

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain

Special Issue on BICI's Report



Bahrain Human Rights Monitor

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Issue 33 - 34 • October - December 2011

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The Right Direction

In his speech on 23 November 2011, the King of Bahrain mapped out the country's future plan of action after Bassiouni's report; which includes moving beyond past violations, holding perpetrators accountable and compensating victims in order to achieve national reconciliation and permanent political stability. This attitude should be adopted by all social and political parties as it represents the best way out of the political and security crisis as well as the social division.

It is incorrect to hide behind sectional or party interests in order to run away from the responsibility of implementing the BICI recommendations; regardless of excuses and questions raised. We are aware that there are many challenges facing the implementation of the recommendations, however, the hopes of the Bahrainis rest on their speedy implementation. Foiling the persistent endeavours to reform the the political and Human Rights situation is unwise because it prolongs the crisis and is not beneficial to any group.

Bassiouni's report is the first step to rebuild better relations between the Government and international human rights organizations and Office of the High Commissioner for human rights (OHCHR). It is unacceptable for Government bodies to constantly attack human rights organisations and deal with them with a lack of transparency. It is also unacceptable that the work of international human rights organisation is confined to condemning violations without exploring the genuine prospects of enhancing the Human Rights situation.

There is a clear indication that the lack of trust between the Government and human rights organisations during the past few months in particular has nearly ended. This is due to the Government's reassessment of the nature of its relation with these organisations. We hope that this will improve Government official human rights discourse and the Government should respond to concerns of these organisations seriously and with good intention.

Recently, the Bahraini Government called for cooperation with international human rights organisation and setting up joint projects. We also hope that these organisations would take notice and seize upon the existing opportunities in Bahrain and the will to reform to broaden their way of thinking in order to establish a cooperative Human Rights effort that would benefit Bahrain strategically and prevent future social and political tension and violations. We now have Bassiouni's report and an honest official intention to reform the situation; we should build on these two factors for a healthy relationship between the Government and international human rights organisations because Bahrain needs the expertise of these organisations. Co-operation should initially begin in the implementation of Bassiouni's recommendations.

The King Determines Bahrain's Future after Bassiouni's Report

Many questions were raised by politicians and the human rights community before the BICI report was released. Some of those revolved around the report itself and the work of the BICI, such as the extent of its impartiality and how its recommendations will be implemented. Others questioned the seriousness of the Executive Authority in responding to the needs of the current phase. The BICI report provided answers to many of these questions, and proved its impartiality, integrity, courage and concern for Bahrain. However, other questions regarding how the Government will deal with the report remained unanswered. In his first public reaction to the findings of Bassiouni's report, the King responded to some of these questions dispelling unequivocally many fears.

On 23 November 2011, (the same day the report was released) the King delivered a speech in the presence of the members of the BICI, a group of local and international human rights activists, representatives of local civil society organizations, local and international journalists, Government ministers, the Prime Minister, the Crown Prince, MPs, members from Shura Council and representatives of the United Nations. The King discussed several sensitive issues, saying that the report deals with controversial matters and that 'by accepting the findings and recommendations of the report, the people of Bahrain can make this day one that will be remembered in the history of this nation'. He also added that 'a new page has been turned in our history', which implies that making real changes based on the recommendations of the report can represent a historical gap between two eras.

How will the Bahraini Government deal with the report?

The King answered this crucial question by stressing that 'any Government which has a sincere desire for reform and progress understands the benefit of objective and constructive criticism';

and this is the reason behind the establishment of a commission of foreign experts to assess the events of the past year and their subsequent ramifications. Our aim is to correct mistakes even if this means bearing most of the responsibility, and we should therefore accept the results of the investigation. The King explained that 'there are many examples of this around the world, for example in Europe, we see that leading national governments are routinely criticised by external institutions, which they themselves have created. The European Court of Human Rights frequently sanctions European states for human rights violations,, and despite their long democratic traditions, leading European powers have been condemned in literally hundreds of cases for denial of justice and for the torture and ill-treatment of detainees. Yet these governments do not denounce the European Court, nor do they protest or boycott the judges who have criticised them. On the contrary, they are grateful to the Court for having identified the ways in which they must improve if they are to be in full concordance with international law and morality. Nor does the international community conclude that these are oppressive governments, in fact they are seen to be following a path of wisdom, acknowledging that they benefit from

neutral investigations'.

In sum, the Government of Bahrain has accepted the findings and the recommendations of the report and will work towards their implementation. The King spoke directly to the BICI members and asked them 'what can we do with your report, in order to derive the maximum benefit from it?'

Following are excerpts from the King's address:-

1/ Turn a new page and move beyond violations:

'We are determined, God willing, to ensure that the painful events our beloved nation has just experienced are never repeated, and that we learn from them and use our new insights as a catalyst for positive change'.

2/ Put forward laws and new legislations and reform existing ones:

'We must reform our laws so that they are consistent with international standards to which Bahrain is committed by treaties. Even before receiving your report, we had already introduced proposals to amend our laws to give greater protection to the valuable right of free speech, and to expand the definition of "torture" to ensure that all forms of ill-treatment are sanctioned by our criminal laws. Both of those proposals would place our laws in full conformity with international human rights standards. We have addressed issues of due

process in criminal trials, in particular for the medical professionals who are now being re-tried in ordinary courts. We have reviewed, and are continuing to review, the circumstances of job dismissals and expulsions from educational institutions. In addition to retrials and reinstatement, affected persons have access to a range of remedies, including the newly established Victims Compensation Fund'.

3/ Hold those responsible of violations accountable:

'We do not tolerate the mistreatment of detainees and prisoners. We are dismayed to find that it has occurred,

and benefit from their expertise in the implementation of recommendations:

'In order to ensure that there is no return to unacceptable practices once the Commission has left Bahrain, we have decided to engage international organizations and eminent individuals to assist and advise our law enforcement agencies, and to improve their procedures. The Kingdom of Bahrain assumes its international responsibilities seriously. Indeed, it has taken the initiative to contribute to collective international action by providing facilities for multilateral organisations. Such international

the only way to achieve reconciliation, to heal the fractures in our society'. We affirm our commitment to ensuring the safety and security of our nation and its people, and our commitment to reform, and to the rectification of errors in all transparency. We urge all our people to reflect upon their own attitude and intentions, to address their mistakes, and to do their civic duty to contribute to national unity within a community characterised by tolerance. We have every sympathy for those who sincerely and peacefully seek reforms within a pluralistic society where the rights of all are respected, but not for those who seek to impose totalitarian rule'.

6/ Study the report and hasten to form commissions for implementing its recommendations:

'Your report is lengthy and detailed. We must study it with the care it deserves. As a first step, a working group of members of the Government will immediately be asked to conduct an in-depth reflection on your findings and recommendations. This working group will then urgently propose concrete responses to your recommendations. As for the Government's responses to the findings and recommendations of your Report, I say again that they involve fundamental issues, and must be dealt with urgently'.

Conclusions:

There is a clear official commitment, and from the highest authority in the country, to implement the BICI recommendations as soon as possible.

The report from official point of view represents a turning point in human rights and politics in Bahrain.

Implementing the recommendations requires a strong political will which continues to exert pressure in order to overcome all obstacles.

In order for the implementation to succeed, Bahrain needs every possible help from all social and political parties, the OHCHR and international human rights organizations.



Receives BICI's Report

as your report has found, and we will not accept any justification based on national characteristics that exclude us from others. We intend to waste no time in benefiting from your work. Your report provides an historic opportunity for Bahrain to deal with matters that are both serious and urgent. Officials who have not been up to their task must be held accountable. Surely, we as a nation that respects the principles of Human Rights, need to show that our officials are accountable before a supreme Law and a higher Court.

4/ Cooperate with international human rights organizations

cooperation will of course not replace national initiatives. Just the day before yesterday, we announced that the National Institution for Human Rights is henceforth established as an independent body possessing its own organic law to operate in accordance with the Paris Principles, which embody international human rights standards relevant to the functioning of national institutions'.

5/ Continue political reforms to achieve national reconciliation:

'Above all, we must conceive and implement reforms that satisfy all segments of our population. That is

Improving the Media and Enhancing Freedom of Expression

All forms of the Bahraini media, the official and private, were victims of the events that took place in February 2011. The media also played a role in inciting sectarianism and contributed to oppressing freedom of expression and violated journalists' rights. Freedom of expression was violated and strict censorship was imposed during past months. Due to sharp political and sectarian polarizations, hatred and incitement prevailed over the language of logic and reason. Many local and international journalists were badly treated, threatened, harassed, detained and dismissed according to the report of the BICI.

The Bahraini experience in freedom of expression before the events of February 2011 was not bad. Everyone was expecting and hoping for a new press law to be passed by Parliament, which would increase the margin of freedom of expression and live up to the expectation of the youth, but the recent unrest damaged Bahrain's media image.

It is obvious that Bahrain needs to reconsider all the previous steps, which were taken to restrict freedom of expression, and it also needs a developed media law. The future of public freedoms should be dealt with wisely taking into consideration the current situation - post Bassiouni's report - and the future of the next generation.

Currently, the media in Bahrain is divided into two sides; one represents the official view and the other represents the opposition, which reflects a clear social and political division. The impact of the official media has clearly decreased after the unrest because many have lost trust in it which raises a question, what is the point of having a one-sided media that directs its message to one group only? How can the

Government accept the fact that its official media has no effect on a large segment of society? And who is responsible for this?

The reason for public repulsion of the official media was the result of many media mistakes such as the abandonment of a unifying discourse and the failure to reflect the concerns and interests of all citizens. This factional media is stereotyped and only its supporters listen to it and believe it. This kind of media is not acceptable to the opposition and should not be associated with the Government, which should respect its citizens and try to solve their problems and express their concerns. When State media fails to achieve this it is obvious that part of the society is going to look for different media options such as that of the opposition or foreign sources which are more credible.

Some say that state media and especially the State TV channels tried to include other parties during the beginning of the unrest but the opposition refused to participate which affected balancing different views.

The President of Information Affairs Authority

(IAA) Shaikh Fawaz bin Mohammed Al Khalifa said that the opposition was not prevented from appearing on State TV and that 300 Shia figures from the opposition and civil society organizations were invited to appear on TV but all directly refused or excused themselves (Al Arabia Net, 25/11/2011).

Section (1640) of the BICI report stated that 'it is clear that the media in Bahrain is biased towards the GOB. Six of the seven daily newspapers are pro-government and the broadcasting service is State-controlled. The continuing failure to provide opposition groups with an adequate voice in the national media risks further exasperating the political and ethnic divide in Bahrain. The lack of access to mainstream media creates frustration within opposition groups and results in these groups resorting to other media outlets such as the social media. This can have a destabilising effect because social media outlets are both untraceable and unaccountable; characteristics which present problems when such media is used to spread rhetoric full

of hatred and incitement to violence'. The BICI report section (1640) recommended that the Government of Bahrain 'consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print Media'.

State media should represent the whole country and reflect the cultural, political and sectarian diversity of the Bahraini society. When the state media becomes biased it will be unable to conceal

well as their influence on political parties and the opposition. Moreover, the country has lost competent journalists who found jobs in other international media and worst of all this has resulted in more social and political divisions. When state media serves just one segment of the society, this will encourage others to establish their own media sources. There is no point in preventing the opposition from expressing its opinion inside the

country when it can easily establish its own newspaper or satellite channel abroad or take advantage of social networks.

