

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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Continuing Reforms is a Necessity

We hope that all political parties in Bahrain revise their positions and learn from their past mistakes. The consequences of past political decision should be studied carefully and their long-term effects understood.

The hasty and emotional decisions by all political parties during the recent tense political atmosphere show the lack of a clear vision. Unfortunately, the situation has not improved in order to make rational decisions and re-assessment, which is the starting point for any improvement.

The current situation in Bahrain needs deep political understanding, because any hasty and immature analysis will lead to more mistakes and instability. For example, some people wrongly believe that democratic reforms were the reasons behind the instability. A deeper look will show quite the opposite, the absence of reform, and the failure to implement the law was the real reason behind the rebellion.

The idea that reforms will only lead to more instability is wrong. The accomplishments in the last ten years in the political, social, economic and civil rights should be protected. These achievements were as a result of a joint effort by all Bahrainis, including the Government, Parliament, elites and ordinary citizens. Democracy and respecting human rights are essential for Bahrain's development and stability. These principles should be followed regardless of the circumstances. We should strike a balance between preserving security and developing reforms, as the King had suggested.

The leadership understands the importance of the reform and freedom of expression as one of the main pillars for development. On World Press Freedom Day, the King stressed that press and media freedoms represent the heart of reforms in the context of political, cultural and intellectual diversity. He said that freedom of expression is the foundation of democratic development, a fundamental human right and an active partner in achieving stability and safe guarding the country. The King reassured the journalists inside the Kingdom that their freedoms will be protected and their constitutional rights guaranteed. He added that any peaceful and civilized expression will not be harmed. He demanded the press to cover national issues with professionalism, objectivity and far from sectarianism. They should raise cultural awareness, promote national identity and protect the Arab and Islamic identity of citizens.

These principles should be followed because they will guarantee security, the stability and the development of Bahrain. Also, they are important for maintaining the dignity, freedom and participation of citizens in building the country.

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Political Polarization Hinders Human Rights

The politicization of human rights has been an ongoing problem in Bahrain since the establishment of the political societies in 2005. We have discussed the reasons behind this problem in previous editions, which were attributed to the involvement of some human rights activists in politics. Also, human rights organizations in Bahrain are inexperienced and underestimate the danger of mixing politics with human rights. We also pointed out that the tense political climate encourages political societies to use human rights as a political tool. The sharp political polarization affects the professionalism, impartiality and credibility of these organizations.

The recent political events in Bahrain have deepened the problems of local human rights organizations to the extent that they hindered their activities. The sharp polarization has pushed human rights activists to openly get involved in politics, and exerted their efforts in the political conflict instead of concentrating on human rights to the extent that some organizations have totally disappeared from the scene.

Polarization has hindered the activities of human rights organizations. As the street conflict escalated, polarization was unbearable and it prevented people from thinking in a rational manner. The sharp polarization has politicized human rights both inside and outside the country. The statements of human rights organizations, which aim to guide the Government and society, were used as a tool against the Government in order to achieve political goals.

In the midst of the tense political atmosphere, the reports and statements of human rights organizations were seen as inseparable from politics and from those who were using them for their own political purposes. In other words, the reports were used as political tools instead of serving the human rights cause. Any criticism directed at the Government's behaviour was used as a tool by the opposition. Consequently, human rights organizations became entangled in the crisis. On the other hand, any criticism directed at the opposition results in human rights organizations being accused with cooperating with the regime and covering its

violations, or even accusing them of being government agents.

Getting involved in human rights activities outside the political context in Bahrain is a difficult task. Objectivity, impartiality and professionalism of human rights organizations are always under scrutiny because in practice no party was willing to accept the independence of such organizations. Thus, in such tense circumstances, civil society organizations opted to remain inactive. That is why we only hear the voices of only a few societies at a time hundreds operate in Bahrain. We believe that most Bahraini civil society organizations were wrong in remaining silent because there is a greater need for their activities in times of crisis.

The other option for these organizations was to continue to work regardless of the situation, accusations and criticisms and regardless of whether anyone takes advantage of their work. The international human rights instruments have provided different methodologies on how to deal with such circumstances by using specific measures, mechanisms and procedures.

The Difficult Challenge: Providing Security and Respecting Human Rights

The events that have taken place in Bahrain have disturbed the security of the country and violated human rights. These two issues represent a challenge to State institutions, the civil society organizations and the active political forces. Theoretically, everybody is against disturbing the security or violating human rights, but in practice human rights have been placed second to security. We believe that security and stability can be achieved without undermining human rights.

Protecting the security of the country is a necessity for human rights but cannot replace it. The security of the country should not be at the expense of human rights. It is difficult to balance the need for security and respect for human rights. Whenever political circumstances become tense, balancing these two issues and controlling human rights breaches becomes a difficult task. The authorities emphasise the importance of security and prioritise it over human rights. On the other hand, the advocates of democracy and human rights emphasise the idea that the failure to respect human rights and the increase in violations will ultimately lead to instability.

It is a difficult equation.

Instability and security tension directly affect human rights because they have a negative impact on the right to life, freedom and physical safety. Instability is an important factor in undermining the role

of civil society by restricting its activities or politicizing it. This results in civil society institutions losing their value. Instability also undermines social and economic development and negatively affects the comprehensive application of human rights.

As is the case in many countries, Bahrain has faced the challenge of adhering to human rights standards during these political crisis and security tensions. The challenges include the possibility of undermining the security of individuals, which is a fundamental right. The occurrence of violations in this regard such as mistreatment, the decrease in the margin of freedom of expression, restricting civil society organizations, will have a negative effect on the rule of law, Good Governance and human rights.

This highlights that stability, protecting the security of the country and respecting human rights are intertwined. We cannot defend one at the expense of the other. Without security, human rights are lost, and without human rights, security cannot be attained. For these reasons, the international human rights law obliges the all countries to take necessary procedures to protect security not only through the wise use of force but by confronting political, economic, cultural, and social problems, which would provide the necessary environment for stability and provoke the public into aggravating

the situation.

This means that it is the duty of the State to accomplish two things together: protect the security of the country and provide social services and political and economic rights. This can only be achieved through respecting human rights. Moreover, the State needs to control the actions of the law enforcement bodies in accordance with national legislations and laws. Human rights should always be well protected especially during major crisis.

There is an inseparable bond between human rights and security. For respecting the rule of law and human rights are both essential to official and public efforts to provide security and combating outlaws.

Security can be regarded as a priority when it protects the lives, properties and dignity of citizens, but only if this is achieved in accordance to Islamic rulings, local laws and human rights principles. But when means outside these are used, this will have a negative impact and the opposite effects. In such cases, the price of stability is very high and will be short-lived. The objectives of prioritizing security cannot be achieved without taking into consideration human rights. Failing to do so will reflect negatively on the security of the country.

Taking effective measures to impose law and order on one hand, and protecting human rights on the other hand, are not conflicting issues but complement one another.

Sedition and Legal Accountability

The political crisis in Bahrain has created sedition in the country. Sedition can be defined as the involvement of a large group in a conflict, during which moral, religious and political responsibility cannot be confined to a specific group. Based on historical and modern experiences implementing the law at times of sedition becomes a very difficult task. This is due to the fact that many people involved and thus share the responsibility for their speeches, written articles or inaction. In order to deal with the repercussions of any sedition and defuse tension, decision-makers need to either pardon everyone or limit punishment to those directly involved.

Many prominent officials believed that the initial demands raised by the protesters were legitimate. Today we realised that some of the protesters' demands were unrealistic and against national consensus. Also, extreme political rhetoric was used in airing these demands, which insulted Government symbols, figures and institutions. This extreme language gained supporters especially after exaggerated information spread and the pictures of the victims were broadcasted and circulated. Many people failed to distinguish between wise political rhetoric and plausible demands and extreme rhetoric. It is surprising that some of the protesters were the same persons who carried the car of his

Majesty the King in celebration of the reforms.

It is worth noting that during a sedition and tense political atmosphere, many unbelievable things take place. Anyone familiar with psychology knows this to be the case. Enforcing the law is very important in order to regain calm and stability. Strict accountability on the other hand, will involve tens of thousands of people, which is difficult to do and will not help the country return to normal. Many mistakes have been made by all political parties and the Government needs to turn a blind eye to small breaches and emphasize stability and security.

Not all Shia citizens wanted to overthrow the regime and those that have called for overthrowing the regime now realise that they had made a big mistake. Punishing everyone who was involved in the sedition is impractical and will only complicate the situation and incite political and sectarian conflict.

