

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

مرصد البحرين لحقوق الإنسان

Issue 24 • January 2011

HR Defenders, not Political Opponents

Human rights organizations are not opposition movements and it is wrong to restrict the role of human rights organizations in condemnation and defamation.

Human rights need an infrastructure that provides the necessary protection. Such infrastructure can be established through changing current laws and public culture, and by creating a normal and stable relationship between human rights organizations and the executive authority.

The ability of human rights organizations to persuade the government and its security, judicial and executive institutions to change laws, or encourage them to respect human rights, will serve the interest of such organizations better than condemnation and defamation.

Ultimately, the major concern for human rights organizations in general is to improve the human rights situation, and avoid conflict with the political system.

The opposition political parties are free to do whatever they wish, while the role of human rights activists lies in reducing human suffering and human rights violations by amending laws and changing policies, as well as encouraging officials to continue reforms and institutionalize human rights into the political life of the country.

It is easy to condemn and attack the regime, but will it change the human rights situation on the ground?

Must one go through political battles and frighten the regime in order to develop human rights? Is this really the case?

Human rights should not be used to scare regimes, and human rights activists should be creative in influencing decision-makers. Human rights become undesirable and a source of problems if used by political or human rights groups, in order to condemn and exaggerate problems, without presenting any solution or vision.

Some local human rights organizations do not realise the above fact, even though it is well known by international human rights organizations. The latter usually try hard to open dialogue and cooperate with the regimes in order to help implement their human rights agendas. However, when the use of rational language and constructive dialogue becomes useless, international organizations condemn them as part of a desperate measure, and not as a permanent policy.

Bahrain is an example of a progressing country in the human rights field. It is not an ideal country, but also, it is not as bad as what some might project. How can any human rights activist ignore Bahrain's achievements in the fields of politics and human rights? Why do some people who regard themselves as human rights defenders insist on creating tension between the Executive Authority and human rights organizations? The key to the success of Bahraini human rights activists lies in not considering themselves peaceful or violent opposition movements, and also in acting as human rights defenders.

In this issue

- 4 **Fighting Corruption:
Need for Accountability**
- 5 **Freedom of Expression
Comes First**
- 7 **Flourishing Press amid
Unsuitable Press Law**
- 8 **Ministry of Justice's
Responses to Torture Claims**
- 12 **Bahrain: a Symbol
of Religious Freedoms**

Trial of (Terrorist) Network

■ (9/12/2010): The defence council of the network charged with terrorism offences announced their withdrawal from the case during a High Criminal Court hearing. The lawyers announced



their withdrawal, claiming that the Court refused to refer the detainees to doctors in order to verify the torture allegations. Some lawyers justified their withdrawal by claiming that the detainees had refused to cooperate. The Public Prosecutor said that the lawyers' decision was pre planned to achieve a specific objective, and that the decision would negatively affect the case. The trial judge instructed the appointment of new defence lawyers and then adjourned the case.

■ (22/12/2010): The detainees accused of terrorism offences refused to meet with their new defence council, which was appointed by the Minister of Justice and Islamic Affairs.

■ (27/12/2010): The Minister of Justice met the new defence council based on their request. Some lawyers expressed their reservation at defending the detainees because of their refusal to meet and speak with them. The Minister stressed that he did not wish to interfere in the lawyers' work and asked them to be professional.

■ (06/01/2011): The detainees attended the sixth session with their appointed lawyers from the Ministry of Justice. The trial judge decided to adjourn the hearing to 13 January 2011 because of the withdrawal of some of the lawyers, which hindered the case. The judge ordered the referral of the lawyers who withdrew from the case to the Minister of Justice, so that the necessary measures can be taken for their breach of Article 41 of the Advocacy Law.

84% Support the Right of Citizenship to Children of Bahraini Women

A survey conducted by a national campaign showed that 84% of the 965 participants support the right of Bahraini women extending their citizenship to their children, regardless of their husband's nationality.

81% of the participants believed that amending the nationality law is a priority. The Coordinator



of the Campaign, Dr. Wajeha Al Baharna said that these results reveal that the society is fully aware of the problem. She called upon the Government to review the case and take a decision to stop the suffering of Bahraini women married to non-Bahrainis.

Calls to Lift Restrictions on Community Work

During a meeting held in the Alumni Club regarding the Forum for the Future, civil society organizations called for the activation of the youth strategy and youth parliament, in addition to lifting the restrictions imposed



on civil society organizations. The meeting was initiated by the Bahraini Transparency Society on behalf of the Forum for the Future.