Bahrain needs a large margin of freedom of expression so that Bahrainis can express their opinions inside their country in

accordance with a modern and unifying press law. Both the Government and the opposition were badly affected in the past months and only sectarianism and division are the winners.

We hope that past mistakes get corrected through the reinstatement of dismissed workers and allowing all opinions to be expressed freely in order to eliminate sectional discourse.

Moreover, as the BICI suggested in section (1722/h) 'to review convictions and commute

sentences of all persons charged with offences involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them'. Also, all charges against those arrested or convicted due to exercising their right of freedom of expression, assembly and establishing societies according to section (1723/L).

Section (1724) contained a recommendation relating to media incitement including relaxing censorship, allowing the opposition greater access to TV, radio and print media and establishing professional standards in order to avoid incitement of hatred and intolerance.

The King realised the problem of legal restrictions regarding freedom of expression. He pointed to this in his speech on 23 November 2011 and said 'we have proposed to amend our laws to provide greater protection for the fundamental right of freedom of expression'. This includes the amendment of some sections of the Penal Code which criminalise some practices of freedom of expression'.

Before the February 2011 crisis, Bahrain was seen as an oasis of freedom of expression. We need to become more experienced and turn a new page. People of Bahrain deserve more freedom of expression and a sincere national media that is far from political and sectional polarizations.



other opinions. It is no longer possible to monopolize the media and it is not acceptable for different views to disappear from the scene. Representing just one side of the story highlights the failure of media to represent different segments of the society that have different political and cultural backgrounds.

We believe that the state media was a victim of its own mistakes. The newspapers that arbitrarily dismissed competent journalists lost many of their readers as

Following the BICI Report: Need to Restructure NIHR

Before discussing the future role of the National Institution of Human Rights (NIHR), we should draw the attention to the following two facts:

First, NIHR is currently unable to perform its role or achieve the objectives outlined by the Royal Decree issued on 10 November 2009. The nature of NIHR's establishment, the background of its members and the challenges surrounding its establishment, made it very difficult for NIHR to develop as an effective organization, especially with the resignation of a number of its members.

Second, due to administrative and leadership incompetence and lack of motivation (factors which are mostly beyond the control of NIHR), its performance was below the expectations of the Bahraini Government and the public, as well as human rights organizations.

The question is what can Bahrain do to embark upon a genuine national institution established in accordance with the Paris Principles and also removed from the pressure of both the Executive Authority and the divided Bahraini street?

The answer in brief to this is the re-structuring of NIHR, which means making radical changes to its administration, staff members, responsibilities and mandate. This can only be achieved by reviewing the

following:

1/ The independence of NIHR

If Bahrain really intends to build an effective and credible national human rights institution, it should strive to change perceptions of NIHR. No national institution can serve Bahrain if it is perceived as following Government instructions and if its members feel powerless and unable to take any real initiatives to deal with issues, especially in times of crisis.

Despite being established by the Government, NIHR is not an apparatus of the Government and only its complete independence can ensure that it remains so in the eyes of the public and human rights experts. The more independent NIHR is, the more reliable it will become in developing human rights and Bahraini human resources in this field. Those who wish to see NIHR as part of the Executive Authority are in fact wishing for its failure; such an institution should not exist in the first place because it is useless to the Government, society and human rights cause in Bahrain.

A strong and credible national institution is what Bahrain really needs in its political and human rights development, and an effective institution is one that is free from Government

restrictions and the influence of political parties.

2/Administrative and executive re-structuring in accordance with the Paris Principles

A close reading of the Council of Ministers statement of 22 November 2011 suggests that the Government intends to re-structure NIHR. By presenting a bill to Parliament regarding NIHR, the Council of Ministers aims to grant NIHR legal, financial and administrative independence, which would guarantee its freedom, impartiality and independence in accordance with the Paris Principles. Moreover, NIHR will be given more power such as the right to be provided with any information or documents it requires, and the Government is obliged to cooperate with it. When Bahrain adheres to these standards and principles, it will then be ready for a credible human rights institution that benefits its present and future.

How can the Paris Principles be applied effectively to our current human right situation and to NIHR?

1/ NIHR was established by a Royal Decree which outlined its mandate and objectives. The establishment of NIHR did not depart from the Paris

Principles, however, the Council of Ministers decided to refer the matter to Parliament. This step means that henceforth Parliament, and based on the Paris Principles, should clearly outline the law that governs the relationship between NIHR and Government institutions and whether NIHR reports directly to the King or Parliament.



2/ To guarantee the independence of NIHR, there are two aspects that must be considered:

■ **Executive independence** is crucial so that NIHR can independently administer its own affairs far from the interference of any authority, government, individuals or institutions. A national institution will not be completely independent if

there is no law that compels Government bodies to cooperate with it. This should be included in the establishing law of NIHR.

■ **Administrative independence**, especially regarding the procedures for appointing members. Problems of NIHR include the lack of coherence among its members, lack of competency and weakness in its leadership and other administrative aspects. The future NIHR should not only comply with the Paris Principles, but its members should also be given immunity with regards to their official activities.

Appointing NIHR's new members is a crucial matter for its future success, and several issues should be taken into consideration such as competency, professionalism and qualifications. New members should represent a broad range of civil society organizations including unions, human rights organizations, organizations concerned with women and children, academics and journalists.

It is worth mentioning that a number of members of NIHR come from the public sector and have not left their first jobs.

Generally the Paris Principles prefer the inclusion of MPs and government officials within the framework of the NIHR, but only in the capacity of Monitors and Advisors.

3/ Accountability and executing assigned missions

NIHR can play an important role in spreading human rights education, promoting the respect of human rights, especially in the executive apparatus, and monitoring adherence to legal and human rights rules, as well as defending and protecting human rights in Bahrain from violations.

It is possible to assess the success of NIHR through its achievements in this regard. When NIHR is finally independent and not subject to any official party except its direct responsibility before the King (as the case is now) and perhaps the Parliament in the future, accountability for its work should then be extended to the public. NIHR should prove to the public through its achievements that it is competent, credible and transparent. It can do so by revising its activities periodically and ensuring that they are in line with its objectives. It should also issue reports and publish them in the media so that the public can participate in assessing its activities, achievements and transparency.

The Imperative of reaching out towards Political Trust

Hasan Moosa Shafaei

The lack of trust between political parties and various Bahraini social segments is very clear and has reached dangerous levels. It also represents one of the most painful experiences Bahrain has witnessed in its modern history.

Dissatisfaction and distrust between different political parties, and more dangerously the claim made by some politicians that they are unable to cooperate with each other, have become prevalent features of the Bahraini political scene. This reveals that the situation in Bahrain has reached a deadlock which could lead to a complete separation on both political and social levels. Many politicians, journalists, observers and Dr. Bassiouni himself have discussed this lack of trust in several interviews, and called for adopting scientific means to overcome the problem.

In Bahrain there are two intertwined problems: on one hand there is an increasing gap between the political system and the opposition, and on the other hand there is similar gap between the political parties and Bahraini society in general.

The lack of political trust means that there is no social consensus about general political and social values in the country, such as political priorities and the means and possibility of co-existence. In other words, mutual distrust affects basic issues such as the form of the political system, the structure of political and social institutions and public aspirations and expectations. This in turn damages society's ability

to interact with, and build and support the political system. It also damages relationships between various social components and the extent of their interaction, integration and mutual participation to achieve joint objectives and promote social stability.

To find a solution we need to assess the reasons behind the lack of political trust in Bahrain, which has witnessed many serious problems before the current crisis. Levels of distrust have always fluctuated according to the political conditions of the country, but this time the indicator has reached a worryingly high point. During 1990s, the King was able to rebuild trust through his reforms



Hasan Moosa Shafaei

and engagement with the citizens and the rule of the law was the norm. Due to this newly acquired trust and Government promises to improve conditions in the country, Bahrainis' hopes and expectations were high.

However, distrust resurfaced due to arguments regarding the Constitution, which resulted in a low turnout during the 2002 election. By 2006, confidence in the political system had gradually improved when the opposition agreed to participate in the political process, but then declined again until the eruption of the problem in February 2011, which resulted in a kind of 'political divorce'

in Bahrain. It was at this time that the Opposition left Parliament and some parties even demanded the complete overthrow of the regime, which badly affected social relations and the level of trust between them. Now, the King has once again tried to rebuild trust through the establishment of the Bahrain Independent Commission of Inquiry.

Political trust is very much connected to the nature of the relationship between the political system and citizens. It is also directly connected to the performance of all the Executive, Legislative and Judicial authorities, and whether these authorities have met the expectations of the citizens and fulfilled all their promises.

The lack of political trust can lead to the following serious consequences:

1- Non-abidance by the law is an indicator of mistrust, because respecting the law indicates respect for the political system and confidence in its adequacy and ability to fulfil the demands of the citizens and address their concerns. It is noticeable that at the beginning of the second millennium in Bahrain,

there were very few breaches to the law, until a period of tensions and a sharp increase in rioting began. At this time illegal political parties were also established, which resumed their activities as if the law does not apply to them.

2- Non-participation in the political process and low turn outs for elections, lack of substantial contributions in the voluntary sector and weaknesses in the performance of civil society organizations all reflect distrust in the political system. This includes a failure to appreciate Government reforms and the real achievements of some Government apparatus, as well as the withdrawal from Parliament and resignation from a number of State institutions. Withdrawing from the political process reflects a lack of trust in the ability of Parliament to meet the expectations of citizens.

3- Political chaos in the form of a conflict between all parties in the political process which paralyzes Parliament's effectiveness leading to a weak legislative institution as opposed to the executive authority. When Parliament fails to

represent the aspirations of voters and MPs become unable to meet the demands and expectations of their constituents, this will affect the whole political system and its ability to address the shortcomings of any situation.

4- Resentment towards Government policies and institutions, and towards civil societies and political parties. Public satisfaction is a reflection of political trust and hopes for a better future and also means that citizens' expectations are being met. Currently, distrust is rife among loyalists and the Opposition as well against a number of Government institutions such as in the State media, printed press, judiciary, civil service, Government ministries, human rights and other civil societies as well as in unions. All complain and hold the other party responsible, which has led to a political deadlock which can only be solved by successfully fulfilling the demands, needs and aspirations of citizens.

5- Disregard of the 'Other' as unworthy of being real partners, leads to an inability

to forgive and accusations of being 'traitors' and 'infidels'. Conversely, mutual trust breeds love and leads to social visits, intermarriages, cooperation in charity work and coordination in all walks of life. It will also help people become more accepting to diversity and sectarian and political differences, and will distance them from stereotyping and conspiracy theories.

How can we build trust?

The Government should play an important part in the rebuilding of trust in our society. Religious and political bodies and all intellectuals in Bahraini society should also participate in the rebuilding of trust. The following are a number of suggestions in this regard:

1/ Promoting respect for State institutions because they serve all of Bahraini society and not just a particular group. This can only be achieved by initiating radical changes in the performance of these institutions and their success in solving the problems of all citizens.

2/ Consensual political

solutions should be reached as well as cooperation between MPs in order to promote national unity, social integration and civil peace.

3/ Promoting respect for constitutional institutions and emphasizing mutual national principles which outline the red lines of political objectives, as well as adopting a unified political discourse.