The Shia citizens are an important component of Bahraini social fabric and are keen to protect their national identity and national unity. It is wrong to view them in one colour because they represent different political ideas. Cultural, political and religious diversity exists in the Shia community and to stereotype is unfair and violates human rights.

It is not wrong to demand more freedoms because the reform project was destined to produce new reforms and a desire for

greater freedom. The question is how this can be achieved and through what means and mechanisms? Raising national slogans during the protests was not wrong. The purpose was not to promote Shia demands. The demands were made by political parties and each party bear responsibility for its actions. The average citizen should not bear any responsibility unless they were responsible for violence and vandalism.

All religions stress the fact that each person is responsible for his or her own actions. This is something that all laws and the international human rights instruments agree on. Using collective punishment that humiliates and punishes citizens based on their affiliation is wrong.

Unfortunately, many political figures, journalists and elites have been dragged into the sectarian trap and social division. This is what the King in his article in Washington Times warned against as did the Crown Prince, in a recent speech. The use of sectarian language is very damaging. It may serve its purpose for a short period of time but is a double-edged sword. Sectarianism is a divisive tool that destroys government institutions, weakens loyalty and national identity, undermines the safety of the country, paves the way for foreign interference and empowers religious figures against the authority and sovereignty of the State.

Stability is prerequisite for progress

By His Majesty King Hamad bin Isa bin Salman Al Khalifa

On 19 April 2011, His Majesty the King of Bahrain wrote an article in The Washington Times in which he discussed the recent political, economic and security situation in the country. Some parts of the article are directly related to the future of the political and human rights situation in Bahrain. The BHRM is publishing His Majesty's article so that the readers can have a comprehensive picture of the developments taking place in the country.

The winds of change that are sweeping the region hit the shores of Bahrain. Demands for well-paying jobs, transparency in economic affairs and access to better social services were received with good will. There is no doubt that grievances about civil and political rights for all Bahrainis are legitimate. In response, we offered an unconditional dialogue with the opposition so as to maintain the stability of our country and address the demands for reform.

Unfortunately, the legitimate demands of the opposition were hijacked by extremist elements with ties to foreign governments in the region. It became very clear that the stability, safety and economic viability of our country were being threatened. We took immediate action to stabilize the situation and at the same time welcomed the entry of Gulf Cooperation Council (GCC) troops, whose task was not to suppress the protesters - as some of our neighbours have alleged - but to protect the essential and crucial facilities and installations in Bahrain.

At that moment, we had to make a decision not just for the stability and safety of our countrymen but also for the region. Bahrain lies at the epicenter of Gulf security and any violent upheaval in Bahrain would have enormous geopolitical consequences. Global economic stability depends on the uninterrupted export of crude oil from the Gulf to markets around the world - a job that historically has been assigned to the U.S. Fifth Fleet. Seventy percent of the world's remaining oil reserves are in the Gulf and more than 30 percent of the oil from the region flows

through the territorial waters of Bahrain.

The Gulf countries, for their part, shoulder the responsibility to protect these reserves and ensure the safety and security of the oil tankers and the oil pipelines that carry them to the world. These pipelines extend thousands of kilometers throughout the Arabian Peninsula.

Today we are trying very hard to improve the process of reform and rectify those problems that have arisen along the way. Sectarian divide has created a schism in our society that is a major challenge. As monarch of all Bahrainis, it pains me to see many harmed by the actions of a few. And yet I am optimistic and have faith in our people. We all realize that now is the time to strike a balance between stability and gradual reform, always adhering to the universal values of human rights, free expression and religious tolerance. I am confident that we can strike this balance in cooperation with our long-time friend and ally, the United States, producing an outcome that will preserve the aspirations of our young democracy in transition.

Along with our friends in the GCC, the first order of business is stability. Beyond the imperative of stability, the most important priority is job creation for all Bahrainis.

We invite American companies looking to raise capital to list on the Bahrain Stock Exchange (BSE). The region has a liquidity oversupply approximating \$1 trillion and this pool of capital can be tapped into by creative American companies. The next Facebook may very well get funded on the



*His Majesty King Hamad
bin Isa bin Salman Al Khalifa*

BSE.

An important element of job creation is the enactment of a GCC "Marshal Plan" for Bahrain. Our neighbours - Qatar, Saudi Arabia, Kuwait and the United Arab Emirates - can take a lead role in funding infrastructure and energy projects. For example, Qatar can fast-track the construction of the much touted Bahrain-Qatar causeway. This will allow for immediate employment of hundreds of Bahrainis.

An integral element of any support for Bahrain should be a scholarship program for Bahrainis from all walks of life to obtain their undergraduate and graduate degrees in the United States. Education is the best investment our GCC neighbours can make in the future of Bahrain. The rationale is simple: The prerequisite to better paying jobs is a world-class education. This investment will allow our citizens not only the opportunity to bring their skills back to Bahrain and put it to productive use, but also allow them to gain meaningful employment within the GCC.

Last but not least, we would welcome a joint U.S.-GCC effort to fund and implement a training program in the United States for new recruits to the Bahraini police force and army.

When I was a student at the Army War College in Ft. Leavenworth, Kan., it was very clear to me that the American experience was a model well worth emulating. The events that have unfolded since February offer new opportunities for both of our countries.

Bahrain's Political Crisis and the Prerequisite for Dialogue

Hasan Moosa Shafaei

The political reforms initiated in early 2001 have failed to meet the rising expectations of Bahraini citizens. These failures led many Bahrainis to organize demonstrations in order to express their need for greater reform. Many countries began with limited reforms, which encouraged their people to demand more. It is difficult to put limits on reforms or prevent citizens from aspiring for more change.

The calls for greater reform in Bahrain were initially met by fear from some parties in the Government and by street violence. These two obstacles gradually slowed the pace of the reform and tarnished its image.

It was clear that the Arab revolutions would have a big impact on Bahrain. Citizens of countries, which are undergoing reform and enjoy a wide margin of freedom, will generally be more able to express their aspirations than those living in absolute dictatorships. This was evident in Egypt, Morocco, Yemen, Iraq, Jordan and Bahrain.

The main effect of the Arab Revolutions on the four monarchies (Morocco, Jordan, Bahrain and Oman) was reformist in nature. There was an expectation that the political changes in these countries will take the form of reforms rather than revolution. Bahrain should have taken the same steps as Morocco. Citizens should have been allowed to demonstrate, air their political demands, and the Government should have met at least some of their demands. In this manner the protests would give greater

momentum to the reform project and lead to the evolution of society and the political system in a peaceful, civilised and democratic manner.

What was expected, and what actually took place are two different things as we are all well aware. At the start of the protests the regime used excessive force, which resulted in many casualties. The Government apologised and promised to conduct an investigation but the opposition took an extreme stance, which was accompanied by some acts of vandalism. During this situation, calls for dialogue, which the Crown Prince initiated, had failed. Part of the opposition called for the overthrow of the regime, and to change the political system from monarchy to republic through civil disobedience. This resulted in clashes, the intervention of the Peninsula Shield Force and the declaration of the state of emergency. The situation has calmed down since the clashes, and life has gone back to normal despite continuing tension.

Some groups inside the Government wanted to break the will of the protesters by resorting to force, which ultimately failed. The Crown Prince tried to contain the public demands by calling for dialogue. But the opposition responded by persisting with their demands and continued to demonstrate. Once the security forces took control of the streets we returned back to square one, where the Government wants to enforce its will on the opposition.

It is safe to say that the Government and the opposition represented by Al Wefaq and its



Hasan Moosa Shafaei

allies have failed to deal with this crisis. The moderates on both sides have lost tremendously. But the main loss lies in the emergence of sectarianism inside Bahrain's social fabric.

At present there is a grave need to return back to square one. Dialogue between both the Government and the opposition should take place as soon as possible in order to regain stability and bring about a new reform project that would satisfy all parties. To achieve this, the following points need to be taken into consideration:

1- The security solution cannot succeed in dampening the desire for serious reforms that would develop the political system. The Government has proven its ability to restore security. But this solution is short lived and the situation could go out of control unless political solutions are reached which would defuse tension. Winning the hearts and minds of Bahrainis is more important than controlling the streets and public squares.

2 - It is difficult for dialogue

to succeed when the moderate opposition is under pressure. This will weaken the moderate opposition and will pave the way for the emergence of new extreme oppositions. Dialogue will also fail if the opposition continues to use the street and set pre-conditions to pressurize the Government. The Government does not want to be seen as weak neither does the opposition. Setting pre-conditions for dialogue will complicate matters and will make dialogue meaningless.

