

# Bahrain Monitor

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Special Issue on BICI's Report



**Bahrain Human Rights Monitor**

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## Two Sides to the Story in Bahrain

There are two sides to the story in Bahrain: one relates to the Government's attempts to improve its human rights record and amend laws and regulations through the implementation of Bassiouni's recommendations. The second represents sometimes an exaggerated picture of the violations which have been monitored by human rights organizations, for example, continued violations, such as deaths as a result of confrontation and the use of tear gas and the excessive use of force. This situation is expected to remain so for some time in the Bahraini political scene.

Despite the existence of tangible positive steps in Government performance, its acceptance of Bassiouni's report and the efforts of Saleh's Commission, and some human rights violations continue to take place in Bahrain.

This can be attributed to the fact that political confrontations are being played out on the streets, rather than in the corridors of Parliament or in the media and social networking sites. Conflict and political polarization have invariably produced the current crisis and its repercussions.

Other aspects of the problem include:

Confrontations on the streets entailed the use of violent means, such as Molotov cocktails, iron bars and exploding gas cylinders. This has resulted in many injuries among the security forces. Such actions are the result of incitement on the part of extremists among the opposition, which in turn reflects upon the reactions of the security forces, despite orders to contain the situation with minimal losses.

Implementing Bassiouni's recommendations, which urge the security forces to respect human rights, requires some time to become part of popular consciousness. In fact, human rights culture has not yet found its roots in Bahraini society, including among protesters themselves. Hence, the introduction and follow-up of procedures and legislations can limit mistakes, but cannot completely eradicate them.

Some groups within Bahraini society feel despondent and pessimistic about the possibility of an immediate solution to the crisis, which encourages constant confrontation and violent protests. In addition to this fact, there is lack of communication between various political parties and religious leaders towards relieving tensions and discouraging lawlessness.

It is very important to realize that a political conflict which reflects itself on the street will eventually lead to breaches and human rights violations by both sides. However, the extent of these violations, especially on the part of the security forces, will depend on self-restraint and adherence to the Law. As for the opposition, it should control the streets, direct peaceful action and exclude and condemn advocates of violence.

## The King: These Painful Events Will Not Re-Occur and Upcoming Reforms Will Fulfil Citizens' Aspirations

**Upon receiving the final report of the National Commission for implementing BICI's recommendations, The King's speech on 20 March 2012 raised many important issues which will shape Bahrain's future. The speech merits close reading because it conveyed messages for all political parties, as well as international human rights and political bodies.**

The first issue: turning a new page with regards to human rights violations. The King vowed once more and affirmed the commitment that 'the painful events our beloved nation has just experienced are not to be repeated, but instead we will learn from them, and use our new insights as a catalyst for positive change'. However, turning a new page requires the mechanisms highlighted in Bassiouni's report, such as introducing new laws and regulations, better training for the law enforcement agencies and the adoption of administrative procedures so that change is reflected practically on the ground.

The implementation of Bassiouni's recommendations is a real test for Bahrain as a State and a political system, as well as a society which aspires for change and reform. This is especially true since the report has become a national term of reference in the human rights field particularly. In his speech, the King described the implementation of BICI recommendations as a challenge, due to their large number and comprehensive nature. He added that implementing these recommendations 'demonstrates the impressive beginning of that positive change we had hoped to see, and are proud of'. He also listed the steps

that the Government has taken with a great deal of transparency, including: 'security and judicial reform, enhancing educational curricula, establishing a detailed plan to reform the media, working tirelessly to ensure that employees are reinstated, establishing compensation schemes to provide redress to the victims as soon as possible, commencing programmes for national social and economic reconciliation, establishing an independent ombudsman office at the Ministry of Interior and the office of the inspector general at the National Security Agency and, most importantly, establishing a Special Investigation Unit to hold accountable those that have erred during the events of last year.'

The King hopes that the Legislative Authority will hasten the ratification of draft laws related to this matter, as was the case with laws relevant to the freedom of expression and the legal definition of torture as well as other laws.

The second issue: concerns the importance of further developing the political system, in spite of the many political reforms enacted since 2000. This is because limits cannot be placed on reforms, as it is in the nature of all societies to constantly strive for more change. The King's speech also stressed Bahrain's commitment to

reform in all fields: 'Reform is an ongoing process. Development is the path of life. Ever since we ascended to the throne, our policy has been to evolve while preserving the principles of our religion and traditions, and the customs of our society. We reaffirm our commitment to go a head with the reform process which satisfies the hopes and ambitions of our people. In the meantime to be open to different international experiences in order to take from them the good for our people and preserves the unity and strength of our community. This to take place without the exclusion of anyone, or favouring the interest of one group over another, as our nation is for all. And the doors of dialogue have and continue to be open'.

The King also said that political societies and civil society institutions bear part of the responsibility regarding the current crisis, and not only the Government: 'National responsibility also falls on all members of society, and political societies, and civil society institutions, to do their part to participate and support democratic practices in accordance with the law and the public order. Everyone should keep in mind the events we have been through, and should benefit from experience to move towards the future at a confident pace, and with honest intentions.'

The third issue: stressing the local aspect of the Bahraini crisis, despite the regional and international dimensions it took on, which further complicated the situation. The King

believes that the problem can only be solved locally, and the establishment of the follow-up committee 'confirms that Bahrain is able, with the support of its people, to rise to the ranks of advanced countries in democratic practices, and benefit from international expertise in establishing legal principles which enhance public security, strengthen human rights and guarantee freedom of expression where it does not interfere with the rights and freedoms of others'. Also, the King did not forget to thank all friendly countries and international organisations for providing Bahrain



with advice and lessons from their own experience and expertise. He also stressed the importance of stability and security: 'Countries do not seek stability solely in the interest of economy, but also to protect the sovereignty and integrity of the country, and we will never relinquish this at all. The hands of time never turn backwards'.

The fourth issue relates to the transitional justice such as compensating the victims of recent events: 'With regard to the compensation of the victims, and in addition to the National Victims'

Compensation Fund, which was created according to the highest international standards, Specialized Courts were established to review claims for compensation and expedite the settlement of the claims. In this regard, we note the Civil Settlement Initiative adopted by the National Commission charged with the recommendations of the Bahrain Independent Commission of Inquiry Report, and that all possible measures are taken to expedite fair compensation to the victims'. Of course there are other issues, such as finding and holding those responsible for violations accountable, which follows separate legal channels, and is a work in progress in Bahraini courts.

The fifth issue relates to the remaining 350 detainees in Bahraini jails. Bassiouni's report drew attention to this issue, and called for their immediate release. The King responded by saying: 'We also emphasise the importance of finalising all cases related to freedom of expression without unnecessary delay, in accordance with the law, and which do not include incitement to violence, whatever the status of the perpetrator or his profession'.

The sixth issue relates to freedom of worship, which has badly affected Bahrain's reputation, and caused the Government much embarrassment by taking on both local and international dimensions. The Government has taken some steps

to rebuild religious sites, despite the fact that some of these were illegally established. In his speech the King said that 'the State is entrusted to build the places of worship and care for them, we instruct that work continues in accordance with laws and regulations, in coordination with the Ministry of Justice and Islamic Affairs and the Departments of Religious Endowments (Waqfs) and the relevant authorities so as not to repeat the same mistakes of the past.'