4/ Promoting the independence of the Judiciary which is a safe haven for citizens and a protector of their rights as well as of public interests.

5/ Encouraging all public and official initiatives which build trust between different social groups, as well as building trust in the political system and promoting its connections with the public. The BHRM has also encouraged the Opposition to contribute in relieving tensions and rebuilding trust by participating in implementing the recommendations of the BICI, which include activating the compensation fund. Moreover, it is imperative that the Opposition encourages any initiative that leads to unity

or mutual understanding, limits divisions and expands areas of common interests.

6/ Ceasing attacks on public properties and interests, and adopting a unified national discourse, especially in the local press, as well as abandoning unconstructive political arguments.

7/ Maximizing transparency between the leadership and the public through direct speeches, field visits to different areas, receiving delegations and attending social occasions. Mutual distrust between the various political and social parties is caused by the weak connection and dialogue. Political leaders and head of parties are therefore required to be more open towards their opponents considering that living in isolation breeds suspicions, exaggerates fears and reinforces stereotyping. Social and political openness is thus key to creating a better atmosphere in the country.

8/ Promoting hope for a free, just and dignified future for all Bahrainis on equal basis and mutual respect. Bahrainis should not live in despair and should not be given empty promises.

Political Initiatives to Combat Sectarianism

The root of the problem in Bahrain and the escalating sectarian conflict between Sunnis and Shia is undeniably political. It is not a disagreement over a specific religious issue between Shia and Sunni scholars, nor is it a result of 14 centuries of ideological differences. Rather, the present conflict is a result of political arguments and a conflict of interests among the political powers which represent both sects.

This conflict could have been contained within the political elite without affecting wider social relations and the unity of Bahraini society. Unfortunately however, the current sectarian conflict has had a dangerous social impact on both the State and the people of Bahrain. Moreover, Bahraini political parties lacked wisdom during the crisis, and took their problems to the street where slogans and cheap accusations were used.

Politicians from all parties are responsible for the present political crisis and the sharp social division that followed. As a result of their disagreements, Bahraini society has been divided and hate-speech has spread due to their irresponsible use of sectarian discourse to acquire or protect their position. On their part, religious scholars have called for unity and brotherhood, but their calls have been ignored as the key to solving this issue lies in the hands of politicians.

Political consensus among the

elites and the restriction of the use of sectarian hate speech could ease tensions and incitement in the media; although at present this seems far-fetched, since differences of views and conflict of interests continue to be the norm among the elites.

As much as the King's speech, during the occasion of the Eid Al-Adha, was directed to every member in Bahraini society, it especially addressed political elites who see themselves as representatives of the interests of all social groups. He called for a new spirit, tolerance and urged Bahraini citizens to foster love and solidarity among each other, in compliance with Islamic precepts.

The political elites must realise that sectarian incitement and the exaggeration of the threat posed by the 'Other' strengthen the foundation of schism and weaken the State, to the extent that it becomes unable to provide security and protection for all its citizens. The elites bear most of the responsibility for the current crisis because their differences, and perhaps also their selfishness, represent an obstacle to any middle solutions to achieving political objectives regardless of their legitimacy.

Sectarian feelings remain strongly present in Bahrain, and have unfortunately resulted in a psychological gap between citizens, as well as a breakdown in common interests on all levels, such as the economy, jobs, housing, marriage and social

relations.

In order to put the King's call for unity into practice, interactions between the two sects must take place on the street level, as well as interactions between the political elites on both sides, especially Al Wefaq and the Gathering of National Unity (GNU). Equally important are meetings on a religious level between religious scholars from both sides, as well as agreements between the Government and the opposition within a national consensus framework. This would pave the way for a new political life, and would save society from the quagmire of sectarianism which threatens to destroy everything beautiful in Bahrain.

Bahrain needs many initiatives from all parties and on all levels, as until now these initiatives have been few and far between, and have only been initiated by the Government. To date, we have not seen any political initiatives by either Al-Wefaq or The GNU. Furthermore, we have not seen any initiatives to reduce the sectarian crisis on a public level from religious figures, civil society organizations, intellectuals or human rights defenders. Instead of waiting for political initiatives from the Government and engaging in media debates, we should develop initiatives, adopt constructive ideas and build on them. These are characteristics of a vibrant society, constantly aiming to search and find solutions to its problems.

Practical Suggestions to Implement the BICI Recommendations:

Making Sense of Bassiouni’s Report

The Bahrain Independent Commission of Inquiry (BICI) was appointed by the King of Bahrain King Hamad bin Easa Al Khalifa by the Royal Decree No. 28 for 2011, on 29 July 2011. This is in order to investigate the events that took place in Bahrain in February and March 2011 and their consequences. The BICI announced the details of its report on 23 November 2011, and contained 20 recommendations including: the establishment of national independent commission to follow the implementation of the recommendations, compensate the families of those killed, put into place an independent mechanism to hold to account Government officials accused of violating the law, training security and the police forces on how to deal with detainees. This Newsletter of the BHRM includes articles analyzing the report of the BICI. However, this article provides practical suggestions on how to implement the recommendations contained in the BICI report.

The recommendations can be divided in terms of implementation into three categories:

- Short-term recommendations which should be implemented immediately in less than three months.
- Middle-term recommendations which should be implemented within a period of three to six months
- Long-term recommendations which needs more than six months for implementation because they need strategies, operational plans and budget.

This categorization helps in putting the recommendations in a logical and practical time framework in order to avoid unrealistic expectations and to dissipate rumours which leads to disappointment and despair. A time frame for implementing the recommendations should be put into place. Despite this

categorization we decided to keep the chronology of the recommendations without following the numbering of the report. In order to avoid confusions, the categorization of each recommendation will be pointed out. The recommendations will be written in red and our comments will be in black. We advise the readers to read all the recommendations as stated in the report.

Summary of the BICI recommendations and our suggestions:

- 1- To establish an independent and impartial national commission consisting of personalities of high standing representing both the GoB, opposition, political parties and



civil society to follow up and implement the recommendations of this Commission. The newly established national commission should examine the laws and procedures that were applied in the aftermath of the events of February/March 2011 with a view to making recommendations to the legislature for appropriate amendments to existing law and the development of new legislation, in particular with respect to legislative reform as contained in this recommendation.

This recommendation belongs to category 1 (immediate

implementation) regarding the establishment of the independent national commission and belongs to category 2 (implementation within 3-6months) regarding the required legislative reforms.

This recommendation already came into force when on 27 November 2011, King Hamad bin Easa Al Khalifa ordered the establishment of an Independent Commission in order to study the recommendations of the BICI. This Commission is appointed to put forward proposals including recommending necessary amendments to laws and procedures and how to implement them before February 2012. This Commission should be transparent and publish its report and work according to international standards.

The Royal Decree granted the Commission the freedom to comment on Government implementation of the recommendations of the BICI report. Also it outlined the mechanism of taking decisions connected to its work and that the Government should provide necessary resources in order for the Commission to perform its work in the best possible way.

Based on the Royal Decree, the Commission consists of 20 members and chaired by the President of Shura Council Ali Saleh Al Saleh. Five opposition political parties including Al- Wefaq , Waad, National Assembly, Gathering of National Unity and National Brotherhood boycotted the Commission. This indicated the difficulties that lie ahead in implementing the recommendations and put more pressure on the Commission to become open to all parties in order to be able to achieve its goals. Moreover, the Commission should also present its report before February 2012, and due to the large boycotting, it was suggested that the Commission should concentrate on solving immediate issues and on identifying the laws and legislations in need of immediate revision. With regards to the technical aspects such as revising, amending and annulling or introducing new laws, we suggest the setting up of an

independent committee or sub- committee consisting of Bahraini law experts and can be called the 'Law Review Committee'. This committee should present its proposals regarding the amendments of the laws and legislations to the Legislative Council.

In its first meeting, the National Commission charged with the implementation of the recommendations of the BICI Report said that the recommendations regarding the dismissed workers, the students and places of worship will be a top priority. The members of the Commission agreed to refer to the BICI to solve any disagreements and to adopt any proposal by consensus. Also during this meeting three sub-committees were established to deal with legislative issues, human rights and national reconciliation.



The King receives BICI report

2- To establish a national independent and impartial mechanism to determine the accountability of those in government who have committed unlawful or negligent acts resulting in the deaths, torture and mistreatment of civilians with a view to bringing legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of "superior responsibility".

This recommendation belongs to category 3, (long-term implementation).

This recommendation is based on the principle that no one is above the law and emphasises the

principle of 'accountability' and fighting impunity. It may be appropriate to set up a committee for 'truth, accountability and reconciliation' to be formed of independent members known for their integrity and be guided by the transitional justice concepts for truth seeking, reparation and holding officials to account. This committee should also be given the freedom to choose the suitable framework which would help to mend Bahrain's social fabric. The concept of transitional justice leads to reparation and realizing justice to victims in an institutionalised manner. This proposed committee could also benefit from the success of some Arab and international experiences in this field. The experience shows that transitional justice helps to promote national reconciliation. To establish such an important committee, a Royal Decree is needed to outline its mandate and objectives.

On 21 November 2011, the Council of Ministers stated in a statement that the Government conducted its own investigations of the events and discovered 'many unfortunate issues such as specific cases in which excessive force was used and mistreatment of detainees, in a clear violation of Government policies. As result of this investigations, 20 security men were referred to Court.' The statement also added that 'the Government cannot keep quiet regarding the mistreatment and the insults committed by officials, for no one is immune and all violators will be held responsible for their actions'.

It is worth remembering that the Government set up a fund to compensate those harmed during the events. Also, the King of Bahrain announced - the day the report was released - that there is no immunity for anyone committing violations even if they happen to be officials (see page 4-5 of this Newsletter). The Ministry of Interior issued a statement on 8 December 2011, in which it stated that in implementation of the recommendations of the BICI it had referred all allegations of death, torture and inhuman and ill-treatment to the Public Prosecutor in compliance with the two recommendations No. 1716 and 1722 regarding holding those responsible of cases of torture, ill-treatment and murder accountable .

3/ To place the office of the Inspector General in Mol as a separate entity independent of the Ministry's hierarchical control, whose tasks should

include those of an internal "ombudsman's office", such as that which exists in many other countries. The new Inspector's General's office should be able to receive individual or organisational complaints, protect the safety and privacy of the complainants, carry out independent investigations and have the authority to conduct disciplinary and criminal proceedings as required by CAT, the ICCPR and the Bahrain Criminal Code to the Prosecutor General.

The office should also promulgate and enforce police professional standards and carry out legal and sensitivity training for police officers.

This recommendation belongs to category 2 (implementation within 3-6 months)

The importance of the independence of the Office of the Inspector General lies in its ability to monitor the performance of the bodies affiliated to the Ministry of Interior, hence confronting any shortcomings or breaches by any staff member of the Ministry. Currently, despite the independence of the Office, it is still affiliated to the Ministry of Interior and reports directly to it. It is very useful to recruit staff members with legal backgrounds and who should have no other jobs. Women should also be represented in this Office. In order to protect its independence, the Office should put forward its financial and administrative procedures.

4/ To amend the decree establishing the NSA to ensure that the organisation is an intelligence gathering agency without law enforcement and arrest powers. The NSA should also have an independent office of inspector general to carry out the same internal "ombudsman" functions mentioned above with respect to the Mol. Legislation should be adopted to provide that even during the application of a State of National Safety the arrest of persons should be in accordance with the Code of Criminal Procedure.