3 – Under the street's pressure, the moderate opposition was forced to raise their demands par vis-à-vis the radical group that demanded the overthrow of the regime and the establishment of a republic. The opposition should have led the protesters instead of giving way to their pressure, especially once they decided to boycott the dialogue which was against their interests. The opposition should have guided the street, reduced the tension, and spoken with wisdom in order to overcome this painful time.

4 - Bahrain does not need mediators to facilitate dialogue between the various political parties. What Bahrain needs is to build trust between the major political forces and find local sponsors for the dialogue. Some basic rules were violated, especially the call to overthrow the regime and the Royal Family, whose position and role were defined in two referendums: the 1971 Referendum on the eve of independence; and the 2001 National Action Charter Referendum. Both referendums emphasized the importance of maintaining the position of the Royal Family. On the other hand, the Government also violated human rights by using excessive force against protesters at the beginning

of the demonstrations, which resulted in many casualties.

5 - For dialogue to succeed, forgiveness is very important in this difficult time. Dialogue needs a conducive atmosphere and political climate. Mistakes were made by all parties, human rights were violated but everyone should be treated equally in the eyes of the law. Indeed, there is need to reinforce the security and stability of the country, but retribution will only cause more pain and undermine dialogue. For example, the Government had stripped scholarships from students, sacked employees and imprisoned some protesters for their participation in demonstrations. In times of schism, such actions will only complicate matters further, especially the fierce sectarian debates taking place on State TV channels. If the objective of these actions was to restore normality, forgiveness is as important as implementing the law. Dialogue will open a new chapter in the history of the country, and close this painful episode.

6 - Dialogue should put an end to this crisis, which cannot be solved by implementing the law alone. The problem can only be solved through a political consensus, which is protected by the law and supported by the people. Dialogue must include all political parties, which the Crown Prince and others had stressed. It is worth noting that consensus should also include those who adopt an extreme position. We do not want to return to the same old problem where some political parties are actively engaged in the political process, whilst others are strongly against it. The only solution lies in having negotiators from both the Government and

the moderate opposition that could persuade the extremists to participate in the political process. This should be done by enacting quick and attractive reforms. Also, extremists should be isolated in accordance with the law and with the agreement and support of all political parties. More importantly, they should be isolated through the enactment of a fast and successful political reform process. Extremism has gained ground at the expense of moderation due to the slow pace of the political reform, and the delay in providing public services.

Finally, the sectarian climate has prevented all parties from compromising or engaging in dialogue. Deep sectarian division has taken over Bahraini society and it is easy to provoke sectarian feelings and use them politically. Unfortunately, the damage caused by sectarianism is very deep and years are needed to restore national unity. Sectarianism is still playing a damaging role through the media. The time has come to silence sectarian voices whether they are local or foreign, in order to create an open atmosphere for political reconciliation. The negotiators are required to put forward practical steps to promote co-existence on the political, social, economic and cultural levels.

Bahrain is a diverse country and its political crisis can be solved just like any other country. Any solution for a consensual constitutional monarchy must include the Royal Family, the Shia and the Sunnis. No party can ignore the other or monopolize power or return the country back to its previous state. The country has undergone political changes since the start of the millennium which are irreversible.

In light of the political, social, economic and human rights crisis in Bahrain, the BHRM collected views of the Government, political parties, and human rights organizations in this special edition of the Monitor. The aim is to revise the positions and policies and learn from past mistakes. The Bahraini crisis is complicated by the mixture of political, social and human rights factors, which we hope to clarify by interviewing prominent figures.

The BHRM contacted many political figures to reflect their opinions in this edition in order to enable human rights activists to gain a comprehensive picture of the political repercussions of the recent events. Also, interviews provide an opportunity to find middle solutions and prevent more losses.

The BHRM obtained initial consent for interviews from all parties, but unfortunately some were unable to respond to our questions. For example, the Secretary-General of Al Wafaq Society, Shaikh Ali Salman, and the Secretary-General of the Democratic Forum Society, Dr. Hasan Madan both apologized for not taking part in these interviews. We hope to interview them in the near future.

Sheikh Abdullateef Al Mohmoud:

“I support constitutional monarchy but decline to take the country to the unknown”.

The following is an interview with the President of the Gathering of National Unity (GNU), Sheikh Abdullateef Al Mahmoud on recent events.

Unlike the opposition, the GNU was late in presenting its demands to the government. What demands do you share with the opposition, and what demands do you reject, and why?

At the start of the protests on 14 February 2011, the demands of the opposition can be summed up as follow:

- 1/ implementing the concept of a constitutional monarchy
 - 2/ amending the powers of the Shura Council, so that it becomes a mere consultative council
 - 3/ naturalization
- We supported the above demands

but on 3 March 2011, the demands changed and the opposition presented the Government with a paper on its vision regarding dialogue, which includes:

- 1/ Annulling the 2002 Constitution
- 2/ Electing members of a constituent council to draft a new constitution
- 3/ Legislative powers should be confined to the House of Representatives
- 4/ People should have the right to elect their Government

The opposition also added the following pre-conditions for dialogue:

- The resignation of the Government
- Setting up a timetable between 2-3 weeks in order to reach a comprehensive settlement for the crisis. Protests should continue until the demands are



Sheikh Abdullateef Al Mohmoud

met.

It was our opinion that the pre-conditions could lead the country to the unknown and result in chaos and violence.

We proposed many issues for dialogue discussion, which include:

- A – Defining the concept of constitutional monarchy
- B – Amending the 2002 Constitution
- C – Views on the two-house system for the legislative authority, their powers, member numbers, and the relationship between the two

houses, electoral constituencies, election supervision, and the body in charge of setting up the internal bylaws for the two houses.

D – Views on the executive authority, including powers, nomination and questioning of the Prime Minister and Ministers.

E – Views on the judicial authority and its relationship with the Ministry of Justice, the mechanisms for the formation of a higher court, conditions for appointing judges, financial and administrative independence, and the development of the judicial system.

F – Views on the relationship between the Royal Family and the State.

We also included the following issues for dialogue: financial and administrative control, naturalization, implementing the Financial Disclosure Law, civil freedoms and rule of law, the organization of State income and properties, protecting national wealth, the relationship between councils and districts and the relationship between councils and the executive apparatus of the Ministry of Municipalities Affairs. In addition, a number of issues relating to the standard of living, such as: raising wages, increasing pensions, housing provision and providing social security. Furthermore, combating sectarian polarization and moral, administrative and financial corruption. This clearly shows what demands we share with the opposition.

Why did the political problem in Bahrain turn into a sectarian

crisis? Where is this sectarian crisis heading to? And what is the solution?

The political crises in Bahrain turned into a sectarian crisis because of the sectarian incitement of the Shia opposition, and its attempt to paralyse the economy. Once the opposition took control of the Sulaimaniya Hospital, sectarian feelings appeared, especially after doctors who do not belong to their sect were prevented from entering the hospital and patients were treated on a sectarian basis. Also, sectarian polarization in schools, the attacks on university students, residents assaulted by gangsters, which caused panic in society, cooperation with Iran who allocated more than four TV channels to convey the opposition's views, spread lies and having connections with Hezbollah of Lebanon. All these factors turned the political problem into a sectarian problem, especially when the state of emergency was declared and a number of Shia judges and advisors for the King have resigned. These moves illustrated that the crisis was not about reform but about regime change, especially after several illegal opposition societies announced the establishment of an Islamic Republic and the removal of the monarchy.

The priority now is to impose law and order so that Bahrain regains its stability. I believe that the crisis will be contained within the next six months. The State will implement many social and economic reforms following a dialogue on constitutional

amendments.

The opposition wants constitutional monarchy, which has different definitions. How would you define constitutional monarchy, and which form do you think is most suitable for Bahrain?

Constitutional monarchy has many definitions and is applied differently in more than one country around the world. We believe that an agreement will be reached with regards to the best form for Bahrain. Undoubtedly, the two basic pillars for constitutional monarchy are both constitution and laws, which are passed by the legislative council.

You have been criticised for siding with the Government and for not having a Sunni opposition, on the other hand the Shia have been criticized for siding with the opposition, what's your opinion?

The GNU has protected the largest segment of Bahraini society, which includes most Sunnis, moderate Shia, Christians, Jews and the Bohra. The Sunni community did not feel that there was a need for opposing the government because Parliament can solve most of the problems. Once the opposition threatened our existence, we decided to be an independent player on the scene, which is made up of three main players: the regime, Sunnis and Shia. Hence, the GNU is non-governmental and sides with the country's interests as well as serving all citizens.

There are mutual accusations regarding the mismanagement of the political crisis between the Government and the opposition. Each party is criticising the performance of the other. How do you assess the Government and GNU's performance?