### The Priority of Dealing with Human Rights Breaches

During a press conference held by the Chairman of the Commission responsible for implementing BICI recommendations, Ali bin Saleh Al-Saleh pointed out the importance of addressing human rights violations, saying there was a special royal directive in this regard.



Since its first meeting, the Commission, has prioritised the swift implementation of recommendation No (1723) regarding the reinstatement of workers in both private and public sectors and the rebuilding of the religious sites. Saleh also added that he was especially mandated to follow up human rights issues with the relevant official bodies, which have addressed this problem.

## Bahrain: is Consensual Democracy Possible?

Hasan Moosa Shafaei

An article published in a number of local newspapers by the Bahrain Institute for Political Development recently drew my attention. It discusses the features and shortcomings of Consensual democracy, and concludes that adopting this kind of democracy requires social consensus and agreement.

The word consensus (and to some extent Consensual) has often been repeated during the current crisis in Bahrain. The idea of a consensus between various social components (in particular, the Shia and Sunnis) and the regime was regarded – at least by some- as the key to ending the crisis. Although political dialogue between the regime and the opposition is strongly required, it is primarily a means of reaching the desired goal of consensus in Bahrain. The political problem in Bahrain has gone beyond the opposition/regime duality to the Sunni, Shia and regime ‘trinity’. Those who call for consensus and the expansion of the decision making circle (political partnership) will have a different description for the Bahraini crisis than the opposition, for example. If the issue concerns a crisis between various Bahraini social components themselves, and not between the Shia, opposition and the regime, this necessitates a different reading of the situation if we want to implement the principle

of Consensual democracy. This is especially true considering that Consensual democracy is designed specifically for societies which are divided religiously, ethnically and linguistically, and aim to achieve political stability.

A divided society is one in which no social component can represent the ‘other national partner’. In other words, no Bahraini social component is able to establish a political party or society removed from sectarian affiliation, even if their bylaws and regulations theoretically guarantee participation for all. In practice however, they are limited to specific groups from the same culture or sect, due to inherent divisions in the political culture.

A divided society is one that suffers from social divisions along ethnic or sectarian lines. Such divisions cannot be cured in the short term with the use of the currently available tools. It is always a concern that social divisions, resultant from political disintegration can cause more political instability and perhaps can lead to civil wars.

Consensual democracy has achieved great successes in many countries, and the failure to adopt it has led to many wars such as the Lebanese civil war of 1975, and the division of Cyprus since 1975. The important question is: to what extent can political parties in Bahrain adopt



*Hasan Moosa Shafaei*

Consensual democracy? How can a unique version be designed to suit the Bahraini situation? More importantly, is there a better option than Consensual democracy for dealing with the Bahraini crisis? To what extent is the current political stagnation dangerous? Could this lead to more social and political problems and instability?

Consensus should create a connection between equal citizens and political partners, despite their sectarian, regional, ethnic and linguistic differences, whilst maintaining the characteristics and independence of each cultural group. Arend Lijphart, one of the great theorists and promoters of Consensual democracy, outlined in his book ‘Democracy in Plural Societies’ four circumstances of establishing Consensual democracy:

1- A broad alliance between the elected political leaders

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representing all social segments.

2- A mutual veto for elected representatives, especially concerning the main policies of the state and ruling by consensus in order to protect the interests of minorities. If the representatives of the majority inside a coalition attempt to dominate it, this will lead to the disintegration of the coalition. On the other hand, if the representatives of the minority attempt to pressurise the majority into amending the 'agreement', this will also lead to chaos.

3- Proportional representation in government institutions and services.

4- A high level of independence for groups in managing their own cultural affairs which could lead to federalism in some countries.

Consensual democracy does not depend on the majority in parliament to form a government, as the rule of the majority in a diverse society will fail to deal with socio/political crises. Consensual democracy depends on a coalition of elected parties with the most political representation, and on elites who are aware of the importance of partnership and the dangers of division; elites who care about building a political culture which puts the interests of the coalition first, as this will protect the state and assimilate small parties. It will also succeed in gaining reasonable representation in parliament through elections. It is not enough for political leaders to be moderate, tending to solve their problems through mutual compromise. Rather, it is

important that this attitude reflects on the behaviour of members of the public affiliated to different groups.

There is no geographical obstacle, requiring federalism or self autonomy, which would make implementation of Consensual democracy difficult in Bahrain. However, there is another element which cannot be found in any other Consensual democracies across Europe, namely the existence of a royal family. Consensual democracy can function alongside a constitutional monarchy, and in Bahrain, the presence of the royal family is important for consensus to succeed. The royal family should also act as a balanced and independent third party, uninvolved in conflicts. This can guarantee the high success of social and political consensus.

In his reading of the experiences of Consensual democracy, Lijphart saw that there are factors which aid its success, many of which are present in the Bahraini situation. These include the small size of the country: it is easy for social communication to occur when the country's population is low, as in Belgium, Holland, Switzerland, Lebanon and Austria. There are also no linguistic differences in Bahrain which could impede mutual understanding. Lijphart also believes that an equal number of groups facilitates the Consensual process. This is because the existence of a clear majority makes them prefer the rule of the majority, instead of political partnership

(Cyprus). Also, the existence of a foreign danger often helps unify groups, and the presence of a strong national spirit and religion contributes to the success of the Consensual democracy.

These are merely guidelines for Consensual democracy, which also has its shortcomings, and could not succeed as other forms of democracy (such as the parliamentary majority). It is said that democracy in a diverse country is very difficult to achieve because the majority could marginalise half of the population. Consensual rule could also lead to enforcing boundaries instead of breaking them, as well as hijacking the votes of the elites. It seems possible for any country to benefit from this kind of democracy, and design its own version of a democratic Consensual system, in order to save it from dictatorship and guarantee a better future.

It seems that most of the conditions of implementing Consensual democracy are available, but the Bahraini case requires close examination and social and political debates between all social components. Political consensus also means change in the current political debate, and could lead to the marginalization of many issues when attention is directed to the most important questions such as: Is there an intention to build a Bahraini democracy, and how? What kind of democracy would this be, and how could we begin to implement it?

## Alsaleh: Some Recommendations have already been Implemented whilst Others Need Time to be Realized

On 20 March 2012, the President of the Shura Council and the Chairman of the National Commission Ali bin Saleh Al-Saleh delivered a speech before the King, in which he explained the workings of the Commission and how it has tackled the issues under review, as well as highlighting the recommendations which have been implemented. He added that the Commission's first steps were as follows:

1) Studying closely the recommendations of BICI.

2) Consulting with the Government and leading experts on the means of introducing suitable procedures and mechanisms, to guarantee full implementation of the recommendations.

3) Ensuring that the implementation of the recommendations conforms with the very best international standards and practises.

With regards to the recommendations, Saleh noted that there are differences in the requirements for their implementation. He explains this point as follows:

a) Some recommendations require specific and clear procedures, and can be implemented immediately through legislative or administrative procedures, or through the Judiciary.

b) Other recommendations require a structural change in the relevant institutions or building of capacity through training or rehabilitation.

c) The third part of the recommendations requires cultural changes and developing programmes and strategies, which require time for their effects to be felt on the ground.

With regards to how the recommendations will be implemented, Saleh stated that 'the Commission created three teams to study the recommendations and to implement them. These teams are responsible for covering legislative affairs, human rights affairs and national reconciliation. The Commission held many meetings including meetings with Government's representatives. The Commission also received the chair of the BICI, Professor Mahmoud Cherif Bassiouni and other leading experts in two separate meetings'.