This recommendation belongs to category 1 (immediate implementation)

This recommendation comes within the context of legislative reform which needs a specialised independent committee or sub-committee affiliated to the National Independent Commission, i.e. law review committee (see the comment on the first recommendation). On 28 November 2011, the King issued a royal decree amending article 4 concerning

the national security services. It stated ‘the national security service is empowered to gather information and monitor all harmful activities’. Article 5 stated that ‘the national security service should refer cases which require arrest or detention to the Ministry of Interior for legal procedures’.

5- To adopt legislative measures requiring the Attorney-General to investigate claims of torture and other forms of cruel, inhuman or degrading treatment or punishment, and to use independent forensic experts. Such procedures should guarantee the safety of those raising such claims. Furthermore, the legislation should provide for remedies for any person claiming retribution for having raised a claim of torture or other forms of cruel, inhuman or degrading treatment or punishment.

This recommendation belongs to category 2 (implementation within 3-6 months).

This recommendation comes within the legislative reform framework which needs a specialised independent committee or sub-committee affiliated to the new appointed commission and can be called ‘law review committee’ (see our comment on the first recommendation). Torture and forms of inhumane treatment should be criminalised by the penal code. We also suggest to set up a unit inside the Public Prosecutor’s Office for receiving complaints regarding torture allegations. This unit should be empowered to investigate and report to the Public Prosecutor regarding the results and recommendations. The work of this unit should not conflict with the work of (the Independent Commission for Investigating Torture Complaints) which the seventh recommendation points to. Rather, they should complement each other.

The statement of the Council of Ministers issued on 21 November 2011 announced an amendment regarding the definition of torture, criminalised all its forms and called for stricter punishments for those involved. It also called for the removal of any time restrictions to file a torture complaint. These amendments will guarantee that Bahrain’s laws on torture are in line with international human rights standards. The relevant bill will be referred to Parliament for ratification.

6- To make subject to review in the ordinary courts all convictions and sentences rendered by the National Security Courts where fundamental principles of a

fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony.

This recommendation belongs to category 1 (the immediate implementation).

We suggest that the appellate courts take the responsibility of this recommendation in order to promote the role of the national courts in promoting justice. The appellate courts should follow the standards of fair trial stated in the International Covenant for Civil and Political Rights (ICCPR), which Bahrain acceded to in 2006.

7- To conduct effective investigations in accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions of all the deaths that have been attributed to the security forces. Likewise, all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles. The investigation of both types of alleged violation should be capable of leading to the prosecution of the implicated individuals, both direct and at all levels of responsibility, with a view to ensuring that punishment be consistent with the gravity of the offence. To establish a standing independent body to examine all complaints of torture or ill-treatment, excessive use of force or other abuses at the hands of the authorities. The burden of proving that treatment complies with the prohibition of torture and other ill-treatment should be on the State.

We suggest that the National Commission concerned with implementing Bassiouni’s recommendations take responsibility for this and conduct immediate investigations in the killing incidents associated with security forces and determining those responsible. The Commission can seek the necessary help from national, regional and international experts to conduct investigations related to violations of international human rights law, international criminal law and international humanitarian law. This recommendation belongs to category 1 (the immediate implementation).

The establishment of an independent committee to investigate allegations of torture belongs to category 3 (long-term implementation) and requires continuous consultation with human rights organizations and national and international human rights experts.

8- To implement an extensive program of public order

training for the public security forces, the NSA and the BDF, including their private security companies, in accordance with UN best practices. To ensure future compliance with the Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the security forces should be trained in the human rights dimensions of detention and interrogation, and in particular the obligation to refuse to participate in any actions involving torture and other prohibited ill-treatment.

This recommendation belongs to category 3 the (long-term implementation)

The role of civil society organizations is very important during this period. We therefore suggest that the implementation of this recommendation should be awarded to the national human rights organization such as the Bahrain Human Rights Society and NIHR. The necessary budget should be made available to these organizations. This suggestion would activate the role of these organizations and encourage them to play an effective role in promoting human rights in Bahrain.

On 8 December 2011, the Ministry of Interior signed a memorandum of understanding (MoU) with the regional office of the international Red Cross allowing the Red Cross to visit prisons and detention centres. The MoU also includes organizing training programmes in human rights and international humanitarian law for the personnel of the Ministry of Interior with the aim of developing their skills and promoting human rights.

9- To avoid detention without prompt access to lawyers and without access to the outside world for more than two or three days. In any event, all detentions should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant and no person should be held incommunicado. Arrested persons should have access to their legal counsel and family visits in the same way as any person detained under the Bahrain Code of Criminal Procedure.

This recommendation belongs to category 2 the (implementation within 3-6 months)

We suggest to activate the role of judicial supervision during the time of arrest and initial investigation and

that this should be included in the Code of Criminal Procedure.

10- The Commission recommends that the GoB establish urgently, and implement vigorously, a programme for the integration into the security forces of personnel from all the communities in Bahrain.

This recommendation belongs to category 3 (long-term implementation)

We propose the establishment of a commission to review employment in both public and private sectors in order to create necessary balance between the different components of the Bahraini society in all public and private jobs.

11- To train the judiciary and prosecutorial personnel on the need to ensure that their activities contribute to the prevention and eradication of torture and ill-treatment.

This recommendation belongs to category 3 (long-term implementation)

This recommendation comes in the context of reforming the justice system especially judges and the prosecutors. This requires revising the Code of Criminal Procedure by the proposed committee in the first recommendation. The committee should work to present proposals to Parliament regarding the inclusion of all guarantees of fair trial including the pre-trial detention in the Code of Criminal Procedure. Also, determining the supervisory body for this process according to international human rights standards especially the Universal Declaration of Human Rights and the ICCPR, which Bahrain has joined in 2006. In addition to devise programmes for building skills of judges and prosecutors. We also suggest the establishment of training departments inside the Judiciary and the Ministry of Justice to build the capacity of judges and prosecutors. Until the establishment of such departments, it is proposed to invite OHCHR to carry out capacity building for judges and prosecutor provided that the necessary financial and technical support are made available.

12- There should be audiovisual recording of all official interviews with detained persons.

This recommendation belongs to category 1 (immediate implementation)

The purpose of this recommendation is to remove doubt regarding confessions obtained under torture.

The existence of audiovisual recording would guarantee the integrity of the investigations and the credibility of testimonies and confessions.

According to the Ministry of Interior's statement of 8 December 2011, all necessary procedures were taken to install cameras to guarantee the availability of audiovisual recordings for all official interviews of the detainees.

13- To commute the death sentence imposed for murder arising out of the events of February/March 2011, in the light of the preference of Article 6 of the ICCPR for the abolition of the death penalty and the concerns regarding the fairness of trials conducted by the National Safety Court.

This recommendation belongs to category 1 (immediate implementation)

Executing this recommendation is the responsibility of the political body and its leadership. We suggest that the National Commission is to review all related sentences and recommend as soon as possible the appropriate procedures for each case.

14- To compensate and provide remedies for the families of the deceased victims in a manner that is commensurate with the gravity of their loss. In this connection, the Commission welcomes the Royal Decree Law N0. 30 of 2011, issued on 22 September 2011, for the establishment of the National Fund for the Reparation of victims.

This recommendation belongs to category 1 (immediate implementations)

We suggest activating the Compensation Fund and that it should be placed directly under the care of the King or his delegate. Also, the reparation should be enough and include the family of the victim and should be paid immediately without any delays. It is also necessary to think of other ways of collective reparation by way of setting up a forum or a centre to provide care and rehabilitation for the victims and their families.

15- To ensure that the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly.

This recommendation belongs to category 1 (immediate implementation)

The political body and its leadership is responsible for implementing this. We suggest that the National

Commission should look into the related cases and quickly recommends appropriate procedures to reinstate or compensate the dismissed workers. We also suggest the establishment of a sub-committee to revise the cases of dismissed workers in order to facilitate the following up of these cases and decide on them quickly.

16- To reinstate all students who have not been criminally charged with an act of violence and to put in place a procedure whereby students who were expelled on legitimate grounds may apply for reinstatement after a reasonable period of time, and to adopt clear and fair standards for disciplinary measures against students and to ensure that they are applied in a fair and impartial manner.

This recommendation belongs to category 1 (immediate implementation)

We suggest the establishment of a sub-committee inside the National Commission to be called 'the committee for reviewing the cases of dismissed students'. This sub-committee should not only recommend the reinstatement of students but should also present a comprehensive plan to address lost classes.

17- Relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media.

This recommendation belongs to category 2 (implementation within 3-6 months)

We suggest establishing an independent media commission directly responsible before Parliament and the King. The tasks of this commission include: putting into place balanced media policies to guarantee equal opportunities to all social segments and different political views. It should also supervise the implementation of these policies after obtaining the approval of the King and Parliament.

18- To undertake appropriate measures including legislative measures to prevent incitement to violence, hatred, sectarianism and other forms of incitement which lead to the violation of internationally protected human rights.

This recommendation belongs to category 3 (long-term implementation)

We suggest the establishment of a legal committee with the task of putting forward proposals of articles to be added to the Penal Code to criminalise all forms

of incitement to violence, hatred and sectarianism. This proposed committee should present its plans to Parliament within one month of its establishment following consultations with all the main players including political societies, civil society organisations and human rights organisations. We also suggest, after completing the necessary legislative amendments, to establish a commission for peaceful co-existence to promote and spread tolerance, acceptance of the 'other' and rejection of discrimination.

19- To develop educational programs at the primary, secondary, high school and university levels to promote religious, political and other forms of tolerance, as well as to promote human rights and the rule of law.

This recommendation belongs to category 3 (long-term implementation)

This recommendation requires the establishment of a specialised committee in education and human rights. There is need to adopt a national strategy to incorporate the concepts and principles of human rights in curriculums of primary schools up to university level. Gradual implementation of this strategy should be taken into consideration and it is possible to benefit from the experience of Morocco in human rights education. The strategy should contain short and long-term objectives.

Currently, there is a human rights subject in official education syllabi which includes basic concepts of human rights in all education levels.

20- The Commission recommends to the GoB the development of a national reconciliation programme that addresses the grievances of groups which are, or perceive themselves, to be deprived of equal political, social and economic rights and benefits across all segments of Bahrain's populations.

This recommendation belongs to category 3 (long-term implementation)

We suggest the establishment of a permanent commission for national reconciliation, which works through practical programs and realistic work plans to combat all forms of discrimination and marginalisation. Additionally, the commission should work to promote values of citizenship as a basic framework for rights and obligations and make proposals for political integration. This can be achieved through the participation in decision-making through national and

constitutional institutions as well as making economic and social rights a reality.

Guarantees for implementing the BICI recommendations:

1- National guarantees:

National guarantees play an important role in the implementation of the recommendations, for without political will these recommendations will not be implemented. The clearest proof for the political will to implement them is the establishment of BICI as the first of its kind in the Middle East and North Africa. There is also another important indication such as the King's personal acceptance of the BICI report and his pledge to implement its recommendations and establishing a National Commission for the purpose of following up the implementation. Moreover, Bahrain's ambassador to the UN presented the BICI report to the Secretary-General of the UN pledging the implementation of its recommendations. Also, the invitation of the High Commissioner for Human Rights to Bahrain for consultation and perhaps for helping out in the implementation of the recommendations indicates the seriousness of Bahrain regarding this issue.