If there were any failures in managing the crisis, it would definitely be from the opposition, which started with demands for reform and ended with calls for regime change. It missed a golden opportunity to enter into dialogue and introduce reforms that the regime would accept. As for the Government, it managed the crisis in a manner that showed the opposition's true colours in the eyes of Bahrainis and the people of the Gulf. This resulted in wide support from the GCC countries, which supported the opposition in the beginning.

The GNU was born during the crisis and was able to restore balance between the national parties. Before, only the Shia opposition and the State were the main actors in the scene. The GNU was clear, explicit and specific about its demands.

What is your position with regards to dialogue with the Government? What is the way out of the current crisis in your opinion?

We continue to demand political, constitutional and administrative reforms, but the opposition's rigidity and failure have changed

our priorities. While the GNU was backing constitutional amendments in the past, it is now supporting imposing law and order.

The way out for this crisis would be to enact reforms without delay so that a strong state can be built, which unites all parties and prevents schisms in the country.

The sectarian crisis in Bahrain is now an international problem. To what extent has regional interference deepened the current crisis?

Without a doubt the political crisis revealed sectarian attitudes, which aimed to dismiss the other party and imitate the events that took place in Iraq including the sectarian massacres that killed thousands of Sunnis and Shia. This turned the crisis into a regional and international affair and showed Iran and Hezbollah's interference. Once all parties revise their positions, everything will return to normal, co-existence will prevail in Bahrain and regional relationships will be maintained.

What are your personal efforts as the leader of the GNU in bringing about unity and defending the rights of citizens?

In my speech on Friday 15 April 2011, I called for studying the crisis on all levels: the ruling leadership, the public, political, religious and professional institutions. We need to conduct comprehensive studies and openly discuss the reasons

for the crisis in order to avoid its reoccurrence in the future. Bahrain has never witnessed these sorts of events in its history. Each party should study the situation and highlight its own mistakes before pointing the finger at anyone else.

In my speech, I attributed the reasons behind this crisis to many factors including us, the Government, the advocates of violence and the silent few who could have played a role in defusing the tension. Currently, we want law and order to be restored and those responsible to be held accountable. We support legal and criminal accountability, but we openly announced that we will not allow any law breaching. We also warned against revenge during investigations and blaming the innocents. I especially emphasize this point, especially after the recent death of a number of detainees during their interrogations. We need impartial investigations to the reasons behind their death, and we call upon officials to allow the National Institution for Human Rights and other impartial parties to look into the cases and bring those responsible to justice.

It is unfair to stereotype and blame all the Shia community, and it is also unfair to send them letters threatening them to leave their houses without committing any crimes. We do not accept these acts and we urge our brothers who are responsible for this to seize such acts, and not to be driven by emotions and make the same mistakes of those who refused co-existence.

Hasan Shafaei to the BHRM:

Human Rights has Suffered because of Political Disagreements

In order to have a clear picture on the recent crisis and to find solutions, the BHRM interviewed the human rights activist Hasan Moosa Shafaei:

National human rights organizations were absent during the current crisis, including the Bahrain Human Rights Society, the Bahrain Human Rights Monitor and the National Institution for Human Rights. Can you explain why?

Yes, I agree. The performance of these organizations was weak, especially with regards to issuing statements, monitoring the violations or guiding the human rights situation in general. Also, the voice of human rights organizations was ignored because of the quick development of events. This has left these organizations in a very difficult position with regard to monitoring the developments and following them up with officials.

The quick development of the political crisis had side-lined all the other issues. All parties without exception committed human rights violations. Casualties included protesters, and some security forces were kidnapped and imprisoned. In addition, there were many attempts to run over protesters. Many horrendous acts took place and it was difficult to follow all of them up with statements, which at

the time appeared meaningless. No one wanted to listen to the voices of wisdom and reason, especially at a time when public institutions were brought to a halt, sectarianism had increased and the extremists had controlled the situation.

At the time our priorities were to absorb the daily human rights violations. We monitored some violations and issued statements in this regard, but were unenthusiastic about it because it had a limited effect. Our main concern was not to take part in any political polarization.

Human rights violations are still taking place because of the continuing political crisis. The political problem should be solved through dialogue, agreement and by controlling the street. Unfortunately that has not happened.

But international human rights organizations were very active in issuing statements. Is this true?

Indeed, but they only covered individual cases and were not concerned with the general situation of the country. In times of crisis it is easy to use human rights statements in political bickering. Unfortunately, the statements of international organizations had little effect on the political parties who did not pay attention to what was being said both inside and outside Bahrain. The parties were more concerned



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with consolidating their political positions than anything else. In summary, human rights is still suffering because of the political disagreements.

The situation has calmed down but political complications still exist. Where are human rights heading ?

I hope that we return to the principles of the National Action Charter. We need stability, law and order. I hope that we continue to adhere to human rights standards and the legal principles stated in the Charter and Constitution. I also hope that the human rights violations come to an end so that the human rights institutions become active once again and we can maintain our decade long accomplishments. Moreover, I hope that human rights is taken more seriously and that matters are dealt with wisely in the future.

Politics is dominating our lives and we are still receiving many complaints regarding detentions, sacking from employment, cancelling scholarships of students, and deaths in unusual circumstances.

The Government is primarily responsible for investigating violations, revising its policies and emphasising the adherence to law and order. Human rights issues need to be dealt with responsibly and in a transparent manner. No one can hide or ignore the recent events, which were recorded and then viewed by us and international organizations. The Government should investigate immediately the human rights violations, take the necessary actions in order to prevent them from recurring, and hold those

The current political crisis has led to daily human rights violations, which can be solved by reaching a political consensus and adhering to the principles of the National Action Charter

responsible to account.

Respecting human rights should be given priority by all members of the executive apparatus, both official and unofficial. It is not our intention to defame or polarize the country when we demand an investigation into human rights violations. We look at the problems from a human rights perspective because we want local legislations implemented, which would guarantee the protection of human rights. We

search for solutions in accordance with human rights standards, local legislation and internationally signed agreements.

What is your opinion regarding the casualties among the security forces who were performing their duty? What is your reaction to the footage showing vandalism, kidnapping and citizens being run over?

These incidents are viewed from human rights perspective and not from a political perspective. Any person who violates the rights of citizens deserves to be punished. We take all human rights violation very seriously regardless of whether the victims were civilians, security forces or foreign workers. Respecting and defending human rights is our duty regardless of the identity, religion, sect, ethnicity, tribal or social status of the victims. We do not want to lose years of hard work to sectarianism or inaction or political interests or politicization.

Do you believe that the political societies played a part in the deterioration of the human rights situation?

Yes, the political societies failed to control the street and to raise awareness on respecting the rights and properties of others. The size of the protests was bigger than the ability of the political societies to handle,

but at the same time they bear some responsibility for not doing enough. Condemning some acts here or there is not enough, especially since they encouraged the protests in the first place. Ultimately they are responsible for the violations.

It is unacceptable to condemn human rights violations committed by the Government and hold it to account, whilst turning a blind eye to the violations of the societies' followers. The amount of responsibility between the Government and the societies does differ, but at the end of the day both parties are responsible for the crisis.

Did international human rights organizations refer to violations committed by individuals and groups who are associated with the opposition?

Generally, international organizations monitor the practises of countries since most human rights violations are committed by governments. The only exceptions are cases where there is war, or armed conflict between the government and its opposition. Based on my reading of Bahrain's case, the international organizations were affected by initial information about the crisis, which had a lasting impression on them and their statements. Their analysis was incomplete in that it ignored the political context of the events and the breaches of some parties who are associated with the hard

core opposition.

I would like to draw your attention to the fact that these human rights organizations were present in Bahrain at the time of the crisis. They should have received information regarding the breaches when they met with Government officials,

Political parties felt that they had underestimated the value of human rights organizations; especially when they were too busy consolidating their political positions

representatives of the political societies and the opposition. Some breaches occurred in the Salmaniya Hospital and the University of Bahrain. Also students were prevented from attending their schools and some employees were prevented from going to their work place.

What about sectarian incitement?

Sectarian incitement contradicts the essence of human rights, Bahrain's laws and the Constitution. Unfortunately, the current political crisis has pushed us into this trap whether we like it or not. Sectarian incitement has reached unacceptable levels, not only in Bahrain but in the whole region. The crisis started off with moderate political demands that went too far and called for overthrowing the regime. This was then followed by intervention from foreign and local media who continued to incite sectarian

feelings. It is unfortunate that a number of intellectuals who are renowned for their wisdom, added oil to the fire and made matters worse. Sectarian incitement is a direct call for civil war that could last for years. Anyone who reads history knows that sectarianism results in violence.