The participants discussed several issues including censorship, education curriculums, the effect of globalization and other social issues. The meeting stressed the need to accelerate the democratic action inside political parties, encouraging the participation of youth and improving youth communication through the use of technology.

69 Active Trade Unions in Bahrain

In 2010, the number of trade unions under the umbrella of the General Federation of Bahraini Trade Unions (GFBTU) has reached 69 unions, 11 of which had joined the GFBTU during its first session in 2004. The rest had joined during its second session in 2008, and five trade unions ceased their activities.



Jaafar Khaleel, spokesperson of GFBTU, said that the second session was the most productive because the demands of the unions were met and their numbers had increased.

With regards to the number of active trade unions, Khaleel said that: "the number of strong and active trade unions is not small, and that other small trade unions are trying to reach the same level as the active ones. Many trade unions have achieved notable achievements since their establishment.

Naeema Marhoon: We Demand a Unified Family Law

The celebration of the Bahraini Women's Day was held in the Bahrain Women Society headquarters. Naeema Marhoon, President of the Society, stressed that women's societies should bear greater responsibility and



continue to demand the ratification of the second section of the family law, i.e. the Shia section. This should be achieved with the cooperation of both the Legislative and Executive Authorities. She added that, Bahraini women are looking forward to a unified and modern family law, instead of the current law, which is divided into two sections and deprives women of their legal protection. Marhoon also demanded reconsidering the nationality law, so that women can pass on their citizenship to their children.

BHRS Launch 2010 Annual Report

In December 2010, the eighth annual report of the Bahrain Human Rights Society was released.



The report contained 72 pages and 30 recommendations, which include: ratifying and joining all international human rights conventions, such as the Roma

Statute of the International Criminal Court; amending national laws in order to comply with international agreements; establishing an independent and permanent elections authority, establishing a national authority for transitional justice; combating discrimination and promoting citizenship; passing a law that binds the Government to finance human rights societies, as well as women's and children's societies, and guaranteeing their independence; adopting laws that criminalize environmental pollution.

Al Najjar: Increase in Violence is Against Civilization

Taqiyah Al Najjar, member of the Bahrain Women's Association for Human Development, said that violence takes different forms: individual or collective, and can be action or reaction. The worst form of violence is the one that uses ideological justifications to degrade others. Her comments came during the Arab Thought Forum, held in Alexandria on 13-15 December 2010.



Al Najjar believes that the level of violence in any society is an indicator of how civilised the society is, and its ability to absorb the differences in opinions and beliefs without causing civil strife. She added that diversity and coexistence are always a source of enrichment to any nation.

News of the National Institution for Human Rights (NIHR)

■ (09/12/2010): The NIHR announced in a statement that it was in the process of preparing a comprehensive and detailed national strategy for human rights, which would meet the necessary requirements and be implemented within three months. The statement called on the House of Representatives to harmonize laws with the standards set by the international conventions, which the Kingdom of Bahrain had ratified.

■ (26/12/2010): The NIHR completed the formation of its permanent committees and elected the heads of each committee. Dr Ahmad Farhan was chosen as the head of the Political and Civil Rights Committee; Ali Abdullah Al Aradi was chosen as the head of the Social, Cultural and Economic Rights Committee; Dr Maryam Al Jalahma, head of the National Relations Committee; Abdullah Al Dowsari, head of the International Affairs Committee; Dr Isa Al Khayat, was chosen as the First Deputy President and head of the Monitoring and Complaints Committee.



■ (28/12/2010): Some members of the NIHR inspected a rehabilitation centre and met the Minister of Interior. During the meeting, the results of their visit were discussed, as well as their report. The Minister said that promoting democracy and the principle of respecting human rights are pillars of the reform project. He added that the state of law respects freedom and democracy stressing that "respecting human rights and fundamental freedoms is a high priority for the Ministry". Finally, the Minister also stressed that the recommendations presented by the NIHR delegation will be taken into consideration.

To Fight Corruption:

Accountability Should Follow Reporting

Financial and administrative scrutiny is worthless if it is not followed up by accountability arrangements.

Seven very transparent and detailed reports were issued by the Office of Financial and Administrative Control (OFAC), which was established in 2003. The latest report was issued in December 2010 containing shocking information on growing corruption, administrative breaches and the wasting of public money in almost all departments of the government.

The publication of the report in the press and the debate that followed has undoubtedly benefited the Bahraini society. It has shown the size of corruption within the State and highlighted ways of combating this problem and the obstacles it may face.