Saleh also praised the Government's

cooperation and its response to the recommendations and proposals laid out by the Commission. He also explained the content of his Commission's report, and the extent to which BICI's recommendations have been implemented. These details were also published on the National Commission's website, which contains all passed or proposed legislations, mechanisms, procedures, strategies and reports.

Saleh explained in detail the achievements of the Commission, especially with regards to human rights:

1) The Government has taken positive steps towards reinstating employees in the public and private sectors, as well as resolving the cases of dismissed students and reinstating them.

2) As for the places of worship issue, 12 locations have been allotted and construction work has already begun on some. Progress is on-going on the rest of the locations indicated in the [BICI] report, in coordination with relevant agencies.

3) In the area of security, the scale of the implementation has been comprehensive and far-reaching. The National Security Agency has been transformed into an intelligence-only agency. In the police and other security forces, wholesale training programmes have been developed and are now being delivered. It will of course take time for all members of the security forces to complete their training, but in the meantime the advice and guidance of international policing experts along with the publication of a police code of conduct, has helped to further improve security procedures. Importantly, new mechanisms to improve oversight and transparency within the security sector have also now been put in place, the most significant of which is the office of an independent ombudsman at the Ministry of Interior, which will allow the public participation in monitoring the police performance.

4) The Commission applauds the decision by the Attorney General to order all charges related to speech activity to be dropped.

5) The Commission has verified the training programmes of judges and

public prosecutors. The Commission also commends the decision to transfer all investigations into the allegations of torture to the exclusive jurisdiction of the Public Prosecution, by establishing a Special Investigation Unit concerned with accountability. The Commission also appreciates the review of all judgments by the National Safety Courts, whether through the ordinary courts or through the Committee established by the Supreme Judicial Council.

6) In the field of education, steps were taken to ensure that more tolerance and diversity are promoted. In the coming months, together with UNESCO, these themes will be incorporated into school curricula.



7) A more open and free media is also part of the vision of the BICI report, and the Commission can report that the Information Affairs Authority has developed a comprehensive plan, following the advice of French media experts, that will help to achieve these aims.

8) The Commission has also given focus to the Civil Settlement Initiative, which has been formulated in light of the Commission's proposal. Under this initiative, victims can settle their claims in a consensual manner without prejudice to their right to resort to the civil court, and without prejudice to criminal responsibility.

Some of these achievements have been made clear and others need more time, as Saleh put it: 'the process of implementation and the path of reform are an ongoing journey. The changes that these measures will bring about will, in some circumstances, take time to be felt on the ground'



## The BHRM Interviews the President of the National Committee

### Recommendations are Being Swiftly Implemented, and National Reconciliation Remains a Priority

Many questions are being raised regarding the future of Bassiouni's recommendations, whether in Bahrain itself, or by neighbouring Arab countries and international human rights organizations. The fact-finding phase was crucial in pinpointing various shortcomings and mistakes in order to lay the foundation for a new beginning. It should also provide us with practical solutions to allow us to rectify the current situation, and in so doing help Bahraini citizens return to normality.

The Commission performed its duties to a highly professional standard, and in the conclusion to its report suggested the necessary steps to be undertaken in order to deal with the root of the problem. This can hopefully provide a suitable atmosphere for more unity and a better future.

Such positive developments were received with much optimism as well as some suspicion. Bassiouni's recommendations represented a historic opportunity for a new page to be turned in Bahrain's history. However, we are all aware of the challenges that lie ahead which could affect the Government's ability to implement these recommendations, especially that there are those who cast doubts regarding its seriousness to achieve these changes.

The King of Bahrain first called for the establishment of a national committee mandated to implement Bassiouni's recommendations. He also put forward some swift legislation to compensate the victims of recent events and set a timetable for the completion of the implementation process. The February deadline was then extended for another three weeks to allow the Committee to present its final report in March 2012.

Both the international community and Bahraini society hope to witness the practical implementation of Bassiouni's recommendations soon. Throughout the recent period many questions were raised regarding this issue despite certain assurances by the National Committee which has set up a website highlighting its progress and achievements. However, it seems that the Committee's frequent clarifications and the information it has provided to observers remains insufficient. The picture is still unclear and ambiguity will only end if and when the National Committee releases its final report.

BHRM interviewed the President of the National Committee Ali bin Saleh Al Saleh and asked him a few questions concerning human rights and the potential way out of the current crisis. We await the details of the final report expected to be released in the near future.

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**Perhaps the most important issue is that of national reconciliation as recent political divisions have resulted in sectarian divisions, and we believe that you have set up a committee in this regard. What have you achieved so far and what are the obstacles facing this committee?**

Achieving national reconciliation is a priority at this stage and a major concern for the political leadership, Government and even ordinary people. We in the National Committee see BICI's recommendations as a way out of this crisis which has left its negative marks on the social fabric of Bahrain. The main objective of his Majesty's establishment of this Committee is for it to become the foundation for a new phase of reconciliation and coexistence.

The National Committee, since its establishment on 26 November 2011, has given particular attention to the issue of national reconciliation, as it believes in the importance of swift action to reunite Bahraini society. The Committee has taken preliminary steps by forming a team of

committee members who deal directly with Bassiouni's recommendations, especially those related to the national reconciliation such as (1724 and 1725).

According to these two recommendations on media and education, the Committee believes that media and education institutions in the Kingdom are important partners in achieving national reconciliation. The Committee thus presented the Government with many suggestions to push forward the implementation of these two recommendations. This includes putting forward a media strategy to promote national values, hastening procedures for bills on publishing and press regulations, and presenting educational programs at primary, secondary and university levels to encourage religious and political tolerance, and promote human rights and the rule of law.

The Committee also called upon the Government to put forward a program for national reconciliation which addresses political, social and economic aspects in accordance with human rights principles and the

constitution, and to benefit from international expertise. The Committee also believes that the implementation process is going as planned, especially with the support of executive procedures from the Ministry of Education and the Authority of Information Affairs.

One of the most important steps which would accelerate national reconciliation is to remedy the families of the dead, victims of torture and those who were subjected to ill treatment or solitary confinement. On 22 September 2011, his Majesty the King issued Royal Decree No.30 for the year 2011, in order to set up a compensation fund, and a subsequent Decree No.13 regarding the establishment of an administration committee for this fund.

**The issue of places of worship is an extremely sensitive one, both inside and outside Bahrain. The Government has vowed to solve the problem but it is now your Committee's responsibility to implement this promise. What are the practical steps undertaken in this regard?**

The President of the



Committee is directly following up recommendation no (1723) with the Government, which includes the rebuilding of places of worship. His Majesty the King issued several directives regarding the reconstruction of some places of worship at the Government's expense, and it has already begun executing these guidelines by establishing a committee to study the rebuilding of religious sites. On 12 January 2012, the Government announced the rebuilding of 12 mosques (reconstruction works on five of them is already in progress), while the restoration of seven others will take place in the near future. The study of the status of other sites is continuing in order to undertake the necessary official and legal procedures. The Ministry of Justice and Islamic Affairs, and in coordination with all concerned ministries, including the Ja'fari Awqaf, is following reconstruction efforts of these religious sights in accordance to Bahrain's laws and regulations.