Sectarianism is certainly not the solution for Bahrain and human rights will only prosper in a tolerant civil society.

The media plays a dangerous role in inciting sectarian sensitivities. The media should promote national unity instead of being part of the sectarian battle and hence society loses its trust in the media.

You must be aware of foreign media incitement, including Western Media?

Yes, but I believe that the most dangerous source of incitement is internal, since it has a bigger impact and should be under control. Moreover, we must differentiate between political incitement, which is between the people and their governments (some Gulf satellite channels do it), and sectarian incitement in order to achieve political goals. The latter is more dangerous and its social impact more destructive.

Unfortunately, in Bahrain we have both political and sectarian incitement as well as internal and external incitement. The

political incitement encouraged the protesters to demand the overthrow of the regime, disrespect the regime's institutions and symbols, move the protests from the Lulu Square to the Financial District, block the main roads and to protest outside the Royal Palace. The source of the political incitement was mostly internal as opposed to external.

There have been some breaches by the local media, for example the Al-Wasat newspaper. Is this true?

Before talking about the Al-Wasat newspaper, let me say that many foreign reporters complained of restrictions during their coverage of the events including Reuters, BBC and CNN. These restrictions were not expected in a country which is renowned for being open socially, culturally and economically. The restrictions took place in abnormal circumstances both socially and politically. The time has come for us to return back to our normal lives and open our doors to all media outlets including international human rights organizations.

Al Wasat newspaper is a legitimate by-product of the reform project and was established at the start of the reforms. Bahraini society is in need of a newspaper, which bravely expresses different points of view. In my opinion Al Wasat did not have the same restrictions as the other newspapers because it was established in a different era.

Certainly, Al Wasat has raised the ceiling for freedom of expression in the Bahraini press because Al Wasat knows no limits.

Al Wasat's existence was important for Bahrain democratically, politically, socially and psychologically. There were many mistakes made, probably due to the leniency of its administration, which gave the impression that it was inciting extremism.

What is the solution to the current crisis?

I believe that the crisis started with one mistake and ended with two. The first mistake started when clashes with protesters resulted in two deaths. The Crown Prince described this mistake as a tragedy and a day of mourning was declared. The moderate opposition made a mistake when it wasted time by refusing to enter dialogue with the government. The crisis ended with a catastrophic mistake when the opposition decided to move the protests from the Lulu Roundabout to besieging Government buildings, setting up road blocks and trying to impose civil disobedience.

Investigations should take place and those responsible for the first and third mistake should be held to account. The second mistake can be solved by returning to dialogue, which is based on the principles that were put forward by the Crown Prince. A new political system is required

and should be based on three principles: Constitutional/Consensual/Monarchy. Consensual solutions bring about justice and will help fulfil the demands of all the parties, but compromise is required. Dialogue alone will not satisfy the demands of all parties.

Why did the opposition reject dialogue, when the Government openly promised more political reform?

There were many reasons for rejecting dialogue including: absence of trust between the Government and the opposition; the opposition's fear that dialogue will not meet their minimum demands so they set many difficult pre-conditions. Another reason was that the opposition was divided and the extremists took control. The third reason is the emergence of the Sunni street as a new player in the politics of the country. The Sunni street was fearful of the results of dialogue, which could negatively affect its interests. Therefore, there is need for a political consensus with regards to reforms.

What do you mean by a Constitutional and Consensual Monarchy?

It is a political system based on the 1971 referendum and the 2001 National Action Charter, the system is a constitutional monarchy where the Royal Family plays a pivotal role in the

political life of the country. The Royal Family should preserve the social and political balance and take into consideration the interest of all segments of society regardless of their affiliation. The royal family should be a neutral force in politics.

Also, consensus should be built around reforming and structuring the political system through dialogue and according to the seven principles laid out by the Crown Prince. The consensus must be between the Shia and Sunni. All diverse societies need a consensus between their major components. The issue is not only about political reform but about the participation of all groups in society. The outcome

Consensus is necessary for any diverse society. All parties must contribute to building the country's political future

of the political reform will only succeed if the interests of all groups are protected and they feel reassured.

A stable political system cannot be built when it ignores the concerns of both sects. Parties can make any demands, but at the end of the day all parties must agree on those demands, which reflect interests of the majority of the citizens and illustrate the diversity of society, so that everyone feels that they have contributed in building their future and that no solutions were imposed on them.

Concerns of Human Rights Organizations

Some international human rights organizations issued a number of statements on the events in Bahrain since February 2011. These included the Committee to Protect Journalists, Amnesty International, Human Rights Watch, Front Line, Reporters Without Borders, Freedom House, the International Federation for Human Rights (FIDH), IFEX, the International Labour Organization, Médecins Sans Frontières, Physicians for Human Rights, the Cairo Center for Human Rights, World Organization against Torture, the High Commissioner for Human Rights, the independent Experts of the United Nations, and the European Parliament. It is noteworthy that some of these organizations such as Human Rights Watch and Amnesty International conducted field visits to Bahrain during the events.

This article highlights the statements issued by those international organizations as well as responses by the government of Bahrain published in the media.

Concerns

Regional and international organizations and United Nations bodies pointed to grave human rights violations committed in Bahrain during the events including the following:

- Killing at least 18 people from the demonstrators and injuring more than 200 people, some of them very serious, since the attack on demonstrators on 14 February.
- Harsh methods used by riot police during protests demanding political reforms.
- Use by the Bahraini security forces of illegal lethal force against anti-government demonstrators.
- The use of tear gas, rubber bullets and live ammunition against peaceful protesters in Bahrain, particularly in the Lulu Roundabout in Manama.
- Bahrain revert quickly to state of the 1990s of the last century.
- Hundreds of people arrested and detained for participating in the protests.
- Exposure of human rights defenders, who have played a role in organizing demonstrations and monitoring them, to the risk of arbitrary arrest and detention.
- A number of human rights defenders who were documenting human rights violations, including members of the Bahrain Youth Society for Human Rights and the Bahrain Center for Human Rights; were attacked by police forces during the police indiscriminate action aimed at individuals who were participating in the protests.
- Targeting human rights defenders was a direct result of their legitimate and peaceful work in documenting human rights violations and the dissemination of information. Furthermore, violence against peaceful protesters was part of attempts to deliberately restrict the freedoms of expression and assembly in Bahrain through violence and harassment.
- There were concerns about physical and mental wellbeing of human rights defenders who had been monitoring the attacks against the protesters.
- Imposition by the authorities of severe restrictions on freedom of expression, the closure of websites critical of the authorities, and closing down opposition publications.
- Intimidation and violence against journalists to prevent media coverage of the demonstrations.
- On 28 March, the Military Attorney General issued resolution No. 5 for 2011, which bans publishing news about investigations conducted by the military prosecutor related to national security in the newspapers and all media. The resolution was exclusively used to restrict freedom of expression and freedom of the press, and then impose a media blackout on human rights violations in Bahrain.
- Continued attacks on journalists covering demonstrations against the government, where journalists were assaulted, arrested, and not allowed to do their work in Bahrain. The authorities have also slowed the speed of Internet services and have blocked websites.
- Violence and censorship against journalists in order to stop news coverage of political unrest.
- Practices of discrimination against trade unions and against leaders and members of the General Federation of Bahrain Trade Unions, contrary to the ILO conventions and in a violation of the fundamental rights of Bahraini workers.

- Arrest of human rights activists and doctors who speak out about abuses.
- Attacks on health workers, and interception of ambulances.