2- International guarantees

These include guarantees presented by the Secretary-General of the UN Ban Ki Moon to follow up the recommendations of the report with OHCHR. He stated that his own 'advisors will closely study the report and follow up its recommendations'. He also added that 'we must closely study it with HCHR Navi Pillay and other senior advisors in the UN'.

Bahrain informed the OHCHR about the steps taken to implement the recommendations of BICI. This took place in a meeting between the Under Secretary of the Ministry of Human Rights and Social Development, Saeed Faihani, and the Deputy High Commissioner, Youg wha Kang during a workshop concerning promoting human rights mechanisms in the GCC countries held in Doha between 30 November - 1 December 2011. This emphasises the fact that the supervision of international bodies represents at least an ethical guarantee for the implementation of the recommendations.

Bahrain: As Country of Religious Freedoms Should Rectify Mistakes of Demolishing Holy Places

Until the past few months Bahrain was a beacon of religious freedom, no citizen or resident of the GCC states was enjoying the same amount of religious freedom as Bahrain. Despite different opinions on political issues, Bahrain enjoyed a wide margin of religious freedom for all Muslims and non-Muslims.

The modern history of Bahrain clearly reveals this fact as well as the fact that the Bahraini Government offers financial contributions to all religious groups such as Christians, Jews, Shias, Sunnis, Hindus and Sikhs. The BICI report pointed this out and said that Bahrain is an example of ethnic and sectarian coherence compared to neighbouring countries.

This historic achievement was seriously undermined and Bahrain was on the brink of a sectarian war and became an oppressive country. Between the period of 1 March 2011 and 11 May 2011, Shia mosques and centres were demolished during the peak of the political and sectarian conflict which left many observers in a state of disbelief.

The BICI report estimated the number of Shia buildings that were destroyed to be 30. Despite the Government's claim that these buildings were used as anti-Government assembly centres and Molotov storages, the decision to demolish these buildings was a very bad mistake as it contributed in turning the political issue into a sectarian conflict - which is very dangerous.

The issue does not lie in the demolition of buildings which do not meet legal and administrative requirements. According to section (1707) of the BICI report, only five of the buildings demolished met the requirements. However, the problem was in the timing and the methods used. Section (1330) of the BICI report

states that 'The GoB did not follow the requirements of the national law concerning the notice and issuance of a judicial order for demolition. Instead, it relied on the National Safety Law'. The BHRM pointed to this in our newsletter of June/July 2010 and we said that Bahrain has undermined its reputation without any benefit. The report also commented on the timing in section (1334) 'Nonetheless, the Commission notes with some concern the timing of demolition (1 March 2011 to 11 May 2011), which relates it to the events of February and March 2011. The GoB must have been aware of the construction of these structures and that they lacked proper legal permits and did not conform to building regulations. Nonetheless, the GoB had not stopped the construction of these structures nor taken action to remove them for a number of years. The Government should have realised that under the circumstances, in particular the timing, the manner in which demolitions were conducted and the fact that these were primarily Shia religious structures, the demolitions would be perceived as a collective punishment and would therefore inflame the tension between the GoB and the Shia population.'

Although the Government had a strong case 'No distinction was made by the MMAUP between structures constructed on private as opposed to public land, and demolition was conducted without regard to authorisations for construction by the Jaafari Waqf. In accordance with applicable administrative law, notice should have been given requesting that cause be shown why the given structure should not be demolished, followed by an administrative hearing to allow a defence to be presented. This procedure was not followed. Instead,

the order was deemed applicable immediately without providing an opportunity for those who opposed the demolition to be heard before an administrative body and eventually before the judiciary'.

It is obvious that the decision was taken without thinking and appreciating the sensitivity of the matter. Fortunately, the Government suspended its action. On 22 May 2011, the King announced that new Shia places of worship will be built. The BICI report also recommended that 'a follow up on the King's statement to the effect that the GoB will consider rebuilding, at its expense, some of the demolished religious structures in accordance with administrative regulations'. In section (1336) the Commission welcomes the GoB addressing this question at the earliest possible time.

Summary:

- 1/ religious freedom and respecting religions and sects is something that Bahrain is known for and what took place recently was wrong and came at a very difficult time for the country.
- 2/ there is no evidence that the Government intended to punish the citizens for their religious practices or demolish places of worships of any religious group intentionally. This makes us believe that a wrong decision was taken then abandoned even before the establishment of BICI.
- 3/ The King not only suggested compensation as a solution to this non-systematic behaviour, but also other solutions that will make the Shia happy due to the lucrative amount of compensation. This hopefully will help the country to return to its former situation of tolerance and religious diversity. We also hope that official support for religious places will continue based on royal orders as in the case in Ashura every year.

International Reactions to the BICI Report

Welcomes and Calls for the Implementation of the Recommendations and National Reconciliation

The purpose of the establishment of the BICI was to improve human rights and put an end to violations as well as finding solutions to the political crisis in Bahrain. All countries, as well as human rights organizations, have welcomed this step because they believe in the values of justice, stability and democracy. They are also convinced that there is need for an initiative for improving the political, social and human rights situation in the country. The political leadership in Bahrain realises that the establishment of the BICI is the first step in dealing with the political and security crisis for the sake of rebuilding a unified and stable Bahrain.

The BICI report met the expectations of Bahrain's friends in the areas of transparency, impartiality, objectivity and professionalism. As expected, King Hamad bin Esa Al Khalifa accepted all the recommendations, pledged to implement them and ordered that an immediate mechanism for the implementation be put forward.

The report received unprecedented welcome and the reaction of all Bahrain's friends reflects their desire for a free and prosperous Bahrain.

All Arab and foreign governments supported the report and agreed that it represents a new chapter in Bahrain's history. They stressed the importance of both implementing the recommendations and national reconciliation. On 12 November 2011, King Hamad announced during his visit to the UK that he decided to invite all political parties including the opposition to discuss national reconciliation and reforms which hopefully will put an end to political disagreements.

The following are the positions of some countries regarding Bassiouni's report and their visions, which do not differ from the vision of the political leadership in Bahrain.



USA

1- The statement of the White House on 23 November 2011: 'We welcome today's report by the Bahrain Independent Commission of Inquiry, which provides a thorough and independent assessment of events in Bahrain since protests first erupted in February. King Hamad's decision to establish the Commission was a courageous one, and we commend him for it. We commend the chairman of the Commission, Cherif Bassiouni and the other commissioners for their thorough and painstaking efforts over nearly 5 months. The report identifies a number of disturbing human rights abuses that took place during this period, and it is now incumbent upon the Government of Bahrain to hold accountable those responsible for human rights violations and put in place

institutional changes to ensure that such abuses do not happen again.

We welcome King Hamad's commitment to carry out the report's recommendations and will closely follow the implementation process. More broadly, we believe the Commission's report and subsequent steps taken to implement its recommendations can serve as a foundation for advancing reconciliation and reform. Bahrain is a long-standing partner of the United States, and we urge the government and all parties to take steps that lead to respect for universal human rights and to meaningful reforms that meet the legitimate aspirations of all Bahrainis'.

2- The statement of US Department of State On 23 November 2011 stated that 'the United States welcomes the release of the Bahrain Independent Commission of Inquiry (BICI) report, and we commend King Hamad bin

Isa al-Khalifa's initiative in commissioning it.

It is essential for Bahrainis themselves to resolve the issues identified in the report and move forward in a way that promotes reform, reconciliation, and stability.

We are deeply concerned about the abuses identified in the report, and urge the Government and all elements of Bahraini society to address them in a prompt and systematic manner. The Government of Bahrain has committed to establish a follow-on committee to implement the report's recommendations, and we urge full and expeditious implementation of these recommendations.

The United States will continue to promote the fundamental freedoms and human rights of all of Bahrain's citizens. We believe the BICI report offers a historic opportunity for all Bahrainis to participate in a healing process that will address long-standing grievances and move the nation onto a path of genuine, sustained reform'.

3/ Deputy Department Spokesman Mark Toner on 28 November 2011; was asked whether the US Department of State think that the report was fair, impartial and honest.

He was also asked whether the Bahraini Government is taking serious steps to hold those responsible of confronting the protesters accountable and whether ultimately the report would lead to national reconciliation. Toner said that the report was credible and transparent and that the Government still studying



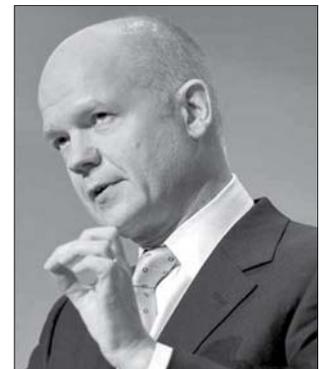
it. He also stressed that there is a credible and transparent process which took place through the BICI and added that 'we commend the king for his initiative in allowing this commission to work in a free and unfettered atmosphere'. He also said that Washington is still waiting and monitoring the developments, adding that the Bahraini Government has set up a committee to implement its recommendations and welcomed this step. He also said that 'We think it's a good first step, and we would just urge the government to meet the high standards of transparency and accountability that were recommended by the report'. With regard to the national reconciliation and the steps taken so far, Toner said that when the implementation committee takes the required steps this 'would help move

that process of national reconciliation forward'. He stressed the importance of implementing the recommendations considering that the King has made an effort to address some problems resulted from that period. He continued ' We need to see a national reconciliation process emerge from this, that addresses, I think, the aspirations of the Bahraini people' adding that ' we very much want to see the democratic aspirations of the Bahraini people met by the government. Ultimately, that's the goal here. They, i.e. the Government, need to take further steps to address some of the incidents that took place last spring and try to move the country on a better path towards reconciliation'. In his answer regarding continued demonstration he said that 'it is important that they allow peaceful demonstrators to peacefully demonstrate, adding that the USA will not accept human rights violations'.

United Kingdom

1/ Foreign Secretary, William Hague on 23 November 2011, welcomed the King of Bahrain's initial response to the report and the Government's commitment to implementing the

recommendations, ensuring accountability for past human rights abuses and putting in place mechanisms to prevent future abuses. He added that: 'the world will be watching to ensure that Bahrain acts decisively in the coming days and weeks to address the serious abuses identified. This will be crucial to Bahrain's future



stability'. He also added that " Government of Bahrain bears a primary responsibility for this, as the report acknowledges. The report offers an important opportunity to rebuild trust and confidence and promote reform and reconciliation.' he added that 'We also urge all opposition groups to act on the report's recommendations, demonstrating their commitment to reconciliation and contributing to the process of renewal. The UK stands ready to offer Bahrain assistance in this critical work.'

2/ William Hague addressed the Parliament on 28 November 2011: said that 'Members on both sides will have studied the long-awaited report of the independent commission of inquiry set up by King Hamad of Bahrain. The report confirms shocking and distressing abuses, including the use of excessive and unnecessary force against protestors, deaths in custody as a result of torture, the "systematic practice of physical and psychological mistreatment" of detainees, the "deliberate terrorising" of the families of suspects, arbitrary

arrests and many other violations of international and Bahraini law. It also points the finger of blame at some protestors who targeted the Bahraini security forces.