**With regards to the reinstatement of workers in both private and public sectors, has the situation**

**been resolved? How accurate are claims that there are preconditions for those who wish to be reinstated?**

The issue of the reinstatement of workers lies within the context of recommendation no. 1723. As I mentioned previously, the President of the Committee is appointed to directly follow developments in this issue and we have noticed that the Government is serious in dealing quickly with this file. The vast majority of workers in both sectors have already been reinstated as well as university students. According to the detailed statistics received from the Ministry of Labour, the majority of employees in the public and private sector who were dismissed as a result of practising their right to freedom of expression have been reinstated or are in the process of being reinstated.

It is noteworthy that during his visit in February 2012 the President of the fact-finding Committee Professor Mahmoud Sharif Bassiouni highlighted the Government's achievements in this regard. However, it remains important that all employers' efforts should be directed towards

solving disagreements which were a result of the recent unrest in Bahrain during February and March 2011. This would promote positive



relations and serve the mutual interests of the whole community.

**To what extent do you believe that your Committee's achievements paved the way towards rebuilding trust between the various components of Bahraini society, as well as the Government and the Opposition?**

The main task of the Committee is to follow-up the implementation of Bassiouni's recommendations, specified by BICI's report and His Majesty's Royal Decree. The work of the Committee is for

the benefit of all Bahrainis and its results will hopefully bring good to all. All the proposals which we have presented to the Government guarantee the full implementation of Bassiouni's recommendations, in order to prevent the re-occurrence of past events. This is also the same objective of the political leadership, when in an unprecedented step it ordered the establishment of the Committee, and accepted the outcome of its

recommendations on the ground was expressed by his Majesty the King as soon as the recommendations were issued, and the Government is exerting all efforts in this regard. So far the government has shown full cooperation. Furthermore, implementation of the recommendations has been swift, and what has been achieved is more than what remains to be addressed. This was in fact stressed by BICI's

general, the work of the National Committee is running smoothly, and we expect that we will be able to lay the foundations for a safe return to normality, in order to continue reform and development in the country.

**With regards to compensating those affected by recent events and the issuing of two royal decrees, what is your Committee's achievement in this regard?**

As I mentioned earlier, we view this issue as crucial for achieving national reconciliation. The National Committee presented a number of proposals to the Government which it believes will accelerate compensation procedures. These proposals have been put into practice by the Government, including allocating courts for compensation claims and establishing a committee in the Ministry of Justice and Islamic affairs for the purpose of dealing with claims outside the courts. Those benefiting from the proposals include the families of the deceased and those injured last year, or anyone claiming compensation from the Government.



report.

The National Committee has called upon all political parties to contribute to the work of the Committee, and we were very keen to get them involved in the decision-making process by inviting them to participate with their ideas and opinions. This invitation remains open.

The importance of implementing the

President himself during his recent visit to Bahrain, when he commented that the Government of the Kingdom of Bahrain, and based on guidance of his Majesty the King, is responding well to the BICI report.

However, it is true that the effects of some steps need time to be felt, such as amendments to laws and legislations. But in

## The Implementation of Bassiouni's Recommendations: **Much has been Achieved but National Reconciliation Remains an Issue**

The Chairman of the National Commission for implementing Bassiouni's recommendations Ali bin Saleh Al-Saleh presented his final report on 20 March 2012, in order to explain Government achievements regarding the implementation of Bassiouni's recommendations. The implementation process was a difficult one and the timeframe was very limited, so it had to be extended for an extra few weeks. The Commission was also aware that its task requires following the implementation process closely alongside with the Government, and with a great deal of professionalism and transparency.

To what extent was the Commission able to execute this task?

The Chairman of the Commission answered this question during a press conference which was held immediately after the King received the Commission's report: '15 recommendations were implemented in full out of a total of 26, which means more than half the recommendations; whereas 10 were implemented partially, and will remain a work in progress, as they require legislative and legal amendments, national reconciliation, educational and training programmes and compensation of those affected. One recommendation remains (No. 1722), which awaits the Court's ruling. This relates to the death penalty, as no final sentence of death penalty has been issued yet.

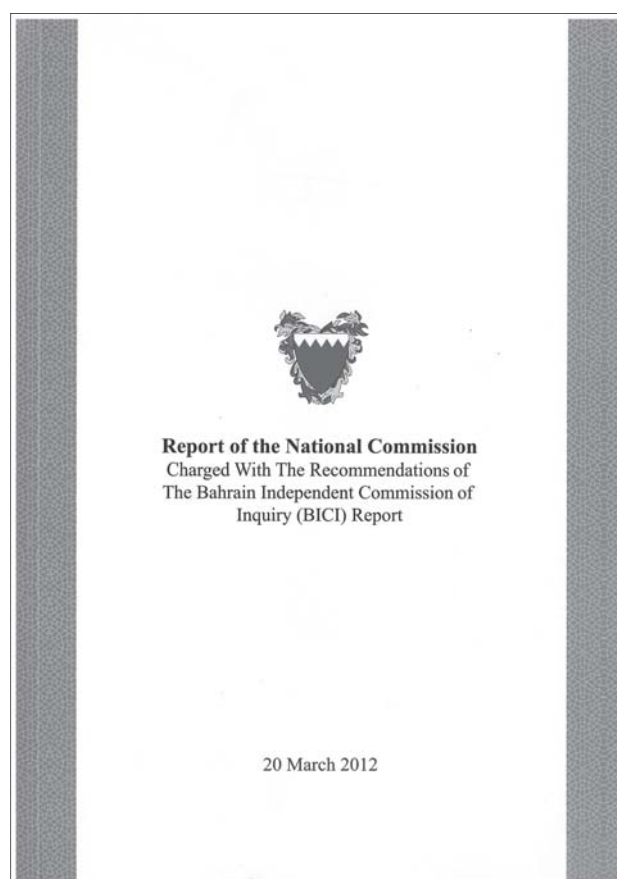
It is understandable that full implementation of the recommendations will require more time and continuous tracking by both the Government and Parliament, which the King pointed to in his post-report speech.

The Commission's report can be considered transparent, as it refers to each of Bassiouni's recommendations, and then explains the work of the Commission and its efforts' to implement them. This makes it is easy for the observer, as well as the average citizen to navigate the report and determine the extent of the implementation process.

It is clear from the report that the Chairman and members of the Commission exerted many efforts to produce this report; there is specific documentation of what has been done and the Commission's proposals to the Government. The report also reflected a feeling of responsibility, as well as providing an accurate understanding of political and human rights problems.

Two points needs be explained before evaluating the report:

First: there is a clear harmony between the notions and methods of Bassiouni's recommendations and the work on the one hand and proposals of the Commission on te other hand. Sometimes these proposals explain Bassiouni's recommendations, and at others they are clear and precise in practical points which are in need of official approval. It is also obvious that the report did not



explain whether the proposals presented to the Government by the Commission have been approved or not. However, it is possible to determine this, whether through the implementation itself or through the explanatory documents which accompany it. Moreover, at times these proposals were given Government approval, but need time to be implemented.

Second: most of the implemented recommendations were limited to the work of two committees concerned with human rights and legislations, as these encompass some of the most sensitive issues at hand, such as: breaches, detainees, expulsions from work or school, destruction of religious sites, trials, compensations, amending laws and regulations, and procedures regulating the work of security forces. Achievements in these issues, including the swift dealing with cases, and the cooperation of the Government with the Commission, are very clear.