Recommendations of international human rights organizations

To address the deteriorating human rights situation in Bahrain since February 2011, international and regional organizations provided a number of recommendations to get out of the humanitarian crisis faced by the peaceful protesters, journalists, health workers and human rights defenders in Bahrain. The recommendations were comprehensive and practical, and included the following:

- Bahrain should conduct direct and thorough investigation into the killing of at least 18 persons during the fierce attacks, which accompanied the protests since 14 February 2011, and the arrest of the policemen involved in the shooting, and should emphasize on police forces that the use of excessive force will not be tolerated.
- Political reform in Bahrain should include an immediate, transparent and independent inquiry into violence initiated by the Government, which claimed the lives of a number of demonstrators and injured hundreds, and make the findings of the inquiry public, and bring those responsible to justice in accordance with international standards.
- Calling upon the Bahraini government to ensure carrying out full investigations into allegations of torture and other serious violations committed by security forces.
- Calling upon Bahrain to act immediately to control the riot police and to conduct an independent investigation into the events that took place to determine the responsibilities in committing of these crimes and to ensure respect for the right to demonstrate peacefully.
- Calling upon the Bahraini government to create an independent commission to investigate the use of lethal force against peaceful demonstrators as well as statements of the protesters related to abuses or torture after their arrest.
- The need to initiate an independent investigation to uncover the facts and determine whether the level of force used by police was justified.
- The immediate release of all those who had been detained unlawfully, as well as the immediate and unconditional release of all opposition activists and medical professionals who were arrested in March, whom Amnesty International considers as prisoners of conscience.
- The authorities have to listen to the calls of the people of Bahrain for change, rather than respond to them with violence.
- Calling upon the Government of Bahrain to take immediate steps to ensure that the peaceful protesters who are exercising their right to freedom of expression and assembly are accorded the protection of the law, and that police functions are in line with international standards in this regard.
- Bahraini government should immediately put an end to all forms of attacks and harassment targeting human rights defenders and peaceful protesters in Bahrain.
- Bahrain should take all necessary measures to ensure the physical and mental wellbeing of human rights defenders and individuals who wish to exercise their legitimate right to freedom of expression and assembly in line with international standards and to ensure respect for these rights.
- Bahrain should ensure that human rights defenders and their organizations in Bahrain are able in all situations and circumstances to carry out their legitimate human rights activities without fear of prosecution, and should enjoy freedom from all restrictions and harassment including judicial harassment.
- The Bahraini authorities should allow doctors to treat the injured, and should immediately investigate reports of the arrest of paramedics at the scene of events.
- Bahrain as party to the International Covenant on Civil and Political Rights, it should protect and promote freedom of expression, freedom of association and the right to peaceful assembly. Additionally, Bahrain should adhere to the United Nations' Basic Principles on the Use of Force and Firearms, which provide that states cannot resort to lethal force except it is unavoidable to protect life and should be exercised only with restraint and in proportion with the event. The Principles also call on governments to "ensure that arbitrary or abusive use of force and firearms by law enforcement forces is punishable as a crime under the laws of the State."
- Bahrain should ensure the immediate protection of all health workers and medical personnel who care for victims of violence, and the full protection of the right of all those who suffer from injuries to obtain appropriate medical care.
- Calling upon the authorities to immediately conduct an independent and thorough investigation into the attacks on health workers and medical personnel, and interception of ambulances, and to bring those responsible of committing such serious violations of human rights to justice.
- Doctors, nurses, paramedics and other health workers should be enabled to carry out their responsibilities to

provide urgent assistance and other forms of medical care to the injured without discrimination, and should also be enabled to document the injuries and report them without interference or fear of reprisals.

- The declaration of the National Safety Law on 15 March does not alter the responsibility of the authorities and security forces or their obligations under international human rights law; therefore, actions taken by the Government in all circumstances must comply with the principles of international human rights law.
- Calling upon the Bahraini authorities to find a peaceful response, through political dialogue, to the legitimate aspirations of the people and to fulfill their obligations under international human rights law and international humanitarian law, including the protection of health care facilities and allowing the treatment of the wounded.
- Bahrain should ensure and respect the right to peaceful protest, and to provide protection to peaceful protesters against excessive use of force by the police or violence by others.
- Bahrain should ensure the non-use of excessive force against demonstrators any more in Bahrain.
- Bahrain should respect and protect the right to form and join associations, and should ensure that all human rights organizations and human rights defenders are enabled to carry out their work without political interference or hindrance.
- The ILO is to undertake a high-level mission to Bahrain as soon as possible in order to engage in dialogue with the government, labour organizations, employers, and to address the reported practices against trade unions, in addition to strengthening coordination between the three components as a way forward to deal with the Bahraini crisis.
- Intensify the dialogue initiated by the Government of Bahrain and the active civil society components including organizations of workers and employers.
- Calling upon Member States of the Human Rights Council of the United Nations to promptly investigate allegations of human rights violations perpetrated by the Government of Bahrain, address those violations, and take action to prevent their recurrence.
- The Constitution and the law are operational despite the imposition of of the National Safety Law, and Parliament is still functional.
- Bahrain has joined the majority of international human rights conventions, notably the two International Covenants on Human Rights (ICCPR & ICESCR).
- The Constitution and laws of Bahrain have provided guarantees for human rights, and many of these laws were based on the National Charter and the Constitution.
- Security and police officers and inspectors of Ministry of Health and Ministry of Labour are routinely trained on human rights issues.
- Bahrain did not prevent any of the international organizations from visiting the country, and we arrange all the meetings they needed with government agencies, including ministers. Now we have a coordinating committee to arrange meetings for them with all government agencies in one slot, and they can also conduct field visits
- Reports of some organizations were sometimes positive to some extent, but the majority were not entirely positive. We drew the attention of the human rights organizations to be professional, not bias and listen to all parties.
- Bahrain allowed Human Rights Watch to hold its regional meeting in Bahrain , while no other country in the region has allowed it to hold such a meeting.
- During my meetings in Geneva with the High Commissioner I asked: Do you verify the information about Bahrain given the fact that the Government of Bahrain was in touch with your office? And I told them to contact the Government of Bahrain for any information about Bahrain before the release of statements, but unfortunately there was no any contact of this kind.
- Bahrain was unfairly reported in the international media for the lack of authentic information, as well as by international human rights organizations that derived information via e-mail and social Internet sites and they take that information for granted.
- We do not request human rights organizations to line up with the government in their reports, but we only request them to be fair. Some of those working in international organizations are not neutral and may have political agenda.
- We respect international organizations, but in return they have to ensure the credibility of those who send them information about Bahrain. We have recently established a Human Rights Office to deal with files, statements and reports that come to us from such organizations, and prepare reports on human rights from the government side.

Government's Response

Government of Bahrain provided through the media responses to the above concerns.

1. Response from the Minister of Social Development, also responsible for Human Rights (Bahrain TV, 13 April 2011):

2. Response of the Minister of Labour to the Director-General of ILO Juan Somavia, regarding the conditions of workers and trade unions during recent events in Bahrain (published in the local press on 20 April 2011):

- Government of Bahrain, represented by the Ministry of Labour, respects international labour standards in general and trade union freedoms in particular and has harmonized domestic legislation with international labour standards. Experts from ILO helped Bahrain to develop many of the labour legislation, particularly the Trade Unions Law issued by Decree Law No. (33) of 2002, and the law of insurance against unemployment promulgated by Decree Law No. (78) of 2006, and draft of the labour law in the private sector, which is currently before the legislature for adoption.
- The Trade Unions Law allows the formation of trade unions without license as well as joining them. It suffices to form any union to deposit its articles of association with the competent administrative authority, also only the extraordinary general assembly can dissolve a union, or by the judiciary if Article (20) of the Trade Unions Law is violated.
- Government of Bahrain has sought to provide all the frameworks to support the social dialogue between the relevant parties (the government, workers, business owners) in addition to including representative of workers and business owners in the governing bodies of the General Authority for Social Insurance, the Labour Market Regulatory Authority, and the Labour Fund (Tamkeen).
- The Government of Bahrain took concrete steps in the prevention of discrimination through the ratification of the ILO Convention No. (111) of 1958 concerning discrimination in employment and occupation. Additionally, Bahrain provides equal rights to all workers through the amended Labour Law for the Private Sector promulgated by Legislative Decree No. (23) of 1976.
- Following the call by the General Federation of Bahrain Trade Unions for a general strike following of the political events that affected the country, the Ministry distributed a statement clarifying the facts about this strike, and the negative effects that could result from the failure of workers to work, especially in the vital facilities that affect the lives of the people or a section of them, such as educational and health institutions, electricity, water and other vital establishments.
- The law does not recognize the so-called (general strike), which is in fact an illegal political strike. The legal strike is carried out by the professional workers to force their employer to heed their work-related

demands, such as increased wages or improved working conditions or reduction of working hours. Article (21) of the Trade Unions Act identifies four guidelines for a legal strike, namely: approval of the extraordinary general assembly of the union to declare the strike; to notify the employer of the worker's intention to stop working before fifteen days; workers should not stop work if the dispute is pending conciliation or arbitration; and the strike is not allowed in the vital installations specified by the Order of the President of the Council of Ministers No. (62) of 2006.

- The general strike called for by the General Union represents a clear violation of the legal regulations specified in Article (21) of the Trade Unions Act. The strike has had some political, security and economic implications, and therefore some of the companies affected by the strike took disciplinary action against some workers according to the law and regulations. The workers subjected to disciplinary action can lodge a complaint at the Ministry against unfair dismissal, and in case no amicable settlement is reached the matter shall be referred to the courts pursuant to Article (110) of the Labour Act regulating the private sector.
- Bahrain welcomes the continuous positive cooperation with the ILO, which should focus on developing the trade union action, and identifying its fundamental goals to protect the working class away from the political factionalism, and away from breaking the law. The experience has shown the urgent need to deepen the culture and principles of trade union action, in addition to increasing the ability to conduct collective bargaining and benefit from the ILO's efforts in building and strengthening the institutional capacity of workers and employers.