Bahrainis have often heard and read many statements condemning corruption and calling for confronting it. Almost everyone in the country agrees and without any exception on condemning the abuse of public money and calls for tougher measures to be taken against it.

However, many have noticed that the breaches, which were included in the latest report, have been reoccurring and that no official body exists to deal with the current situation.

The OFAC is an institution, which was established during the reform era in order to promote reform and democracy. OFAC has played a crucial role in enlightening the public about corruption issues, and has provided MPs with all the tools necessary to combat the phenomena of corruption. Hence, it is not

surprising that the OFAC reports have been praised by many bodies.

Top senior officials, including HM the King, the Prime Minister, the Crown Prince and other ministers have praised the report. However, a crucial question remains unanswered: what will happen after the publication of the report? And is its role only confined to monitoring and scrutinising Government?

At the present the public are aware of the reality of corruption and the financial breaches in the country. The next important step involves the activation of the administrative and legislative bodies in order to combat these breaches and correct the mistakes so that they are never repeated again.

Accountability and correction is the next step, but who is authorised to implement the recommendation of the OFAC? Is it the House of Representatives, where a number of its members expressed their shock over the report? Can MPs summon ministers for questioning, as some MPs suggested? Or does the solution lie in establishing another institution such as the High Authority to Combat Corruption, as some civil society institution suggested?

Or could the solution be in setting up a joint committee from both the Council of Ministers and the Parliament that can follow the implementation of the OFAC recommendations and hold those responsible accountable?

The above can be summarised as follows:

The importance of scrutinizing and monitoring the financial breaches



and administrative corruption. There is no official sensitivity regarding pin pointing and publishing the areas of fault in State institutions, as the latest report has shown.

The official reaction shows that there is no problem in holding those responsible for corruption accountable. The problem lies in the absence of mechanisms that can achieve this.

The considerable amount of breaches in the report shows that the Government is serious in confronting financial and administrative corruption. Many of the breaches could have been hidden as is the case in some countries. Although the size of corruption is a cause for concern, it is pleasing to see both the Government and the public are ready to take steps to combat it.

The reform project brought about a chain of reforms, which are difficult to undo. Combating corruption can only be achieved by having a strong House of Representatives, anti-corruption legislations, vibrant civil society institutions and free expression. Combating corruption is an indispensable part of the political reform and the time has come to take strict measures towards implementing it.

Freedom of Expression Comes First



Several months have passed since the ban on the publications of some political societies by the Information Affairs Authority (IAA) in September 2010. The IAA is still insisting that all its procedures were in accordance with the regulations of 2002 Press, Printing and Publication Law.

This raises an important question about why implementing a law, which is an out of date and needs amendments?

It is surprising that the authorities were ignoring all breaches to the 2002 Law for years, but suddenly decided to implement it. What benefit could be gained from implementing this Law, while breaching some of its articles harms no one?

What is even more interesting is that the margin of freedom enjoyed by local newspapers has resulted in publishing critical and popular material than those published by political societies, which are small in number, limited in circulation and have a minor effect.

Moreover, these political societies have not been harmed or gravely affected by the ban. On the contrary, their communication with their supporters remained unhindered as well as their ability to express their views. This is due to the fact that the daily newspapers cover all their activities in greater detail than

their own newsletters. In fact, the Government is the only party to be negatively affected by taking this decision. Both its reputation in the international human rights organizations reports and its human rights record have been affected by the ban.

The banning of publications and the censoring of internet websites will remain a controversial issue, and the harsh criticism of the Government will continue. It is surprising that the Government cannot tolerate the societies' criticism in their newsletters, whilst at the same time it can tolerate wider and deeper criticism by the same societies in the daily newspapers.

It was hoped that the Press law would be quickly amended, but unfortunately this did not take place, and it is still unknown when the new Parliament will discuss an alternative bill to solve the root of the problem. Is it necessary for the ban to continue just because the political societies used new technical applications that were not covered by the current legislation?

Banning of newspapers would be understood if it took place in a dictatorship. It is unusual for the Bahraini Government to ban a few newsletters, whilst local newspapers enjoy a wide margin

of freedom.

The banned newsletters were known to be published periodically and monthly from 2002 to 2010. All statutes of political societies state that they have the right to issue a periodic newsletter, which reflects their position and promotes their activities and ideas. Hence, these societies filed a lawsuit against the IAA's decision in the Administrative High Court.

In summary, we would like to emphasise that the IAA's persistence on implementing the 2002 Law will fail to achieve its objective, and will harm the Government's reputation both locally and internationally. The only people who will benefit from the ban are those who will use it as evidence for the deterioration of freedoms inside Bahrain, which are guaranteed by both the Constitution and the National Action Charter.