With regards to the third committee responsible for the issue of national reconciliation, unfortunately it has failed to achieve its

desired goal. However, the members of the Commission should not be exclusively blamed for this, because the issue has political dimensions beyond their ability to address. (It is possible to compare the Commission's proposals with what has been achieved so far in this regard on pages 73 and 74 of the report). Perhaps it is not the appropriate time to address this issue, as it depends on the political will and desire of both the Government and the opposition. The issue of national reconciliation is one of the most crucial issues awaiting a solution, otherwise violence and security tensions will remain a threat to Bahrain's stability. Indeed, this unresolved issue encourages more human rights breaches, for only in a stable political environment can human rights achievements and civil peace be protected.

The following are Bassiouni's recommendations, actions of the Commission and Government achievements as stated in the report:

## Recommendations and Implementations:

1716: 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".

Implementation actions taken:

- The Attorney General issued a decision on 28 February 2012, to establish a special unit within public prosecution that is dedicated to the task of determining accountability, named (Special Investigations Unit). The features of this Unit would be as follow:
  - A. It would be led by a senior public prosecutor
  - B. It would be supplemented by experienced and independent criminal investigations and forensic experts.
  - C. The newly created Unit will have available to it a senior independent investigations counsellor (appointed by the Supreme Judicial Council), experienced in prosecuting and investigating crimes; this person will also be familiar with international standards on human rights investigations.
  - D. Guidance will be provided to this Unit on how to apply the principle of Superior Responsibility, which is already part of Bahraini law.

1717: To place the office of the Inspector General in MOI 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.

Implementation Actions Taken:

- A decree establishing both the ombudsman and Internal Affairs department was issued on 28 February 2012. The Decree.
- On 30 January 2012, the Minister of Interior approved a new Code of Conduct for Bahraini Police. The Code of Conduct was drafted in consultation with legal and policing Western experts and is based on various international policing codes including Code of Conduct for Law Enforcement Officials and the European Code of Police conduct. It adopts the 'principles'-based approach, setting out the broad duties of police officers in relation to various aspects of their work, including the use of force, respect for human dignity and maintaining the rule of law. The Code constitutes a new social contract between the police and the Bahraini community.
- The MOI has finalized a detailed Police Manual setting out the duties of police officers, including procedures to be followed when arresting persons. This manual will be issued to all security officers, and will be made part of training programme for police officers.
- A new programme for human rights and legal training (on the procedures) has already begun for new police officers. Existing officers will also be trained in similar programme, which will now be enriched by the new Code and the Manual.
- Technical assistance on this recommendation will be provided by the United Nations Office on Drugs and Crime (UNODC), the UN office with the exclusive mandate for criminal justice. A formal agreement is currently being finalized with the UNODC to provide such assistance.

1718: To amend the decree establishing the NSA to ensure that the organisation is an intelligence gathering agency without law enforcement and arrest authorities. 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 MOI. 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.

The implementation:

- Issue of Decree Law No. 115 to limit the jurisdiction of the National Security Agency to intelligence gathering agency with no law enforcement and arrest powers.
- Issue a decree on 28 February 2012 on the establishment of the Office of the Independent Inspector General and the Office of Professional Standards at the National Security Agency.
- In response to the request of the National Commission dated 14 December 2011, the Cabinet approved on 8 January 2012 legislative amendments that ensure that arrests of persons will be in accordance with the 'Code of Criminal Procedures even during the state of national safety'.

1719: 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.

The implementation:

- In response to the recommendation of the National Commission dated 14 December 2011, the Cabinet approved on 8 January 2012, legislative amendments that give the Attorney General the exclusive jurisdiction to investigate claims of torture and other forms of cruel in humane or degrading treatment or punishment, and protect any person claiming retribution for having raised a claim of torture or other forms of cruel, inhuman



**Members of the National Commission for implementing Bassiouni's recommendations with the presence of the latter**

or degrading treatment or punishment.

- 2) On 8 December 2011, it was announced that all cases of cruel, inhumane or degrading treatment have been transferred from the Ministry of Interior to the Attorney General's Office.

Technical assistance regarding this recommendations will be provided by the United Nations Office of Drugs and Crime , International Institute of Higher Studies in Criminal Science and American Bar Association Rule of Law Initiative.

1720: To make subject to review in 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, were not respected be subject to full review in the ordinary courts.

Implementation action taken:

- All live cases are being reviewed in the civil courts to ensure the right for a fair trial has been complied with in cases before the National Safety Courts. Where final judgements were rendered in the National Safety Courts, and cannot be opened up on appeal, on 2 January 2012, the Supreme Judicial Council announced that it had formed a committee to review all such final judgments ( which number 30) to ensure that the accused

was provided with his or her fair trial rights. Out of the 30 final judgments (involving 31 people). 13 people had already served their sentences and had been released. This left 18 accused still in detention. In relation to these 18 accused, the Supreme Judicial Council decided that:

- 6 would have their sentences reduced to time served, and could be released.

- Charges would be dropped against 5 accused of speech related activity. This resulted in 4 out of the 5 accused being released immediately, with one person still detained on other charges. All 5 of the accused would have their records expunged of the speech related charges.

- Convictions against 7 persons would be maintained.

1722: The Commission makes the following recommendations with regard to the use of force, arrest, treatment of persons in custody, detention and prosecution in connection with the freedom of expression, assembly and association. a. 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.

Implementation:

The Public Prosecutor is pursuing 107 cases of deaths, Torture and mistreatment of civilians, so far involving 48 officers (as the investigations progress more officers may become implicated).

1722 (b): 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.

Implementation:

A special unit was established within Public Prosecution, dedicated to the task of determining accountability.

1722 (c): 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 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 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.

Implementation:

- A new training programme on appropriate conduct by the Public Security officers is currently being implemented.

- The NSA commenced comprehensive training programme for its personnel on 22 January. It will include classes on fundamentals of human rights, appropriate professional conduct and how to interact with members of the public.

- The Bahrain Defence Force has similarly incorporated a Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials into training programme, as well as fundamentals of human rights.

**1722 (d): 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 detention 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.**

Implementation:

- The Supreme Judicial Council issued a statute regulating visits and inspections of prisons, detention centres and places where precautionary measures are taken. The statute provided that the Chief of Justice of the Court of Appeals, the Chief Justice of the High Court, penalty enforcement judge, Juvenile Court judge, and the relevant members of Public Prosecution shall be assigned the task of visiting prisons, review incarceration orders and arrest warrants, and ascertain fair treatment, and health and social conditions of inmates. The statute provided rules of implementation of those tasks by inspecting prison cells, ascertaining proper health conditions, ensuring that inmates are properly classified and segregated, and that each category of inmates is treated commensurate with the status of the category, in addition to inspecting food and clothing of inmates, inspecting of work areas of convicts who are carrying out sentences with labor, and ensuring that convicts are working in proper environment under suitable conditions, talking to inmates, listening to their grievances, and examining any complaints they have, and in particular abuse related complaints, and taking immediate legal action to resolve them. The office of the Prosecutor General shall be notified of violations or comments found during inspection. It shall also be ascertained that no one is illegally imprisoned, and that Persecution General Orders and court sentences are being carried out as stated.
- The Commission reviewed and commented on the final report of the Foreign Affairs, Defence and National Security Committee of the Shura Council, along with the draft law of reform and rehabilitation institutions.
- The Commission also reviewed – upon its request- the Ministerial Order issued by H.E. Minister of Interior on 22 December 2011, directing the Inspector General to take all necessary steps to guarantee the rights of the accused. Including the appointment of lawyer of his or her choice, allowing family visits in accordance with the Law of Criminal

Procedures and introducing an arrest warrant.