3. Clarifications by the Minister of Foreign Affairs:

- Sanctions taken against a number of Bahrainis through dismissal from their jobs were taken because of their participation in the recent protests and for threatening the national security, and not for revenge or sectarian reasons. (19/04/2011).
- We will not dissolve the Al-Wefaq Society, which will remain. We want to see the Al-Wefaq a partner for the future (19/04/2011).
- The process of reform and development in the Kingdom of Bahrain, which began ten years ago, continues and will not stop. The challenges will only increase our determination to continue our constructive work and consolidate our democratic values. (20/04/2011).

Bahrain: A Human Rights Crisis - Briefing paper

On 21 April 2011, Amnesty International (AI) launched a brief report on the human rights situation in Bahrain since the outbreak of the recent events last February. The report came under the title (Bahrain: A Human Rights Crisis), and pointed to a worrying decrease in the human rights situations. These developments mark a dramatic and deeply worrying trend. Until 2010, Bahrain was widely seen as the Gulf state that had made the greatest progress on human rights

The report pointed that Bahrain was caught in the grip of a spiralling political and human rights crisis and that Bahrain has witnessed an intensifying cycle of human rights violations. These include large-scale arbitrary arrests of government critics, opponents and protesters. More than 500 people have been arrested in March including many who called for changes to the political system. In all cases, weeks after their arrest, their whereabouts remain unknown; the government has refused to disclose this information to their families or lawyers or, in most cases, allow any contact or visits, prompting great anxiety as to the safety and welfare of the detainees. At least six detainees, all prominent opposition leaders, have been referred to the military prosecutor and were reportedly questioned in the presence of their lawyers concerning their role in the protests.

The AI report mentioned the names of some of the prisoners and detainees including politicians, doctors, nurses, university lecturers. However, the whereabouts of around 85 persons recently reported to have been released have yet to be disclosed by the government. Furthermore, at least 18 women have also been detained in connection with the protests. They include medical doctors, nurses and teachers and some of them were held incommunicado in undisclosed locations. AI considers that some of those detained are prisoners of conscience imprisoned solely on account of their legitimate exercise of freedom of expression or other human rights.

On the other hand, AI's report criticized allegations of torture and ill-treatment of

detainees, at least four of whom have died in custody in suspicious circumstances since the beginning of April. Methods of torture included punching with fists, kicking with boots, beatings with wooden batons and in some cases, the use of electric shocks were applied. AI highlighted testimonies of victims who had been tortured. The report also criticized the use by the security forces of excessive and deadly force as well as the dismissal of hundreds of employees from their jobs, apparently because of their involvement in or support of the protests. In this regard, the Bahraini government responded to the report in a letter sent to the Secretary-General of AI by Dr. Fatima Al Balushi, Minister of Social Development and in charge of the human rights file. She emphasized in the letter that the (disciplinary and legal proceedings had been taken in accordance with relevant legal standards, and only in relation to specific violations of the law, such as absenteeism. The Government has no hand in the decisions of private sector companies with regard to their workforce, while any individual who believes they have been treated unfairly can bring a case before the Labour Courts). The Minister also emphasized that cases of detention of some doctors, nurses, lecturers are not directly related to their professions or their legitimate professional activity, because the legal investigations showed evidence of involvement in criminal activities such as incitement to violence or hatred, and refusal to provide medical service for political and sectarian reasons. (Bahrain News Agency, 26 April 2011).

AI's report referred to the prevailing climate of fear and signs of an increasing sectarian divide between the Sunni and Shi'a, and the recurrence of attacks on foreign migrant workers, notably from the Indian sub-continent, by elements affiliated



to the militant opposition. Meanwhile, Bahrainis who support the government claim that its clampdown on the opposition and the protests was necessary to "pull Bahrain from the abyss".

The report criticized the imposition of the State of National Safety – SNS – (State of Emergency) since 15 March for three months subject to renewal by Parliament, which the report described as weak, especially after the withdrawal of the 18 members of the Al Wefaq Society in protest at the government crackdown. The provisions of the SNS are broadly drawn and vague, and contain no explicit human rights guarantees. The SNS gives enormous powers to the security forces, which allow them to ban all public gatherings that are deemed harmful to national security; to prohibit individuals from travelling outside Bahrain; and to conduct searches of places. The SNS also allows the authorities to close down NGOs, trade unions, social clubs, and political associations. The SNS established special courts to try people accused of crimes against the State, but there is nothing said about human rights safeguards for detainees held under the SNS, including how long they can be detained in pre-trial detention. Furthermore, the final verdicts of the special courts cannot be appealed against in Bahrain's ordinary courts.

The AI report concluded that the

SNS provisions directly contravene Bahrain's obligations as a state party to international human rights treaties, notably the International Covenant on Civil and Political Rights (ICCPR), and appear also to contravene provisions contained in the Bahraini Constitution, the Penal Act and the Criminal Procedure Act.

In this regard, the Minister of Social Development again assured AI that (the Kingdom of Bahrain is dedicated to protect human rights and fundamental freedoms, despite being faced with a security situation that included extreme and premeditated violence, often against unarmed and vulnerable civilians, compounded by outside interference. As a result of these challenges, Bahrain had been left with no option but to declare the State of National Safety, in order to restore peace and security and ensure the protection of the rights of all components of society). (Bahrain News Agency, 26 April 2011).

AI's report covered the events of last March adequately and pointed to the background that led to the continuation and growing of demonstrations and protests against the government following the withdrawal of military and security forces from the Lulu Roundabout on 18 February 2011. The report noted anti-government protesters had stepped up their demands, with many calling openly for an end to the monarchy and its replacement with a republican system. By contrast, the seven legally-registered political associations, including al-Wefaq, the largest Shi'a political group, were calling for the establishment of a genuine constitutional monarchy and for the resignation of the government as a precondition for their engagement in negotiations with the Crown Prince. On 12 and 13 March, violence erupted between protesters demanding an end to the monarchy and government supporters in the Royal Court in al-Riffa' and the University of Bahrain in Hamad Town areas.

The report pointed to the closure of the main roads in Manama and the occupation of the Financial Harbour area by the protester causing considerable disruption in these areas, in addition to attacking Asian immigrant workers, causing three deaths and injuries to others. On 15 March, the

Saudi Arabian government despatched its troops to Bahrain, reportedly at the request of the Bahraini government and to assist in guarding key government installations in Bahrain. As Saudi Arabian troops entered, Bahrain declared the State of National Safety (SNS). Next day, the government sent in the security forces, backed by helicopters and tanks, to storm the Lulu Roundabout area and forcibly evict the protesters. In the ensuing clashes, at least two protesters and two police officers were reported killed and dozens of people were injured by the security forces that violently cleared the protesters away. The security forces also took similar action to forcibly evict protesters from the nearby Financial Harbour area.

AI's report was based on the findings of the AI delegation that visited Bahrain on 1-8 April 2011, previous visits in February 2010 and the end of 2010, in addition to AI's ongoing monitoring of developments in Bahrain. AI's delegates met with officials from several government ministries and

victims of human rights violations and their relatives and eye-witnesses, human rights activists, representatives of diverse religious and ethnic communities, lawyers, journalists, medical practitioners, and others

The main recommendations of the Amnesty International report are as follows:

AI urges the Bahraini government to immediately and unconditionally release all prisoners of conscience, and to ensure that all other detainees are released unless they are to face recognizable criminal charges and be tried in full accordance with international standards of fair trial and without recourse to the death penalty.

AI urges the Bahraini authorities to immediately disclose the whereabouts of all those currently detained, allow the prompt and regular access to their lawyers and families and ensure that they have access to and can receive all necessary medical treatment.

AI expresses the need that any members of the security forces or other officials responsible for abusing detainees' rights must be held to account and removed immediately from any position where they can continue to commit abuses against detainees.

AI reminds Bahrain that the international conventions on human rights, such as the United Nations Convention against Torture, also ratified by Bahrain, and the International Covenant on Civil and Political Rights, as well as the laws of Bahrain, prevent the use of torture.

AI calls upon the Bahraini government to immediately establish an independent and impartial investigation into the deaths in custody that have occurred and into all allegations of torture and other ill-treatment of detainees, and to bring to justice any members of the military and security forces or other officials, however senior, who are responsible for torture or other abuse of detainees.