The rule of law should be respected and the solution is not to impose the current Law but to amend it, because the freedom of expression in Bahrain is more readily available than what the Law allows. Breaching or ignoring the current Press Law does not necessary mean disrespect. It is an indication that the current Law has lost its viability.

Legal and Security Actions

■ (2/12/2010): A Thai woman accused of human trafficking is set to hear the verdict of her case in the High Criminal Court on 23 January 2011. It is alleged that she tricked women from her country by offering them work in restaurants, but instead intimidated and forced them into prostitution. In a separate case, a Bahraini citizen was sentenced to eight years in prison in Thailand for the same offence.

■ (2/12/2010): a detainee who was alleged to have participated in riots was released after spending one month in detention. It was proven that he was at work during the time of the crime. On 26 September 2010, another citizen was released after evidence revealed that he had been outside the country during the time of the crime. He was accused of setting fire to the Sitra Club on 25 March 2010. On 5 December

2010, a defendant accused of rioting was also released because of insanity. It came to light that one of the accused of rioting had misled the investigation.

■ (5/12/2010): The Third High Criminal Court, sentenced a person in absentia to 5 years in jail and fined 500 dinars for setting an electricity generator by the third High Criminal Court. Another court sentenced two persons to prison, one for three years and the other for one year, for their involvement in the attack against the British Embassy on 16 March 2010.

■ (6/12/2010): The Public Prosecutor renewed the detention of 15 youth from Sar for a further 15-days. Their families insisted that their children were playing football close to the Sar Club during the time of the crime, and have no previous criminal records.

■ (9/12/2010): The Second Court

of Appeal upholds the decision to imprison a Bahraini citizen for rioting in Deer and sentenced him to 6 months in prison.

■ (12/12/2010): The Third High Criminal Court sentenced two persons to five years' imprisonment for setting fire to a car and causing financial damage in the area of Deer. On 21 December 2010, the Lower Criminal Court sentenced a person to 4 months' imprisonment for rioting in Al Bilad Al Qadeem. On 23 December 2010, another person was sentenced to 4 months' imprisonment for his involvement in rioting and arson attacks.

■ (26/12/2010): Three people were convicted of setting fire to an electricity pylon in Sitra on 8 July 2010. They were sentenced to 10 years' imprisonment and fined 4000 Dinar by the High Criminal Court.

Human Rights Updates

■ (2/12/2010): The Minister of Social Development stressed the need to incorporate the growing numbers of people with disability in Bahrain, which has reached 6678, in order to meet the MDGs. She also said that the Government had agreed to ratify the Convention on the Rights of Persons with Disability after being passed by Parliament.

■ (4/12/2010): The Secretary General of the General Federation of Bahrain Trade Unions, Salman Al Mahfooz criticized the Government for issuing the Civil Service Law, by Decree No. 48 for 2010, without consulting the Federation. Al Mahfooz demanded that the Legislative Authority play its role in any amendment to the Law.

■ (8/12/2010): On the occasion of the International Day for Human Rights, the Prime Minister Prince Khalifa bin Salman Al Khalifa stressed that respecting

human rights is an essential indicator of progress for any nation, and that no nation can advance if it does not have human rights at the heart of its agenda.

■ (10/12/2010): On the same occasion, the Democratic Progressive Forum Society issued a statement. The statement stressed that restricting freedom of expression does not coincide with Bahrain's international obligations. It also criticized what it referred to as "the comprehensive war on internet websites and the publications of political societies."

■ (21/12/2010): On 20-21 December 2010, a Bahraini delegation participated in the Regional Forum on Human Rights in the Gulf States held in Doha. The Forum discussed the implementation of the recommendations of the international mechanisms on human rights.

■ (22/12/2010): The Bahrain Foreign Ministry issued a report in both Arabic and English regarding the rights and

work conditions of foreign workers. The report discusses the condition of foreign workers and the mechanisms that are in place to deal with any violations.

■ (24/12/2010): In December 2010, the Office of Financial and Administrative Control started the inspection of the Civil Society Administration Unit at the Ministry of Social Development. This is in order to verify the competency and effectiveness of the internal regulations and operations of the Unit.

■ (30/12/2010): the Ministry of Social Development organised a workshop on the Juvenile Law and the International Convention on The Right of the Child, which the Kingdom of Bahrain had joined in 1991. The head of the Legal Affairs Section at the Ministry, Abdullah Al Jawdar gave a lecture during the event. The workshop is part of the Ministry's training plan for psychiatrists who work in all of its institutions and centres.