- The Ministry of Interior issued signed a memorandum of understanding with the International Red Cross Society on 8 December 2011. The International Red Cross Society will visit all detention centres and will provide the Ministry of Interior advice on and assistance in these reform efforts.

**1722 (e): 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.**

Implementation:

The Commission asked the relevant authorities a number of questions as follows: how many persons were actually hired? In which governorates were they appointed? Will the recruitment be limited to community police only, or will it extend to include other security sectors? The Commission requested information on action taken and to be taken in the future. It also found that the implementation on this recommendation required a clear and



*Members the National Commission during a meeting*

specific programme including the assimilation of persons from all sects in various security agency, and not in the community Police only. This should also be done by adopting transparent process and in accordance with specified time schedule.

The Ministry of Interior commenced implementation of a plan to recruit 500 Bahraini men and women from all sects and in all governorates to join the community Police, subject to satisfaction of recruitment conditions.

**1722 (f): 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.**

Implementation:

The Government of Bahrain has agreed to implement this recommendation through a training programme developed by International Institute of Higher Studies in Criminal Sciences in Italy.

The Commission was provided with a copy of the training programme developed to implement this recommendation in collaboration with the German Foundation for International Legal Cooperation, American Bar Association, the International Institute

of Higher Studies in Criminal Sciences and the University of Nottingham in the UK.

**1722 (g): There should be audiovisual recording of all official interviews with detained persons.**

Implementation:

- On 22 December 2012, The Minister of Interior ordered that all steps be taken (including ordering the purchase of the relevant equipment) to enable the audiovisual recording of all officials interviews with suspects, witnesses or detained persons.
- On 5 January 2012, the Ministry of Interior approved a detailed plan for the installation of audiovisual equipment, including architectural drawings. The first police station to be fitted with the equipment will be in Hooraa. Audiovisual equipment will be fitted in 33 interrogation rooms within two months. On 28 February 2011, the Attorney General confirmed that the Public Prosecution office will be supplied with the required audiovisual recording.

**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.**

Implementation:

On 24 December 2011, the attorney General confirmed that all charges relating to freedom of expression will be dropped, with cases only being pursued against those persons accused of violent crime. This decision benefits 334 people. On 2 January 2012, the Supreme Judicial Council announced that a committee of civilian judges will review all convictions with a view to commute sentences of all persons convicted of offences involving freedom of expression, not violence incitement.

**1722 (i): 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.**

Implementation:

At the time of writing this report, as no final death sentences has been passed, this recommendation was inapplicable.

**1722 (j): To compensate and provide remedies for the families of the deceased victims in a manner that is commensurate with the gravity of their loss.**

Implementation:

- Decree 13 of 2012 was issued on 26 January 2012, on the creation of a national victims' compensations fund which will be managed by a new committee composed of five individuals appointed by the Supreme Judicial Council. This Committee will receive and consider requests for compensation. It is empowered to award whatever form of redress fit. It may therefore award financial compensation, or order that a formal apology be offered to the victim, or require that steps are taken by the relevant body to ensure that the abuse does not occur again.

■ The Supreme Judicial Council announced on 27 February 2012, the establishment of Special Compensation Courts, these courts will expedite the conclusion of such claims for compensation.

■ The Ministry of Justice and Islamic Affairs launched the 'civil Settlement Initiatives'. Under this initiative applicants can settle their claims in a consensual manner.

**1722 (k): To compensate and provide remedies for all victims of torture, ill-treatment or prolonged incommunicado detention. In this connection, the Commission welcomes the Royal Decree Law No. 30 of 2011, for the establishment of the National Fund for the Reparation of Victims on 22 September 2011.**

Implementation:

(see the implementation of recommendation K)

**1723 (a): The Commission makes the following recommendations with regard to demolition of religious structures, termination of employees of public and private sectors, dismissal of students and termination of their scholarships .a. 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.**

Implementation:

- As stated by the Civil Service Bureau, 179 of 180 dismissed workers have been reinstated effective as of 1 January 2012. The remaining employee was not reinstated based on a final court decision which was made before the issue of the Government's instructions to reinstate all dismissed.
- 6 of the workers of the University of Bahrain: refused to return their jobs for unknown reason. As for the 19 dismissed faculty members, 17 returned to their jobs, while two did not return due to their travel out of Bahrain.
- Private Sector: As stated by the Ministry of Labour, 1893 of 2462 dismissed cases reviewed by the Government were settled. 336 workers (including retirees) were hired by other companies in jobs of equal pay and benefits. Another 139 workers are still awaiting employment through the efforts of the Ministry of Labour. The Commission continues to follow up all cases related to this issue.

**1723 (b): To use all its powers to ensure that public corporations and other employers who dismissed employees for failure to appear for work at the time of the demonstrations treat them in a way that is at least equal to that provided by the GoB to civil servants.**

Implementation:

The Government of Bahrain expended intensive efforts to reinstate dismissed private sector workers, resulting in the settlement of 93% of cases of public enterprise, and 76% of all remaining workers remain and are in the process of being reinstated. (see the implementation of recommendation 1723 (a))

**1723 (c): 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**

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adopt clear and fair standards for disciplinary measures against students and to ensure that they are applied in a fair and impartial manner.

Implementations:

All students that have not been convicted with acts of violence have been reinstated. Students charged but not convicted have also been reinstated. If students are convicted, both the University of Bahrain and the Bahrain polytechnic will have procedures in place to facilitate their readmission after a reasonable period of time. As stated by the polytechnic, 54 expelled students were readmitted, while 8 declined due to their study abroad. None of the academia or administration staff were dismissed. University of Bahrain has taken necessary actions to amend its bylaws ( to include investigation's rules and procedures) in compliance with international standards. The bylaws will be reviewed by the UNESCO experts.

1723 (d): To follow up on the statement by HM King Hamad to the effect that the GoB will consider rebuilding, at its expense, some of the demolished religious structures in accordance with administrative regulations. The Commission welcomes the GoB addressing this question at the earliest possible time.

Implementation:

- On 12 January 2012, the Government announced that 12 mosques would be built. Construction work has already begun on 5 which had both a royal decree and a building permit. Construction on the remaining 7 sites will begin very shortly. The status of remaining sites is under review pending taking required legal procedures
- The Jaafari Endowments Administration, in coordination with the Ministry of Justice, Islamic Affairs and Endowments, Ministry of Municipalities Affair and Urban Planning, Ministry of Works, and Survey and Land Registration Bureau aims to complete the legal, administrative and technical requirements for issuance of title deeds of all mosques and houses of worship, as well as for issuance of building permits, resolution of overlapping border lines of properties with some mosques and houses of worship, in preparation for their reconstruction in accordance with Royal directive.

1724 (a): The Commission makes the following recommendations with regard to media incitement issues: a) To consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media. The continuing failure to provide opposition groups with an adequate voice in the national media risks further polarising the political and ethnic divide.

Implementation:

The Commission approved a number of recommendations and wrote to the Government concerning those recommendations. They are as follows:

- Assigning the Media Affairs Authority to develop a national media strategy based on consolidating common national values and calling for reconciliation in all aspects which contribute to the interest and development of the country.
- Adopting a fair, professional and balanced media policy towards

the opposition, by ensuring that the media adopts points of view related to expediting reform at the legislative and executive levels, and catering for more of the living requirements of citizens. The official media organizations should announce the programmes to gain the confidence of citizens. This cannot be done without allowing all the political and social forces to appear in the official local media.

