?**

Some of the websites you mentioned were blocked because their contents breached the Press and Publications Law, and others had used unlicensed electronic applications on their websites.

- **Who is responsible for the decision to close these websites, and does this fall under the jurisdiction of the concerned Ministry or the Court, and according to which article?**

This was based on the Ministerial Decree No.1 for 2009 regarding the regulation of websites, and in accordance to Articles 19 and 20 of Decree No.47 for 2002, regarding the organisation of press, printing and publications.

- **Did the decision come gradually or without previous warning? In other words, did you inform the owners verbally or in writing to warn them of their transgressions? If so, could you provide us with examples of your actions and the reactions of the owners, if any?**

The decision came in a gradual legal manner, as the owners were first informed of the breaches, then they were sent an official letter requesting the removal of the illegal material. This included a warning that their websites would be closed if the matter was not addressed, and we have copies of these correspondences.

- **Does the law allow the owners of these websites to appeal to the courts, and according to which articles?**



The President of the IAA.

Yes, the Law allows this, in accordance with articles 19 and 20 of Law 47 for 2002, regarding the organisation of press, printing and publications.

- **How many websites were blocked? And how many of these were pornographic, and how many were political and inciting violence? Can you give us examples of this?**

No opinion-based websites were blocked, only websites which contained incitement and sectarianism, encouraged vandalism of public properties, attacked public interests, destabilized the security of the Kingdom, and spread lies and rumours. In addition, some publicised incitement against the regime, and promoted violence to the extent that they published methods of manufacturing and implanting bombs, smoke bombs, magnesium and sodium and Molotov cocktails, among other explosives. These websites incited youths to manufacture these bombs, and to use them against the security forces and the police.

- **How many political websites are still blocked? And why the ban has not been lifted? Is this the fault of the IAA or the owners of these websites for not responding to the IAA's warning?**

The ban was lifted from many blocked websites after their owners

Meetings of BHRM in Geneva

On 22-26 November 2010, the President of the BHRM Hasan Moosa Shafaie visited Geneva in a working trip, during which he met several human rights officials from various international human rights organizations at the Office of the



With Ms. Rose

High Commissioner for Human Rights (OHCHR).

Shafaie met the Chief of Human Rights Treaties Branch at the OHCHR, Mr. Ibrahim Salama, and discussed Bahrain's commitment to the international agreements it has signed.

He also met the Chief of Civil Society Unit, Ms. June Ray as well as the Human Rights Officer for the Bahrain section Mr. Predrag Zivkovic. Discussions in both meetings revolved around the latest human rights developments in Bahrain and the role of the National Institution for Human Rights (NIHR) in the development of Bahraini civil society organizations.



With Mr. Thomson & Ms. Schaufelberger

As a member of the NIHR, Shafaie also met the Human Rights Officer for National Institutions and Regional Mechanisms Section, Afrain Shahidzadeh in the presence of the Representative of the International Liaison Committee of National Human Rights Institutions, Ms. Katharine Rose. During the meeting,



With Mr. Mesli

the accomplishments and committees of the NIHR in Bahrain were discussed, as well as some activities carried out by the NIHR, such as prison visits and supervising recent elections.

Shafaie also met the Legal Director of the Legal Section at the AlKarama Organization for Human Rights, Rachid Mesli, and discussed with him the scope of mutual cooperation. He also met the Secretary General of the Association for the Prevention of Torture (APT), Mark Thomson, with the presence of Esther Schaufelberger, the Programme Officer at the APT, and discussed with them the need of organising more training workshops in Bahrain.

modified their content.

■ What is the number of banned newsletters and to whom do they belong? And was your decision to ban them also gradual? Have the owners of these newsletters resumed publication? And was the decision to close them made by the courts or the IAA?

Four newsletters were banned, and they belong to the following parties: al Wefaq National Islamic Society, the Progressive Democratic Forum Society, the National Democratic Action Society and the Islamic Action Society. The publication of these newsletters was stopped due to their violation of the laws and regulations, and the failure to adhere to decision No. 2 for 2006. They were also banned for their failure to adhere to the IAA's conditions, according to which they were granted licenses. The decision came after several warnings, and the IAA also met the representatives of these societies, and urged them to adhere to the laws and regulations. However, their irregularities continued, which led to the ban.

■ If the IAA acted according to the current law, which Bahraini civil society and international organisations as well as a number of MPs have all criticised, what measures have you taken to amend the law in order to be in line with the requirements of freedom of expression, and in accordance with the international conventions signed by Bahrain, as well as Bahraini regulations themselves (the National Charter and the Constitution)?

The IAA has licensed around 1000 newsletters and journals, and did not experience any problems with these, except for the four cases mentioned above. The Press and Publications Law is currently being discussed in the Bahraini House of Representatives, although its articles conform with all international conventions, we always strive to develop the Law, in line with the openness and freedom of expression enjoyed by Bahrain.