Flourishing Press amid Unsuitable Press Law

The Annual Report of Reporters without Borders for 2010 stated that: “the opening up of the political landscape, driven since 2002 by King Hamad bin Isa al-Khalifa, was coupled with a similar expansion in the press field.”

The report concentrated on Law No.47 of the Press Law, which was issued in 2002. The report began by criticizing this Law because it “did not take into account most of the recommendations from within the profession, which was consulted on the reforms, it gave new vigour to the written press.” The Paris based international organization pointed to what it called “Streamlining of the process of launching new publications provided a significant boost to the number of daily newspapers in circulation.” The report also stated that “articles in the law that had allowed journalists to be imprisoned were abolished. However, journalists can still be tried under criminal law and they generally submit themselves to regular and rigorous self-censorship.”

The report also highlighted the prohibitions in Law 47, which include “attack on the regime, the official state religion, morals or different confessions leading to a breach of the peace”. It added that Law 47 empowers the Culture and Information Ministry to close any publication or website. The report added that: “Editors of newspapers, as a result, find themselves under relentless political pressure”. However, the report did not provide any explanation or elaborate on this point.

The report also said “Since it was approved in 2002, many attempts have been made to reform the publications law, but the Government only put forward its own amendments to the National Assembly in June 2008 and they still have not been debated”.

The report described the privately owned written press as flourishing, despite this fact “the State has kept a monopoly on the broadcast sector.” It also mentioned that almost 99% of the population owns a satellite dish.

The second part of the report covers the margin of freedom in the country, “the Internet gives the Kingdom’s journalists a highly valued space for freedom of expression. But this space is now being brought much more under official surveillance and control.” Also, the telecommunication company “censors pages that incite violence, national discord, and of pornographic nature. In practice, many websites run by national or international non-government organisations are inaccessible.” It also criticised the Information Ministry for its “memo to Internet access providers, instructing them to censor websites that appeared on the Government’s blacklist. Since then, some websites that allow users to get around online censorship have also become inaccessible. This means that Internet users cannot go onto pages of some groups on the social networking site Facebook, seen as critical of the Government, along with 66 other websites dealing with subjects relating to human rights or politics.”

The report of Reporters without Borders for this year is well balanced, in tune with reality and concise. There is nothing new to say about freedom of expression and press restrictions in Bahrain. All the problems are rooted in Law No. 47 of the Press Law, which is in dire need of amendment, and the controversy regarding the nature of websites that are censored. The closure of websites that promote pornography and incite hatred is understandable, but



what is not acceptable is the closure of websites belonging to registered political societies, which follow the Government guidelines, even though their rhetoric contains harsh criticism directed at the Government.

Bahrain’s ranking in press freedom has declined from 119 in 2009 to 144 out of 178 in 2010. This is due to the wide criticism directed at the record of Bahrain related to press freedom.

Drazi Criticises Restriction on Freedom of Expression

Abduallah Drazi, Secretary General of the Bahrain Human Rights Society, said that: “any setbacks in public freedoms and freedom of expression will cause further setbacks in other areas. The last months



of 2010 witnessed an increase in the restriction on public freedoms, political societies and the media. For example, some newsletters and websites belonging to political societies such as, the National Islamic Wefaq, Waad, Amal and the Democratic Progressive Forum were closed down.” Drazi believes that restrictions on the media are going to affect both Bahrain’s position and reputation in any international report concerning freedom of expression and public freedoms.

The Bahraini Ministry of Justice Responds to BHRM's Queries about the Alleged Torture and Ill-treatment of the Detainees

On 9, 15 and 16 November 2010, Amnesty International (AI) issued three public statements on the state of human rights in Bahrain. In these statements, AI raised many questions and expressed deep concerns regarding a number of issues including the subjection of some detainees to torture and ill - treatment, and denial of adequate access to their lawyers and families. Due to the significance of these allegations, Bahrain Human Rights Monitor (BHRM) wrote to His Excellency the Minister of Justice on 19 November 2010, requesting some clarifications on the matter. On 19 December, the Ministry of Justice responded as follows:-

■ **The trial judge ordered in the opening session that the detainees should be moved to a prison under the control of the Ministry of Interior, and to be allowed to meet with their lawyers for longer periods of time. The judge also ordered that the defence lawyers should be given copy of the file. Were the judge's orders implemented? If not, why?**

In response to the judge's decision issued at the session held on 28 October 2010, the detainees were moved to a different section within the Dry-Dock Prison, which is not supervised by the National Security Apparatus. Additionally, the lawyers were allowed to visit the detainees on specific dates in November. Subsequently, 18 lawyers managed to do so on the dates set aside, which were the 4th, 14th, 21st, 22nd, and 26th respectively; and on Friday 26 November 2010, the day

following the last session, six lawyers visited their clients.