The commission has set out clear steps for the Bahraini Government to take, including the establishment of an independent national committee to oversee implementation of its recommendations, an independent committee to hold to account those who broke the law, an independent investigation into deaths caused by the security forces and into allegations of torture and abuse, a permanent new anti-torture organisation that would also oversee human rights training for security forces, the recruitment of Shi'as into the security forces and pardon or acquittal of all those convicted of crimes relating to freedom of expression. The commission called on the Government to publish a timetable for implementation of those and its many other recommendations.

We condemn the behaviour described in the report and call for the implementation of the inquiry's recommendations in full. We also acknowledge the groundbreaking nature of the commission. This is the first time that any Government in the region have set up an international investigation into allegations of abuse, and we welcome King Hamad's pledge to use the report as a "catalyst for change" to overcome the country's divisions. I spoke to the Foreign Minister of Bahrain immediately after the issuing of the report, to urge its implementation and offer British support for that objective. Now is the time for Bahrain's Government and opposition groups to engage constructively, to promote tolerance and reconciliation and to demonstrate a shared commitment to a peaceful future for Bahrain'

Discussion in the House of Commons

Ann Clwyd, the Labour Party, said 'I welcome the King's initiative to set up this commission and to allow for the full publication of the report's 500 pages. It presents a detailed and balanced account of events surrounding the Bahraini protest movement, the context in which it occurred and the response by Government agents. Bahrain is at a crucial crossroads and can redeem itself in the eyes of its citizens and the international community by ensuring that, first, the rule of law and then wider democratic reforms prevail. I trust that the UK Government will, as I think the Foreign Secretary has indicated that we will, as a friend of the Bahraini Government, encourage and persuade them to do what is right in the longer term, however difficult that is in the short term, for the people of Bahrain, the region and the



wider international community'.

3/ Martin Horwood, the Liberal Democrats Party, said that 'the fact that the report has been published at all is a very positive development that we must try to hold on to. The fact that it was robust and that it did not pull any punches is quite a testament to the potential for openness and accountability in Bahrain. The test is, of course, what happens next. As Amnesty International has said, it is the "speed, extent and seriousness" of the Government's response that is the real test in this case'.

Laura Sandys, the Conservative Party, said that 'I believe that the timely publication and the ability for people to see the transparency will be important steps in the reconciliation between the Sunni and the Shi'a in Bahrain.'

Stephen Philips said that 'It is important that the pressure continues to mount on Bahrain to bring to justice those responsible for these appalling human rights abuses. It is also important to recognise, however, that no other Arab ruler has voluntarily invited such scrutiny of an Arab Government. For that reason, the Government are taking, in my judgment, precisely the right actions on Bahrain'.

France

On 24 November 2011, the French Foreign Ministry spokesman Barnard Valero praised the release of the BICI report, which was established in June in order to uncover the circumstances around the unrest which took place since February. He also welcomed the King's speech on the day the report was released, the determination of the King to implement the report's recommendations and punishing those involved in human rights violations. He also called upon the Bahraini authorities and all parties to implement the recommendations and agree on reforms in order to prevent future violence and violations. He added that it is important that the authorities and opposition engage in dialogue, encourage national reconciliation and reduce tension in light of human rights respect and democracy.

Germany

On 28 November 2011, the German Foreign Minister Westerwelle and after meeting the Crown Prince Salman al-Khalifa said that 'It was now important to implement the independent Bassiouni Commission's conclusions and to credibly address the documented human rights violations. The key to resolving Bahrain's domestic problems lies in a peaceful reconciliation of interests, respect for human and civil rights and political reforms'



Japan

The Japan Ministry of Foreign Affairs issued a statement on 25 November 2011, welcoming the BICI report and said that Japan is closely monitoring the work of the Commission which has been appointed to follow on the implementation of the recommendations. It also stressed the importance that past incidents do not re-occur. The statement expects that the Government of Bahrain will implement the recommendation as soon as possible in order to make radical developments in reforming the country.

China

On 28 November 2011, the spokesman of the Chinese Foreign Ministry welcomed the King's speech on the occasion of the releasing of the BICI report. He added that, his country looked into the report and welcomed the King's comments, and hoped that the report will contribute in promoting reform and stability in the country.

EU

On 24 November 2011, EU High Representative for Foreign Affairs Catherine Ashton said that: 'I take positive note of today's publication of the report of the Bahrain Independent Commission of Inquiry (BICI), appointed on 29 June 2011

to investigate the human rights violations which occurred in the country in February 2011. I call upon all sides in Bahrain to do their utmost to implement the recommendations of the report, in a timely and complete fashion. The European Union is ready to assist Bahrain in this effort, fully recognizing that it must be Bahrain-led, and Bahraini-owned. I sincerely hope that the BICI report will help Bahrain to open a new chapter in its history, driven by an inclusive process of national reconciliation, founded on peaceful and constructive dialogue'.



United Nation

On 24 November 2011, UN Spokesperson Martin Nesirky said that 'The Secretary-General and his senior advisors, including the High Commissioner for Human Rights, will closely study the report and its follow-through. The Secretary-General calls on the government to ensure the implementation of its recommendations as a meaningful step in addressing serious allegations of human rights violations. He hopes the report's issuance and implementation would help to create the conditions in Bahrain for all-inclusive dialogue, reconciliation and reforms that will meet the legitimate aspirations of the Bahraini people'.

Arab and Islamic Countries Welcome the BICI Report

Many Arab and Islamic countries also welcomed the King's speech on the day the report was released. On 24 November 2011, the Jordanian Foreign Minister commended the King's speech and said that: 'Jordan praises the honest efforts and the commitment of HM King Hamad bin Esa Al Khalifa to uncover the truth in a transparent and integral manner in order to emphasise the rule of law and promote justice. Jordan also appreciates the path of reform adopted by HM the King'

The Turkish Foreign Ministry also welcomed the release of the report and its recommendations. It said in an issued statement that it is convinced that the Government of the Kingdom of Bahrain will take the necessary actions to implement the report's recommendations and findings. The statement stressed that the establishment of the Independent Commission is an important example in the region.

On 01 December 2011, the UAE Foreign Minister also said: 'the King's speech on the day the report was released is very important and the GCC countries welcome the

steps taken by his Majesty'. He added that 'HM the King ordered the establishment of the Commission which reflects his openness. The steps he took are also a lesson to the countries in the region and the whole world. All countries make daily mistakes, but it is difficult for the leadership to take the right decision at the right moment and search for the best method to guarantee that they do not re-occur.'

On 24 November 2011, the Council of Ministers of the Arab League welcomed the King's speech and praised his efforts to uncover the truth and emphasise the rule of law in a transparent manner. On 25 November 2011, the Moroccan Foreign Minister also welcomed the report of the BICI. He stressed the importance of promoting national dialogue and democracy. Moreover, on 26 November 2011, the Secretary General of the Organization of Islamic Cooperation also commended the King's speech and his establishment of a team to implement Bassiouni's recommendations. He also commended the King's clear determination to prepare the country for reform, reconciliation, dialogue and more respect for human rights.

International Human Rights Organizations Welcome the BICI Report and Ready for Co-operation with Bahrain

The establishment of the BICI and the release of its report were both welcomed by international human rights organizations who urged the Bahraini Government to implement its recommendations through a transparent, credible and comprehensive mechanism. They also hoped that the report will open a new chapter in their relations with Bahraini official bodies. Moreover, they expressed their willingness to put their expertise in the service of Bahrain in order to improve human rights and the rule of law.

It is worth mentioning that these international human rights organizations were invited to attend the release of the report on 23 November 2011, and meet Government officials and representatives of the civil society organizations.

Amnesty International, 23 November 2011: issued a statement entitled 'Bahrain: Critical report should spur human rights 'turning point''. In the statement, Amnesty stated that it hopes that 'Bahrain's Government will view this landmark report as a turning point in how it responds to human rights violations, and will use its recommendations to lay the foundations for far-reaching reform.' Philip Luther, Acting Director for the Middle East and North Africa Program at Amnesty International said that 'the pattern of abuse documented by the BICI – including mass arrests of peaceful demonstrators, widespread torture in detention and dozens of flawed military trials of activists and professionals – must be relegated to the past and Bahraini authorities must fully establish the rule of law and deliver justice to the victims.' He added that 'the King's appointment of the BICI was a landmark development, as the commission's findings and recommendations testify and that the true test now will be the speed, extent and seriousness with which the Government follows through with BICI's recommendations. In particular, the Government must now deliver justice, ensure national laws are adequate to protect rights and work with civil society and opposition leaders to establish a truly independent and effective national body to monitor human rights according to a clear timetable.'

Physicians for Human Rights, on

23 November 2011: welcomed the release of the Bahrain Independent Commission of Inquiry Report and said that the 'Government of Bahrain must now make substantive and irreversible human rights improvements'.

Human rights Watch, on 23 November 2011: briefly discussed the report and highlighted the main human rights violations presented in the report. It added that the findings of the BICI confirm the reports of HRW and other organizations.

Front Line, on 24 November 2011: discussed the recommendations of the report and the violations which took place and added that Front Line welcomes the launch of the report of the Government appointed Bahrain Independent Commission of Inquiry (BICI) and calls for those responsible to be held accountable.'

The Arab Network for Human Rights Information, on 24 November 2011: praised the statement of the President of BICI, Professor Cherif Bassiouni in which he discussed all kinds of violations Bahrain had witnessed. The Network welcomed the positive response of the King regarding the recommendations of the report and his determination to see them implemented as well as allowing international organizations to follow on the implementations arrangements. The Network hoped to see the implementation by the Bahraini authorities of the recommendations

related to the release of the prisoners who were tried in exceptional courts, reinstate all workers and compensate victims.

The international Freedom of Expression Exchange (IFEX) said that seven human rights organizations visited Bahrain on 20 - 30 November 2011 including, the Arabic Network for Human Rights Information, Front Line (Ireland), Gulf Centre for Human Rights (Ireland/ Lebanon), Index on Censorship (UK), International Media Support (Denmark), International Pen Committee (UK) and IFEX. Delegations from all these organizations attended the launching of Bassiouni's report and met the Human Rights Minister. On 30 November 2011, they issued a statement in which they demanded the implementation of the recommendations of Bassiouni's report especially with regard to punishing those involved in the violations. In addition to this, they presented some recommendations to the Government of Bahrain regarding freedom of expression, trials and the release of human rights activists.

Human Rights First, 23 November 2011, stated that 'Bassiouni's Commission today confirmed what Human Rights First and other leading international human rights organizations have been saying for months'. It also added that 'the onus is on the Bahrain Government to stop and show that it has stopped attacking its population'.

Reactions of Civil and Political Societies to Bassioni's Report

First: Civil Societies

The Bahrain Human Rights Society welcomed Bassioni's report on 24-11-2011, believing it to

be 'full of important recommendations which, if implemented, could address several human rights violations in the country, especially as the authorities have already partially admitted their responsibility for the violations'. The Society also suggested forming a commission under the OHCHR (as it is the highest international body concerned with human rights) which would work towards implementing the recommendations within a set time frame. It also called for implementing principles of transitional justice, reconciliation and equity.