- Diagnosing and remedying any government discrepancies towards citizens through television and radio programmes.
- Covering seminars and events organized by political associations, focusing on their content in the media, and addressing them objectively. This would give all parties the responsibility of addressing those issues, provided that such actions are in compliance with Bahrain's Constitution and applicable laws.
- Qualifying media personnel to gain skills commensurate with international standards, in order to create specialized media expertise, focusing in the coming period on personnel concerned with political and social affairs to ensure their neutrality and best performance.
- To stop all actions which could incite feuds and conflicts in official media.
- To accelerate the issuing of laws that regulates audio and visual printing and publishing industry, both traditional and electronic, to consolidate the constitutional principle guaranteeing the freedom of expression, without prejudice to the unity of the people, and without inciting sectarian division, taking into consideration the events which took place in Bahrain and resulted in the existing sectarian prejudice, in which information and social media played a role.

The Commission was informed at the time that the Information Affairs Authority have taken the initiative and conducted advanced discussions with international experts from France to assist in the drafting of proposals for implementing this recommendation. The Commission also wrote to the Government requesting information on action taken to diagnose and remedy any remissness on the part of the state towards citizens in television and radio programs. Moreover, the Commission recommended the easing of censorship on the Internet.

Implementation Actions Taken

The Information Affairs Authority, in consultation with a team of French experts, has set out a detailed plan on the implementation of this recommendation. The plan includes the creation of a Higher Media Board to monitor and sanction any content that incites hatred. It also signed a memorandum of understanding with the Management Consulting Centre of Excellence to prepare a Media code of honour for Bahrain Radio and TV, to ensure the respect of a media code of conduct, within a framework of pluralism, neutrality, credibility, rule of law, and preserving national unity. The IAA has already signed training contracts with international media outlets (BBC and Radio France). The Government of Bahrain has also agreed to the establishment of a high level education institute to



train future journalists and other communication experts, as well as the establishment of an integrated media city to attract Arab and international radio and television media companies, and to develop the media in collaboration with the private sector, and pave the way for the establishment of private satellite channels.

**1724 (b): To establish professional standards for the media and other forms of publications that contain an ethical code and an enforcement mechanism, designed to uphold ethical and professional standards in order to avoid incitement to hatred, violence and intolerance, without prejudice to internationally protected rights of freedom of expression.**

Implementation:

- Urging the Bahrain Journalists Association to reconsider the media code of honour to address the national reconciliation phase, in order to encourage writers to promote public opinion calling for reconciliation and tolerance and rejecting division and extremism, emphasising the necessity of compliance by all journalists.
- To emphasize joint causes which consolidate national unity and call for sectarian tolerance, shedding more light on such causes in all programs and reconciling differences.
- To reorganize official media agencies, and attract information and media talent capable of building a media organization to international standards in this field.

Implementation actions include a national plan for social reconciliation developed by the Ministry of Human Rights and Social Development and a Memorandum of Understanding signed between the Ministry of Education and UNESCO in response to Recommendation 1725, Paragraph (A).

**1724 (c): 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, irrespective of whether the source is public or private.**

Implementation: The Government is working with several international experts in human rights to draft a legislation criminalizing violations of Article 20 of the International Covenant on Civil and Political Rights.

**1725 (a): 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.**

Implementation:

- To ensure the development of education programmes at the elementary, secondary and university level, aimed at promoting religious, political and other forms of tolerance.
- To Legislate regulations aimed at safeguarding the sanctity of educational and academic institutions as required by international laws.
- To Reconsider citizenship and social education curricula at all educational levels, and the assignment of a panel of qualified education experts to develop and issue proper educational

curricula founded on good and mature citizenship.

- To Activate the parents' committees at schools, and to organize periodic events and meetings for parents to serve as a means to bring families closer together.
- To Develop rehabilitation programmes for the education sector based on international standards.
- To Issue of a code of conduct to regulate professional standards for education and regulate their relationships with the components of society.
- Assignment of the Supreme Council for Islamic Affairs in collaboration with the Ministry of Education to reformulate the Islamic education curricula for the three basic levels of education.
- To Call for educational curricula in all religious institutes and schools to incorporate the values of pluralism and coexistence.
- to Work with civil society organizations to restore the local Bahraini character.

The Ministry of Education has begun reforming curricula since November 2011, held various workshops on human rights for children in December and January 2012, and in February intends to introduce an intensive training program for teachers on education for human rights. The Ministry of Education has also proposed compulsory classes in human rights and the rule of Law at the University of Bahrain, and signed a Memorandum of Understanding with the UNESCO.

**1725 (b): In general, 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 population.**

## **Workings of the Commission and Implementation:**

The Commission recommended developing a reconciliation process addressing political, social and economic aspects, and to be supported of international expertise in this field, taking into consideration the principles of human rights and constitutional principles. The Commission also met with Mr. Mark Muller of Inter Mediate United Kingdom, and discussed what the visiting delegation could offer in terms of experience in national reconciliation in other countries. The Commission also emphasizes that the implemented recommendations, such as the reinstatement of dismissed employees, reconstruction of mosques and compensations to victims and their families promotes national reconciliation. The National Reconciliation Plan developed by the Ministry of Human Rights and Social Development, which includes the formation of a committee of all ministries to oversee the plan, and to provide US \$500,000 to Civil Society Organizations to contribute to National Reconciliation programmes and other activities, is considered to be a step in the direction of national reconciliation.

## Dialogue and Implementing BICI Recommendations are the Way-Out of the Crisis

Bahrain is still experiencing a tense political and security situation, especially after the Opposition escalated their political discourse and Sheikh Isa Qasim called for the 'crushing' of any security man who assaults a protesting woman.

The President of the fact-finding Committee Dr. Bassiouni was invited by the King to visit Bahrain, in order to evaluate the Government's achievements in terms of implementing BICI's recommendations (presented on 23 November 2011). Human rights observers, politicians and those interested in Bahraini affairs, believe that implementing the recommendations is the first step towards tackling the current political crisis, which is the root of most social and security problems.

The current heated debate in Bahrain mainly concerns two main issues: what has been accomplished with regards to Bassiouni's recommendations, and national reconciliation and political dialogue between the Government and the Opposition. Only by finding permanent solutions to these problems can Bahrain regain its social cohesion, which has been badly affected due to rampant sectarianism.

### Implementing the Recommendations

On 7 February 2012, the President of the BHRM, Hasan Moosa Shafaei, stated in an interview with AlSharq Alawsat newspaper that Bassiouni's report is an opportunity to put an end to the crisis. He added that Bahrain's friends, observers as well as international human rights organizations, had all welcomed the report. They also hoped that those recommendations related to human rights violations in particular will be implemented quickly, in order to establish a common ground and promote trust between political parties. This in turn would allow us to move on to

the political file and reach a consensus on the required reforms that would satisfy all social and political groups.

Shafaei added that the Opposition refused to take part in the National Committee for implementing Bassiouni's recommendations, and that some parties within the political system are hindering its implementation. In spite of this, his Majesty the King and the Crown Prince remain eager to implement the recommendations swiftly and as far as possible from the bureaucratic complications. This is because they both want to avoid causing new problems as a result of continued protests.