■ **With regards to access to the lawyers by the detainees, how many times did they meet between 28 October and 11 November 2010?**

The lawyers managed only one visit to the detainees in the stated period and that was on 4 November 2010.

■ **How many times were the detainees allowed to see their families, and how long did their visits last?**

Prior to 24 November 2010, the visits by the families to each detainee ranged between seven to nine visits. The overall total of visits to all the detainees is 182.

■ **Can you tell us about the services inside the prison, including medical, food and contact with the outside world through the newspapers and TV?**

The detainees are provided with a variety of meals, and they enjoy the rights to read the newspapers, watch TV, and receive books from outside the prison. They also enjoy daily periods of exercise, and receive due medical care, whenever deemed necessary, all in accordance with the prison's rules and regulations.

■ **In the first and second sessions, the detainees complained to the trial judge that they were subjected to torture between the first and second sessions, in spite of their previous complaint to the Court. Did the Court take any legal actions regarding these torture**



Minister of Justice

allegations? If so, what were they?

Following the allegations of torture by the detainees, the Court ordered the referral of Salman Naji Salman and Abdel Amir Al Aradi to a forensic physician, and of Hassan Hamad Saleh Al Haddad to an Ear, Nose and Throat Specialist.

■ **On 16 November 2010, Mr. Malcolm Smart, the Director of the Middle East Program at AI, called on the Bahraini Government to conduct an independent investigation into the allegations of torture. On the other hand, the lawyers demanded the referral of the detainees to independent medical examinations, rather than to the Forensic Department within the Public Prosecutor's Office. Could it be possible for the Ministry of Health to form a special medical committee to investigate these allegations, similar to that of the Karzakkan Case in early 2010?**

Scientifically and practically speaking, forensic medicine is the only technically qualified medium to determine the nature and the cause of injury, and the manner by which it was inflicted, and whether it conforms to any allegations made by the accused. The Diagnostic and Therapeutic Medicine can not rule conclusively in such matters. This should, in no way, be undermined by what was adopted by the court regarding the two cases of Jidhafs and Karzackan, when a committee consisting of doctors from the Ministry of Health was formed to examine the accused. The Public Prosecution voiced concerns towards the committee's conclusion, as it contained gravely contradicting findings, which could only be attributed to the committee's lack of scientific specialization, and its interference in matters beyond its mandate and medical expertise;

Additionally, the committee relied on the pain displayed by the accused to determine that the injury occurred due to an assault instead of relying on the existence of visible traces of injury. Furthermore, the medical report, according to the Public Prosecution, could not reach a definite opinion on how the injuries were sustained, thus making the findings dependent on mere probabilities rather than certainties.

■ **What are the legal assurances for the detainees during their detention?**

The utmost legal guarantees that could safeguard the accused are the criminal and disciplinary liability prescribed by the law, in addition to the provision in the criminal procedure law, article 145, which stipulates that individuals from the Public Authorities, other than those

permitted to inspect prisons, are not allowed to have any form of contact with the detainees, unless they have a written permission from the Public Prosecution Office .

■ **With regard to the shaving of the detainee's heads, why did that happen, and under which legal guidelines? Did the accused object to that, and saw it as an insult, as claimed by their lawyers?**

With regard to this matter, we have been informed by the Ministry of Interior that the normal practice, under the prison's laws and regulations, is that every detainee would have his head shaven before admission; and that the shaving process takes place every three weeks as a hygiene requirement, and also to ensure the safety of all detainees and prevent the spread of disease among them.

Bahrain Leads Gulf in Human Rights

The decision to set up a GCC Office for Human Rights is regarded as one of the major achievements of the 31st Summit of the Gulf Council Cooperation (GCC) held in Abu Dhabi in December 2010.

This decision bears two significant indications: the first relates to the reasons and rationales behind setting up such an office, and the second is that the Office represents a new horizon to develop human rights in the region. However, in order for the newly established Office to fulfil its objectives, it needs to be well resourced and invested in given the fact that we live in an open and transparent world and that human rights are well scrutinized and protected and any violation thereto cannot be ignored.