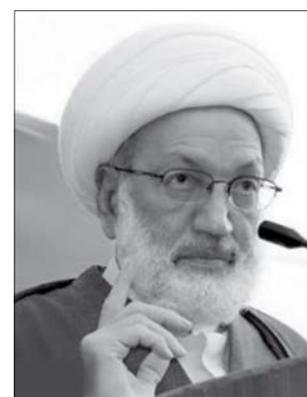


On the same day, The General Federation of Bahrain Trade Unions reiterated a recommendation in the report for reinstating sacked employees and compensating them, as this would promote hope for democracy and social justice in Bahrain. The Union also stressed that the politically motivated sackings were illegal, and called for holding those responsible accountable, as well as those who targeted cadres of the Union. These measures would guarantee that all practices which violate the right to freedom of expression and contradict Bahrain's constitution, its international obligations and workers' rights are abolished. The Union also stressed the importance of safeguarding the dignity of workers returning to their jobs by maintaining their former job ranks and positions. It also encouraged employers to refrain from marginalising reinstated workers or threatening them with losing their jobs once again if they resume expressing their right to freedom of speech or engage in union work.

In a press release on 24-11-2011, the Bahrain Institute for Political Development made the following comments: 'Considering the momentous events which Bahrain has experienced, the King of Bahrain's decision to form an independent commission of enquiry was

courageous indeed, and hailed the beginning of a new political era through an honest assessment of past events, which guarantees the continuation of the reform project and national reconciliation. The moment requires mutual agreement by all sectors of Bahraini society in order to move beyond the latest crisis towards achieving democratic change, particularly in the human rights field, and guaranteeing the rule of law, as well as developing current constitutional institutions'. The Institute added that the report should be considered a unique achievement in implementing national reconciliation and justice, and it highlights Bahrain's commitment to its international obligations in the field of human rights. The Institute also praised the seriousness of the Bahraini Government's efforts in implementing the recommendations of the report, and its eagerness to claim responsibility for its actions and learn from its past actions in order to move towards a more effective performance, which fulfils the ambitions of Bahraini citizens. The Institute added that it looks forward to a more stable atmosphere for implementing comprehensive political, social and economic reforms which includes promoting national unity and reconciliation.

Sheikh Isa Qasim (25-11-2011): The commission responsible for the report was chosen by the Government, and so any documentation of violations it provides is in fact a confession by the Government itself of its shortcomings. If the report claims to steer away from politics in Bahrain, then the widespread and dangerous violations of human rights it documented implies that only an urgent and radical political solution can succeed. In light of the report (which has been accepted by the Government), the State is now obliged to compensate all victims, as well as punishing those responsible for their crimes. And although it must also adopt legislations and measures to prevent the reoccurrence of such violations, nothing



can substitute genuine political reforms and accepting all the political demands of the Opposition, which are irreversible. It is not in the interest of our nation to be satisfied with temporary solutions to soothe our pains.

Shaikh Adnan Al-Qattan (25-11-2011): Bahrain is experiencing a historical moment with HRH the King's positive response to the Commission of Enquiry's report. This report reflects the leadership's commitment to uncovering the truth behind events in the latest crisis and its eagerness to correct mistakes by taking on board the Commission's recommendations. He added that it is crucial for all to take advantage of this historic moment in order to end the chaos which is affecting the country's national unity, and he called for reconciliation, cooperation and mutual agreement.

Shaikh Ali Matar (25-11-2011): The report will be in the interest of the security and stability of Bahrain as soon as the competent individuals in charge of the implementing commissions start their work. We trust that our leadership has the higher interests of the nation in mind, and we also demand that all those responsible for violating the rights of Bahrainis are held accountable, be they ministers, politicians or members of the opposition. There have been many hasty judgements and oppositional views of the BICI based on a few excerpts of its report, which in fact contains hundreds of pages and many issues. It is imperative that we deliberate carefully before passing judgement on any party or accusing them of treachery, as well as adopting a rational approach that does not exaggerate fears and rumours or spread information without verifying its source and veracity.

Second: Political Societies

On 23-11-2011, the Gathering of National Unity thanked the BICI for its efforts, despite its reservations concerning some content of the report. It also expressed its respect for human rights principles and the actions which can lead to justice for all. The Gathering also stressed that the commission for implementing the recommendations should be independent, competent and professional, as well as being led by respected national figures. It also rejected calls for an international or external commission, and encouraged the public to beware of hasty reactions to the report which could affect

civil peace and national unity. The Gathering expressed its support to freedom of speech, but rejected several of the recommendations including the immediate dropping of charges against political prisoners, which it sees as a strictly legal matter beyond the jurisdiction of Bassiouni's commission.



On 24-11-2011, Al-Wefaq announced its preliminary opinion of the report and its recommendations in a press conference led by the Assistant Secretary General of the Society, Khaleel Marzooq. Marzooq said that the Society needs time to study the report, and expressed his appreciation for its recommendations. He stressed that democracy and for the people to rule themselves and be the source of powers are the core issues of the current crisis, and that the Society does not accept injustice against any citizen whatever their race or sect: 'what we are calling for is a political system in which no one is oppressed'.

The Islamic Forum (27-11-2011): the BICI report constitutes a historical chance to heal our national wounds, and it should be used in the interest of the country, such as spreading human rights culture and respect for the law, whilst rejecting discrimination. As a matter of principle, we are against the violation of any citizen or human being's rights on our land. The law must be implemented, the dignity of oppressed individuals must be safeguarded and those responsible must be held accountable, whoever they are.

On 26-11-2011, The Democratic Progressive Forum welcomed the BICI report, and considered it sufficiently independent and professional, whilst calling upon the Government to commit to implementing its recommendations. The Forum also saw that the report expresses the legitimate demands of the Bahraini people and highlighted the different kinds of violations which occurred during the protests. It also stressed that the perpetrators of crimes should be brought to justice, and that no one should be beyond the reach of the law. It added that the Government should begin compensating victims and correcting its mistakes by releasing political



Oppositions Press Conference

prisoners and detainees, stopping trials and reinstating workers, which would prepare an atmosphere that prevents these crimes from reoccurring. It also called for an end to incitement in the media and hate speech from all sectors of society and holding those responsible accountable, as this particular media approach has had a devastating effect on Bahrain's national unity. Finally, the Forum recommended embarking on a real national dialogue which lays the ground for the desired reforms and national reconciliation, in order to find long-term solutions to the current political and constitutional crisis in Bahrain, and fulfil popular demands.

On 27-11-2011, Wa'd Society said that implementing the recommendations of the BICI report is urgent and necessary. The heart of the report revolves around terrible descriptions of torture by several branches of the security services, which led Bassiouni to recommend that the security forces should only be concerned with collecting information and not detaining or executing punishments.

The Unionist National Gathering (27-11-2011): The State must accept that there can be no stability in Bahrain without a political solution to the current crisis, and international human rights bodies should oversee the implementation of Bassiouni's recommendations to ensure they are properly executed. We want to see the recommendations of the report implemented and the State is obliged to do so because it formed the Commission in the first place.

The National Gathering (27-11-2011): The report points the finger of blame to certain official bodies for violating human rights of citizens, and we believe that the solution to the crisis can only be political and constitutional. The report has provided the perfect

opportunity for change if a genuine political will for change exists. It is now possible to begin reorganising the political structure of the State, beginning with the Constitution and following on to all the details related to executive, legislative and political areas.

On 24-11-2011, the Justice and Development Society said that it considered both the BICI report and the King's speech as an attempt to regain national cohesion and build the bridges of trust between different sectors of Bahraini society. It also said that the report was transparent and realistic, highlighting shortcomings and providing solutions and heralds the dawn of a new era in Bahrain. 'We as Bahrainis aspire towards a speedy implementation of the recommendations to enable us to move towards the future and overcome the past'.

On 23-11-2011, the Independent Parliamentary Bloc regarded the report as a momentous event in Bahrain's democratic endeavour and a substantial contribution to Bahrain's commitments to human rights and the rule of law. The Bloc also praised the State's cooperation with the commission by pledging to hold those responsible for crimes related to security forces, establishing a compensation fund for victims, and promoting the independence of NIHR. These are responsible steps which highlight the Government's commitment to justice and equity, and that it aims to apply the law equally which reinforces its national strategy for promoting human rights. It also called upon all Government bodies and social and political civil groups to accept the findings of the report, as this will help all sectors of society to open a new page, regardless of their religious, racial, ideological or sectarian affiliation. This will also build mutual trust and promote peaceful coexistence and national unity, as well as safeguarding Bahrain's stability, security and national interests. Most importantly, it will ensure that the wheels of political, developmental and democratic reform start moving again.

On 23-11-2011, the Bahrain Parliamentary Bloc welcomed the report and encouraged all those concerned to accept its results and recommendations in a spirit of democracy and forgiveness. It also added that admitting mistakes and punishing those responsible in order to discourage the reoccurrence of violations, is the only means of continuing national development on all levels. The Bloc added that the project outlined in the BICI report, if dealt with in a pragmatic and wise manner, can promote the course of reforms in Bahrain.

Shafaei to Al Arbiya Net:

Bassiouni's Recommendations will Save Bahrain from Sectarianism and Political Stalemate

What are the difficulties facing the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI) known locally as Bassiouni's Commission?

Acceptance of the report by all parties, the Government and the opposition, is the first difficulty that lies ahead. The Government has already welcomed and accepted the report. However, until this moment there is no confirmation that the opposition will participate in the new appointed commission to implement Bassiouni's recommendations.

The second difficulty is that it is still unclear what mechanisms to be used to implement the recommendations.

The third problem relates to the connection between the political and human rights issues. Some believe in the importance of working on the two levels at the same time in order to re-build the lost trust between various Bahraini political groups. Others think that any progress made in implementing Bassiouni's report in the human rights field will help build the trust and pave the way for a peaceful and consensual solution to the political crisis. Generally, the solution and the implementation of the recommendations are in the hands of the Executive Authority now.

In your opinion, will the Government implement all the report's recommendations even those directed to some Government departments?

I think the King who requested the establishment of the Commission, bravely faced its result and publically announced it during international, human rights and media presence. I do not think he is not serious enough to implement these recommendations which I believe are in the best interest of the State and social

coexistence. I hope that there is seriousness in the implementation especially since the whole world is watching. It is worth remembering that HM the King took some very important steps even before the issuing of the report such as setting up a compensation fund to compensate those affected by the events. In addition to the issuing of a royal decree to set up a national commission in order to put forward a plan to implement Bassiouni's recommendations.

Which Government ministries do you think are going to undergo changes in their structure due to Bassiouni's report?

There is a great need to adhere to the report's recommendations with regards to ministries and Government apparatus. It is in the interest of Bahrain and especially after this bad experience to revise the performance of its apparatus and take all the necessary steps to improve them for the sake of a better future. This means making administrative, institutional and legislative changes which suit the current phase. This is exactly what was discussed by several officials including HM the King.

How do you assess the Government's performance in dealing with the crisis since its beginning?

The performance of the Government, the opposition, civil society organizations and



Al Arbiya Net 27/11/2011

the media was disappointing. Bassiouni's report revealed many mistakes committed by all parties including the Government, opposition and the media. Admitting mistakes is a brave thing, but what is more important is working towards building a better future, trying to improve the situation and avoiding making the same mistakes.

How can we guarantee that the recommendations of the report will be implemented and this will contribute to the development of human rights in Bahrain and solve the political crisis, especially since some groups have expressed some reservations regarding the report?

It was expected that some would have reservations regarding Bassiouni's report such as the Alliance for the Republic in Bahrain as well as some Sunni groups. The implementation of Bassiouni's recommendations will save the whole country including the state institutions, opposition and Bahraini people from sectarianism and political deadlock.