AI urges Bahrain to give greater priority to its obligations under international law.

AI calls upon governments that have long maintained close diplomatic, trade and other ties with Bahrain to remind the Bahraini authorities of their obligations to uphold and respect human rights.

Update

- On 27 April 2011, Sheikh Fawaz bin Mohamed Al Khalifa, Chief of Public Information, announced the release of 312 detainees. He said that the ongoing trials guarantee fair trial in accordance with applicable laws and international human rights standards, which allow the accused to communicate with their families and lawyers. Trials were also attended by representatives from the Arab and European human rights organizations. Verdicts can be appealed against as well. He added that 24 doctors and 23 nurses and paramedics were arrested and interrogated, and that they will be brought to trial.
- A committee, chaired by the Minister of Labour, was formed to look at issues related to dismissed workers in order to ensure the safety of the legal proceedings without prejudice to the workers' rights to take legal action in this regard.

Said Boumedouha:

We met all parties and we welcome any comments by the Bahraini Government

The recent Amnesty International (AI) report on Bahrain, which was released following a visit between 1-8 April 2011, has drawn in many criticism from different quarters. The impartiality, professionalism, methods of gathering information and the outcome of the report have all been strongly criticized.

The BHRM interviewed Dr. Said Boumedouha and asked him the following questions:

AI has been criticized for not being neutral and for lack of professionalism regarding the recent events in Bahrain. AI's recent report was criticized by the Bahraini media for not incorporating the official information and views provided to you. What is your comment?

During the last visit to Bahrain, we tried to meet as many people as possible from anti and pro government groups. The report reflects and summarises in a very objective manner what has been happening in Bahrain since early March. In the section on human rights violations during the March protests you will see that AI's report refers to violations committed by all sides. We met more than 70 pro-government persons, including university lecturers, students, medical doctors, journalists, Asian workers and women. In fact we were constantly receiving calls from people who wanted to meet us, but unfortunately we were only there for seven days and we were also collecting testimonies from the

families of detainees. It was clear that someone was giving our telephone numbers to people who were calling us constantly and there was no problem with that, except that we had little time to meet every one. We also visited the Shi'a villages to collect testimonies. So you can imagine how difficult it was to try to meet everyone who wanted to meet us. It is surprising that both the government and certain pro-government human rights activists are attacking AI for meeting only one side. This is simply not true and they know it. They know very well the people we met because we met them in the hotel and the Pakistani Club. Are they denying that we meet those people?

AI's report has in general concentrated on violations committed by State institutions. Why AI and other human rights organization do not document violations committed by non-state actors in Bahrain?

As mentioned, the latest report refers to human rights violations committed by all sides during the protests, including attacks on Asian migrant workers and violence used by all sides, including pro and anti-government elements. But the report focuses more on the current situation with hundreds of people detained and who are likely to be tried before special courts, as well as the dismissal of more than 800 people for participating in anti-government protests. Why are the doctors and medical staff being arrested and dismissed from their



Said Boumedouha

work? Why are females doctors being arrested? What crimes did they commit?

Many countries request seeing reports of human rights organizations to comment on them before their release. Did you do the same with regards to this report considering that the Minister of Social Development had requested to see the report, according to her published statements?

We did not send the last report to the government for comments. When we published recent reports we sent copies to government officials and asked for comments or observations they may have. If we received any responses we would definitely reflect such responses in our publications. If the government has comments on the latest report then they can send such comments in writing to AI and the organization will reflect these comments. Actually, when we were in Bahrain and during our meetings with officials we emphasised how important it is for them to send us in writing any observations they may have on any document or press release related to Bahrain.

Governments and Human Rights Organizations:

Confrontation or Co-operation?

In the past months, the performance of the international human rights organizations was widely criticized and accused of double standards and of having a political agenda. The Arab revolutions have put human rights at the core of the political conflict. Many Arab countries were criticized for violating human rights and using excessive force against protesters as was the case in Yemen, Egypt, Libya, Syria and Tunisia. Arab governments have criticised the West for using human rights in causing problems and incitement.

Obviously, Arab governments do not welcome any criticisms from international human rights bodies and neither do some Western Governments who resent their reports. Regardless of whether these accusations are credible, these organizations cannot be ignored, underestimated, pressurized or threatened.

This is due to the fact that

these organizations have a big impact on political scene and are an integral part of international law and politics. Confronting these organizations and viewing them as an enemy is unwise since they are real actors in the international arena. Any confrontation with these organizations on a public, legal or political level will result in failure. The reputation of the USA was seriously affected when it ignored the criticisms of these organizations and their reports.

Human rights violations result in foreign political interference in order to protect the lives of civilians. It is an international issue that goes beyond borders and hence, the calls to boycott these organizations will not weaken or undermine their credibility, especially since almost every country in the world is monitored by them.

The big influence of these organizations should encourage governments to cooperate with them

and benefit from their experience and resources. Boycotting and confronting these organizations will only damage the image and reputation of the country and will not solve the internal problems.

International human rights organizations have contributed significantly in writing international human rights conventions, which are part of International Law. They also have considerable influence on international media through their large networks, which publish their reports or prepare programmes on countries.

Moreover, they have a political effect on governments' foreign policies, research centres and universities. Let us not forget that human rights have become part of the academic syllabus in many academic institutions.

Human rights organizations also have an effect on western legislative bodies such as the European Parliament, American Congress and an

enormous number of civil society organizations in the world.

Furthermore, they also have an impact on international financial institutions such as the World Bank, the International Monetary Fund, banks and multinational companies. They assess the political situation of countries and measure their stability against their adherence to human rights.

Human rights reports and publications of international human rights organizations have a strong effect on Western and international public opinion, including the Arab public opinion, which respects and participates in the campaigns of these organizations.

Countries around the world have no choice but to accept the international human rights organizations and accept that they have a big effect on local politics. They should communicate and cooperate with these organizations and understand their working methodology.

Governments that ignore human rights organizations

will be viewed as authoritarian regimes, and their international reputations will be undermined. Ignoring human rights organizations will also give other countries a justification to interfere in their affairs and overthrow the regime.

Theoretically, states that improve the human rights situation in their countries should not fear these organizations since the criticism directed at them is limited, and as long as the citizens are confident of their government's political and human rights reform project. Here, human rights reports are not considered pressure tools, but are viewed objectively and in a positive manner.

There are some common misunderstandings surrounding the relationship between states and human rights organizations, including:

1- The perception that these organizations are a product of the West and that they target specific countries. These states continually ask these organizations: why do you criticise us and not the

other states? They fail to understand that no country is immune from criticism and pressure.

2- The perception that these organizations are naive and that they will believe any information that is passed on to them without verification. Many states make false promises of improving human rights by establishing investigative committees in the hope that such organizations will stay silent. They then discover that these organizations will hold them to account.

3- The perception that criticizing and condemning international organizations will lead to a decrease in criticism or stop altogether.

4- The perception that the effect of these organizations is small and that their reports can be ignored. Some states believe the international mechanisms for human rights are worthless and can also be ignored.

5- The perception that the staff and policies of these organizations can be easily circumvented and influenced by money.

BHRM Recent Activities

The BHRM issued several statements regarding the recent developments in Bahrain in which it expressed its deep regret with regards to the human rights violations that have resulted in civilian and military casualties. BHRM also regrets the sectarian polarization, which has helped spread instability, fear and anxiety in Bahrain.

The BHRM expressed the need for dialogue in order to solve the current political crisis. The human rights situation is very much connected to the political situation, hence solving the disagreements between the parties will lead to respecting the laws that safeguard human rights and the interests of all political parties through mutual concessions. The stability of the political and security situation will maintain the stability of the country and will result in prosperity and justice for all citizens.

The BHRM called on the security forces to act with restraint and take the law into consideration especially during the state of emergency.

The BHRM stressed in its statements that the core of the crisis is political despite decreasing calls for dialogue and increasing sectarian tension between the Sunnis

and Shia. Hence, neither the street pressure nor the use of security solutions will work.

The BHRM has urged both the opposition and the Government not to waste any more opportunities, or let emotions get the better of them. All parties must communicate in order to build trust, which is lacking and consequently resulted in a tense security situation that negatively affected the economy and the living conditions of citizens.

The BHRM was constantly communicating with international human rights organizations and monitoring events on the ground. BHRM was trying to influence events by writing newspaper articles and conducting TV interviews. The BHRM President conducted several interviews with TV and Radio channels including the BBC-Arabic, Bahrain TV, Alhiwar, Alhura, Aliraqia , France 24, ANB, Radio Monte Carlo and the Dutch Radio.