In the closing statement of the GCC Summit, the Supreme Council endorsed the establishment of the GCC Office for Human Rights, as part of the General Secretariat. The setting up of the Office came as a result of the implementation of Bahrain's Vision for the Development of the GCC in the field of human rights. It is obvious that Bahrain is trying to bring the GCC countries closer to human rights, despite some concern and reservations. Bahrain believes that it is difficult for any GCC country to remain unaffected by changes taken place in the other Gulf countries, if they decide to pursue political and human rights changes.

Bahrain's proposals regarding human rights were no coincidences, but part of a general vision regarding

the future of the GCC. Even if the beginnings are modest, it is important to break the ice between the Gulf countries and international human rights organizations. The pioneering position of Bahrain means that it bears a greater responsibility towards caring for the newly formed GCC Human Rights Office. In order for the Office to develop, officials in the GCC countries need to pay more attention to the importance of human rights. Setting up the GCC Human Rights Office was just the first step, and more serious work is needed. This includes the creation of a suitable atmosphere for the development of human rights, passing laws and appropriate regulations, exchanging expertise between the GCC countries, and allowing civil society organizations the opportunity and freedom to play their indispensable role.

Meetings of BHRM in Beirut

Between 20 December 2010 and 3 January 2011, the President of the BHRM Hasan Moosa Shafaie visited Lebanon and met with several media and human rights institutions as well as some political and parliamentary figures including the following:

- Ahmed Karoud , Director of Amnesty International Regional Office for the Middle East and North Africa.
- Dr. Kamil Mahana, President of Amel Foundation.
- Nema' Joumaa, President of the Lebanese Association for Human Rights.
- Samira Trad, Director of Frontiers (Ruwad)



With the Head of Amnesty's Regional Office, Ahamed Karoud and Programme Manager, Julia Bukaram



With the President of Amel Association, DR. Kamel Mohanna

Centre.

- Brigitte Chelebian, from Justice without Frontiers.
- Wadie' Al Samr, from the Lebanese Centre for Human Rights.
- Zoya Rouhana and Leila Awada, from Enough for Violence and Exploitation (Kafa).
- Abbas Abouzeid, from the Lebanese Association for Democratic Election.

■ Meetings with the Media

institutions include:

- Abdalla Kassir, General Manager of Al-Manar TV.



With MP Michel Moussa, President of the Human Rights Committee in the House of Representatives

- Ghassan Hajjar, the Managing Editor of An-Nahar Newspaper.
- Qasim Swaid, Chairman and General Manager of NBN TV.
- Bassam Al Qintar, editor of the human rights section in the Lebanese Al-Akbar newspaper.

Also, Shafaie met the President of the Human Rights Committee in the Lebanese Parliament, Dr. Michel Moussa and the Rapporteur of the Committee, Ghassan Moukheiber.

He also met Sheikh Hassan Ezzeddine, Director of the Arab Relations in Hezbollah.



With Sheikh Hassan Ezzeddine, Director of the Arab Relations in Hezbollah



With the President of Justice without Frontiers, Attorney Brigitte Chelebian



With the General Manager of Al-Manar TV, Abdalla Kassir



With the Rapporteur of the Parliamentary Human Rights Committee, MP Ghassan Moukheiber



During a meeting with the Managing Editor of An-Nahar Newspaper, Ghassan Hajjar



With Lawyer Leila Awada, from Kafa



With the Director of Kafa, Zoya Rouhana



With the President of the Lebanese Association for Human Rights, Mr. Nehmee Joumaa



With Bassam Al Qintar from Al- Akbar newspaper



With Mohammed Al Shari during an interview with Al- Manar TV



With Abbas Abouzeid from the Lebanese Association for Democratic Elections

Bahrain Human Rights Monitor calls upon the Government to ratify the Enforced Disappearance Convention

On 23 December 2010, the International Convention for the Protection of All Persons from Enforced Disappearance will enter into force. The Convention is considered as one of the most important among the principal international treaties. The Convention obliges member states to put an end to the practice of enforced disappearance, hold any person involved in an enforced disappearance criminally responsible and ensure that families of the disappeared are granted appropriate remedy and reparations.

Bahrain Human Rights Monitor would take the opportunity to mark this occasion by urging the Government of Bahrain to take the initiative to ratify the Convention. The Monitor believes that Bahrain is well suited for such a step considering that the country has a clean record as far as the practice

of enforced disappearance is concerned. Furthermore, Bahrain's accession to the Convention would enhance its standing within the international arena.