The world awaits practical steps to solve the problem and it is obvious that cooperation between the opposition and the Government will facilitate this and help rebuild trust between political parties. In order for the recommendations to be implemented, the street must calm down and the media must also act wisely. The report is not against a particular party and the implementation of the recommendations will not target a specific group. It is necessary to provide a suitable atmosphere and have honest intentions. Perhaps there are foreign parties that reject the report. However, ultimately this

matter depends on the performance of the Government and the position of the people of Bahrain with all its social segments.

To what extent will the report convince international human right organizations and how will they perceive Bahrain in the future if it goes ahead with implementing Bassiouni's recommendations?

International human rights organizations completely supported Bassiouni's report and any step towards implementing its recommendations because this will result in more human rights respect. It is certain that each step taken by the Government to implement these recommendations will be welcomed by human rights activists inside and outside Bahrain. By doing this the Government will gain more trust and help restore Bahrain's image as a moderate and tolerant state which respects law and democracy. We hope that this will lead to more trust between the Government and

the opposition, a more moderate street and a peaceful and mature solution.

Do you think the report will improve the performance of the Executive apparatus and encourage them to prevent human right abuses in the future?

This is what we hope for, otherwise the report is useless if the situation does not improve, this is something that HM the King stressed in his last speech. The Government, Bahraini people and security bodies went through a difficult experience. Security forces and institutions should learn to adhere to the law and prepare competent staff members in order to prevent the occurrence of human rights violations as stated in the Bahraini Constitution, National Action Charter and international conventions ratified by Bahrain. Anything that takes place that is against the law will corrupt the State and the civil peace.

Shafaei to CNN:

The Report is a way out for Bahrain and not for political rivalry

On 28 November 2011, the CNN Arabic website conducted an interview with the President of the BHRM Hasan Moosa Shafaei in which he discussed many issues relating to the recommendations of the BICI's report. Shafaei highlighted the importance of implementing the report's recommendations saying that: 'it represents a way out of the political and sectarian predicament for Bahrain's Government, opposition and people in order to recover socially and politically'.

Shafaei stressed the fact that the value of the report 'depends on its implementation as soon as possible and with the cooperation of all parties including the opposition and civil society organizations'. He said that the details and the recommendations of the report proved that the BICI is impartial, independent and professional. The BICI was eager to publish a transparent report because this represents one of the most important steps for correcting the accumulated mistakes which led to

political and sectarian confrontations'. Shafaei hoped that the report will be a good beginning for a more secure, stable, free and united Bahrain in which human rights is respected'. He warned against looking at the report with the eyes of a group's interest or as part of a political and sectarian conflict or as a means for political rivalry. For this will reduce the report to a tool for inflaming conflict instead of means for solving the crisis.'

Shafaei also added that 'the King of Bahrain has ordered that the investigation of the events be conducted publicly as part of his national and historic responsibility. This is important so that everyone knows the truth and so that the country remains united and on the path of justice. On the other hand, those in opposition to the report should appreciate this step, build upon its recommendations and sincerely participate in the implementations. They should also work to build social unity and join in building the country politically through reconciliation



that rebuilds trust between all parties and all sects'.

With regards to the expectations of the opposition such as Al Wefaq, Shafaei said that 'there is need for political solutions but the report cannot discuss political issues because this is outside its mandate'. He added that political readings of the report are possible and it is clear to the opposition, the Government or any observer that what took place was connected to politics and human rights. National reconciliation requires correcting the mistakes on the ground. I think improving human rights will be the best first step to solve political disagreements'.

Quotations on Human Rights

The Crown Prince:

I was affected by the Arab Spring

BNA, 30 November 2011

'The Arab Spring which left its mark on many Arab countries also affected our democratic path. The courageous decision of his Majesty the King to establish the BICI has led to positive results. We hope that mechanisms for the implementation of the recommendations will be found in order for the Kingdom of Bahrain to overcome the crisis that left negative impacts on its economy'.



The Foreign Minister:

I was moved by the report

28 November 2011

'The report is very important and comprehensive and discussed many issues, and personally, I was moved by the report and obviously not surprised by the issues that it covered because we were following up the Commission and we knew who the commission met and what files it was looking into. Although we knew the aspects of the report, but the profound nature of the information was very touching. There were many tragic things that we would never have imagined taking place in Bahrain. Therefore, the responsibility that lies ahead, based on the directions of his Majesty the King, is to implement the recommendations of the report with all honesty. The report provided us with good advice and will benefit from this.'



As for the issue of reforming the Government apparatus which the report has mentioned, we will perhaps be unable to do it ourselves because we lack sufficient expertise. However, Bahrain has many friends who can help us develop our government bodies. Human rights should be respected and become part of any work of public servants. In order to ensure that the violations do not re-occur, reforms and monitoring are required. If we become certain of this, we will be able to achieve big steps in human rights'.

Ministry of human rights:

We are committed to the report

25/11/2011

The Ministry for Human rights and Social Development issued a statement regarding Bassiouni's report, in which it said that the report promotes reconciliation, respect of and protection for human rights in the country. The Ministry believes that the BICI conducted impartial investigations which allowed comprehensive analysis of the events and greatly valued the professionalism of the BICI. It also thanked the members of the BICI for their efforts in the investigation of the events that took place in Bahrain. The Ministry stressed its commitment to help re-establish trust between all the social segments and build a strong human rights culture. It also hoped that its cooperation with international partners is going to lead to a reform process and prevent future violations.



Bahrain Report Presents an Opportunity for Reform

**Thursday 24 November 2011 by Jane Kinninmont,
Senior Research Fellow, Middle East and North Africa
Programme**

There is now an opportunity for the Government to use this as a springboard for reforms that are needed to restore its own legitimacy with much of the population. The report could help to shift the balance of power within the royal family away from the security hardliners who have been growing in power since last September and who have gained significantly after the entry of GCC troops in March.

Much will depend on the actions taken in the coming days, both by the Government (will there be releases of political prisoners? A cabinet reshuffle? Moves towards greater political representation?) and by the opposition (ideally, laying out an agenda for a genuine, serious national dialogue, and providing the Government with incentives for reform, rather than simply dismissing any hope of it)'.



Meetings and Activities

The President of BHRM Hasan Moosa Shafaei visited Geneva, Cairo, Amman and Bahrain to carry out human rights activities. He met a number of human rights activists, many Arab and international human rights organizations, research centres and political and legal figures.

He also conducted a number of interviews with Al-Ahram, Al Dastour, the Egyptian Akhbar, Arabia Net, CNN and Asharq Alawsat. He was also interviewed by Egypt 25, ON TV, ANB, Russia Today and Bahrain TV.

He also met the Editor in Chief of Democracy Review, Dr. Hala Mustafa, Baha Al- Deen Hassan from Cairo Centre for Human Rights Studies, the resident Coordinator for the UN Development Programme in Bahrain, Peter Grohmann, Baquer Al – Najjar, from the University of Bahrain, Chairman of Shura Council, Ali Bin Salah Al Saleh, Chief of the Middle East and North Africa Section in the OHCHR, Frej Fenniche, Chairman of the National Human Rights Committee in Qatar, Dr. Ali Al- Marri, the President of Centre for Defending Freedom of Journalists, Nidal Mansoor, Editor of BBC Arabic Radio, Adel Soliman, the President of International Press Institute, Anthony Mills, JuDr Barbora from Article 19, Dr. Isam Abdeen from the Palestinian organization Al-Hag.

News: the President of the BHRM welcomed the visit of the UN High Commissioner for Human Rights to Bahrain. He also praised the Memorandum of Understanding between Bahrain and the Red Cross regarding the training of the staff members of the Ministry of Interior and visiting prisons. He also stated that we should build on Bassiouni's report and implement its recommendations. (Asharq Alawsat).



With the president of the Egyptian Organizations for Human Rights, Hafez Abu Saeda



With the Executive Director of the International Council on Human Rights Policy, Vijay K. Nagaraj



With the Vice President of the National Council for Human Rights, Mohamed M. Fayek



During an interview with the Egyptian newspaper Al Dastour



Interview with ANB



During a discussion on Egypt 25



With Professor of Law, Dr. A. Kamal Aboulmagd



With the Secretary General and Executive General of the Arab Organisation for Human Rights



With the Advisor to H M the King for Diplomatic Affairs, Dr. Muhammad Abdul Ghaffar



Interview with ON TV

Forum for Media Freedom Defenders in the Arab World

The BHRM participated in the Forum for Media Freedom in the Arab World, held in Jordan on 5-7 December 2011. Many Arab and foreign human rights activists, journalists, actors, parliamentarians, judges, legal experts and specialised researchers attended the Forum. The main objectives of the Forum were to support and defend media freedom through strengthening networking among media freedom defenders; and enhancing collaboration between media professionals and human right activists. This is in order to institutionalise media-freedom defence efforts, prepare an Arab strategy to support media independence and media freedom, reduce violations against it and enhance societal environment nurturing of the media. The Forum was organised by the Amman-based Centre for Defending Freedom of Journalists.

The President of the BHRM participated in a number of discussions, including the new media and social networks. He contributed the following:

- Social network websites have broken the monopoly of state media and created many opportunities for the public to express themselves and have helped in the creation of a public opinion that serves specific causes. Although we cannot measure the effects of the new social networks websites, they undoubtedly have produced and re-published media materials which played an important role in moving the street.
- Social network websites also played a crucial role in organising public political movements and gave the youth the ability to co-ordinate their efforts in an unprecedented way. In other words, they played the old role of parties in organising, inciting and feeding the youth with information. This is as well as directing them towards political objectives far from censorship.
- The role of these websites was more important than the role of the media and some Arab satellite channels. This happened because the success

of these revolutions depended not only on the directing of protests through the media, but also on the work of anonymous ordinary citizens to organise. As a result of this, the Arab revolutions did not have an identifiable leadership and thus made it difficult for the regimes to oppress them and for the political societies to control them.

- Contrary to the state media, which is misleading and lacking in credibility, the public media on the other hand proved to be able to win the trust of the public. The important issue is that network media belongs to the public and millions participate in them. The ability of governments to control social networking websites is very limited despite their attempts.

With regards to the question: did the Arab media create and incite the revolutions or just covered the events? The Hasan Shafaie presented the following points:

- Some Arab media has played a part in promoting the Arab Spring such as the Al-Jazeera channel; while others merely covered the events. Despite the fact that most of the broadcasted material was created by the youth, some channels played the role of the inciter and their coverage had a specific political agenda.
- In general, the coverage of the Arab state media was not objective and resulted in the loss of many viewers and a lack of credibility. The priority for these channels was based on political agenda however; the BBC for example was the least affected because it was more professional in its comprehensive coverage of the events of all revolutions.

With regards to the question of the roles of international human rights organisations and what they achieved during the Arab spring, Shafaie believes that their role has been positive. Their role was to monitor and document human rights violations which increased during the protest period. Their statements



The Participants in the Forum of Media Defenders in the Arab World



With Journalist Waddah Khanfar



With Haneen Zoabi, the National Democratic Assembly



Workshop on Media Freedom, Amman

and their international relations played a fundamental role in exerting political pressure. Huge part of the international support for the movements of the Arab spring was due to the activities and the work of these organisations.