The Monitor is hoping that Bahrain could become the second Arab State to ratify the Convention after Iraq, which has ratified it on 23 November 2010. Joining the club of countries that ratified the Convention, and adhering to its content, constitute a vital ingredient of the country's responsibility towards human rights internationally. The recognition and protection of human rights has become part of the shared cultural and human bond that ties the nations together.

Bahrain Human Rights Monitor, on the other hand, urges civil society institutions in Bahrain to condemn the criminal acts of enforced disappearance worldwide, and to initiate a momentum aiming at pushing

both the Legislative and Executive Authorities towards the ratification of the Convention.

The importance attached by Bahrain's civil society to this Convention, which is manifested by its participation in the International Day for the Disappeared on 30 August every year, represents one of the means that Bahrain interacts with international human rights bodies. It is through such an interaction that it becomes possible to confront and oppose those governments that employ the practice of enforced disappearance, which is regarded as the most abhorrent of human rights violations, since it embodies a wide range of infringements that affect the individuals and their family, and strip them of all their rights, including the right to life, personal security and dignity, and the right not to be subjected to torture or inhumane treatment, and to be detained in humane conditions, and to receive a fair trial.

Bahrain: a Symbol of Religious Freedoms

Every year during the event of Ashoura, Bahrain clearly shows that it is the centre of religious freedom, not only to its own residents but to the citizens of the surrounding Gulf countries.

Thousands of people come from various Gulf States to Bahrain in order to participate in the Ashoura religious celebration. Huge demonstrations take place during this event, with the active participation and facilitation of the Bahraini Government, which donates both food and money to the Shia centres (maatams)¹. According to the Shia Endowment statistics of 2009, nearly 1100 Shia maatams were officially registered in Bahrain. Other statistics claim that the number could be as high as 5000, including unregistered ones.

Abdullah Saif states in his book (Al Maatam in Bahrain) that in 1994 there were more than 3500 maatams for men, excluding women's maatams.

During the Islamic month of Muharram, Bahrain's image changes due to the increasing number of maatams, to the extent that some would refer to it as the Karbala of the Gulf. This is due to the fact that tens of thousands of Gulf citizens make a pilgrimage to it in order practice their religious rituals freely, unlike any other Gulf country.

People will differ in assessing the political and economic situation in Bahrain, but everyone agrees that religious freedom is a historic characteristic of Bahrain.

The Minister of Justice and Islamic Affairs, Sheikh Khalid bin Ali Al Khalifa stressed that religious freedoms have always been a priority and protecting and caring for religious freedoms is one of the main obligations of the State. The Minister also stressed that the commemoration of Ashura gets special attention in the form of continuous follow-ups and advice, in order to provide the necessary support and services.

The Minister of Justice visited a number of maatams in Manama and attended the opening of the Imam Hussein



The Minister of Justice Visit a Shia Centre.

Clinic where he said: "the annual commemoration of the martyrdom of Imam Hussein (may Allah be pleased with him) on the 10th of Muharram, is a time to remember and learn noble values. The values of faith, sacrifice, and great ethics are all embodied in Imam Hussein's character, which merit preservation in honour of this great man, who the Prophet Mohammad (pbuh) described him by saying: "Hussein is from me and I am from Hussein. Allah loves those who love Hussein." (Al Khaleej News 12.12.2010).

The Minister also stressed that: "the unity of the Islamic nation is the main goal, which the noble Prophet, his progeny and companions sacrificed their lives for. Their blood was shed in order to strengthen the Ummah and preserve its pride and honour". He also added: "We in Bahrain (thanks to Allah) were and still are the best example for co-existence, unity and harmony between citizens. The commemoration of Ashura during all these years among other occasions, promote unity and harmony in the country. He called for taking advantage of religious and national occasions, in order to promote national unity and values of forgiveness between the diverse Bahraini communities.

Ashura in December 2010 provided ample evidence that Bahrain is a diverse country unlike any other in the Gulf. It is a country that promotes freedom and religious tolerance.

¹ Maatams mean the Shia Centres for the Commemoration of Imam Al-Hussain, the son of Ali Ibn Abi Taleb and who was killed and beheaded in the Battle of Karbala in 680. Al-Hussain is considered by all the Shia as a martyr who fought tyranny and the ruling of the Umayyad Caliphate established following the death of the final Rashidun (Wise) Caliph, Ali Ibn Abi Taleb. The mother of Imam Al-Hussain is Fatima al-Zahra, daughter of Prophet Mohamed. The anniversary of the death of Imam Al-Hussain is called 'Ashura ("tenth" day of Muharram) and is a day of mourning for the Shia Muslims.