With regards to the Government's accomplishments in implementing the recommendations, Shafaei said that HM the King is serious about the issue, which is why he had called for the establishment of a fact-finding committee. He also added that implementing a huge number of recommendations requires great efforts and expertise, some of which is simply not available in Bahrain. Also, given the short and unfeasible time period allocated for implementing the recommendations (not more than three months), it is unreasonable to expect that they will all be implemented soon. This is especially true considering that some of the recommendations require new laws to be drafted, which also need Parliament approval. With regards to the short and middle term recommendations, Shafaei explained that the Government apparatus has managed to implement many recommendations, such as reinstating workers, releasing detainees on the grounds of freedom of expression, returning students to their universities, rebuilding religious sites, prompting tolerance in state media and compensating victims.

Shafaei was also asked about the reaction of the Opposition towards these achievements. He explained that the disagreement between the Government

and the Opposition centres on how many of BICI's recommendations the Government has managed to implement. It is thus unsurprising to hear criticism of the Government and accusations that it has been avoiding implementing the recommendations. The Opposition is purposely belittling what has been achieved so far due to the mutual lack of trust, as well as being distant from the day to day work of the committees. On the other hand, we find that some Government officials exaggerate these achievements, and even go as far as claiming that the Government has implemented every recommendation.

With regards to Arab and international human rights institutions, human rights sources have said that based on local human rights reports the implementation process is going very slowly. Some organizations such as Amnesty prefer to evaluate the situation after the Committee finishes implementing all the recommendations. However, it is been admitted that full implementation will require a longer time scale, more efforts, expertise and cooperation with international institutions, including the OHCHR.

Political observers are concerned that both Bassiouni's recommendations and the committees for implementing them have failed to make the necessary progress. This clearly shows the difficulties and challenges that lie ahead, and how the deep problem of mistrust between political parties is. It also reveals the sharp social divisions based on sectarian affiliation in the country, as well as the existence of hard line political groups who refuse to compromise and adopt harsh views.

### Dialogue and Political Solutions

AlSharq Alawsat asked the President

of the BHRM about his view on the way out of this crisis, especially that statements by both the Crown Prince and the Prime Minister have surfaced regarding political dialogue between the Government and the Opposition. He stressed that the crisis in Bahrain is an essentially political one, which has led to other problems such as sectarianism and human rights breaches. He also added that 'there is no way out besides political dialogue, and frankly there is a concern that violence will escalate again on the street. Political dialogue could have begun after the situation calmed down in the immediate wake of Bassiouni's recommendations. However, the continuous fall of victims and the concern over more violence on the street should in fact oblige us to immediately go to the dialogue table to find a solution to the country's political problems. It is only by reaching political consensus between the three main parties: the Royal Family, Shia Opposition and Sunni political groups, can we find a way out of this crisis'.

In August 2011, the Bahraini Government organised a comprehensive national dialogue, during which all political, social and security issues were discussed. Why then is another dialogue needed now? The Opposition withdrew from the first one and will another dialogue result in a genuine solution? Shafaei believes that dialogue is a continuous process which should not stop, and can take the different forms. It is important in Shafaei's opinion that dialogue takes place, specifically with the 'Other', because this is the only way to find a solution to the problem and lay the foundation for permanent political and social stability. This of course does not entail the marginalization of other political parties. He also added that 'we appreciate the national dialogue that took place last August and respect the views of the participants, but its main weakness was the absence of the Opposition.'

In response to a question on the credibility of the Opposition, which recently escalated its political discourse,

spilling over into more violence on the street, Shafaei said 'in my opinion the escalation of Al-Wefaq aimed to highlight the need for dialogue with the Government and some believe that this was just a message to the Government'. He also added that Al-Wefaq escalated its discourse in order to contain anger on the streets, especially as recent security procedures have led to the fall of more and more victims.

### **International Human Rights Institutions**

The Bahraini Government and other social groups have complained that human rights institutions are biased. Some point out international interference (by the US, UK and EU) in order to put pressure on the Government, and use human rights reports to impose their agenda on Bahrain. The President of the BHRM explained the West does not want radical change in Bahrain, and it is keen that the regime remains in power. He added that there are reasons for Western enthusiasm: first, the West fears instability in Bahrain, which could develop into violence and extend to other areas. He added that 'instability in Bahrain allows anti-Western groups to interfere in Bahrain's affairs'. Second, Western governments were embarrassed by the human rights violations documented in Bassiouni's report, and have always been accused of adopting double standards in human rights. Third, respecting human rights has become an important factor in international relations, and any violations are unacceptable under any circumstances. Shafaei added that there was great Western enthusiasm regarding the Kingdom of Bahrain's adoption of a reform project, with all its political, human rights and social aspects a decade ago. Any setback in the reforms is a great loss for Bahrain, its people and its regime, as well as a dash to the hopes of Western countries and human rights organizations. This is because they saw in the reform process a model for the rest of the

region. In light of this, the King's vision is important: 'whatever the challenges and difficulties, Bahrain should continue with the reform project, find solutions to outstanding problems and present brave initiatives'.

### **Sectarian Divisions**

Shafaei believes that the political crisis has deepened sectarian divisions in Bahrain, and this has become one of the main obstacles in the face of any political solution. He also added that the current crisis was created by politicians who sectarian discourses to protect their positions, and is not due to historical disagreements between Shias and Sunnis. However, these social divisions cannot go on forever because we all feel a great loss on social and political and security levels, which was essentially caused by political selfishness.

As for the way out of the crisis, Shafaei stressed on the importance of political consensus which will hopefully unite the country, although the problem is complicated and the country will need years to recover, especially during a time when the whole region is trapped in a sectarian conflict. He also believes that citizens' awareness of the danger of sectarianism on their interests and future will decrease the time of recovery. Shafaei said that clergymen, intellectuals and politicians bear the responsibility for the current sectarian division, and called upon them to work towards a unified Bahrain.

Finally, Shafaei stressed the importance of preventing hate discourses abroad from penetrating Bahrain, as in the case of State media, because this plays a crucial role in protecting social unity. He also stressed the importance of adopting a unifying national discourse which includes all parties. Shafaei hopes that wisdom will eventually prevail, and noted that the sectarianism has decreased during the last few months. However, the negative effects of the past still need to be addressed.

## Government Procedures Complicate Relations with Human Rights Organisations

International human rights organisations anticipated an improvement in their relationship with the Bahraini Government, as represented by the Ministry of Human Rights. This optimism came not only as a result of Bassiouni's recommendations, but also due to the Bahraini Government's invitation, which allowed these organisations to attend the release of the report. Bahrain's Human Rights Minister also met with delegations of human rights organisations, and asked them for technical assistance in implementing Bassiouni's recommendations, whilst improving mutual relations which were badly affected during the unrest.

Recently however, relations have deteriorated, especially between the UN High Commissioner for Human Rights and the Bahraini authorities. This is due to the sudden postponement of a visit by the United Nations Special Rapporteur on Torture from March to July, and the prevention of a number of foreign human rights activists from entering Bahrain.

### What Happened?

Why did Amnesty International, Human Rights Watch, Doctors for Human Rights and Human Rights First send a joint public letter expressing their dissatisfaction and cancelling all their visits to Bahrain?

We believe that the reason for this is the Ministry of Human Rights' decision to impose a limited stay of five business days on human rights delegations as well as requiring visas for entry into the country. This was seen by international organisations as a blatant restriction on their work, and an even worse setback compared to the peak of the crisis last year, when human rights activists entered Bahrain and met officials and civil bodies without restrictions.

The letter stated in response to the letter of the Minister of Human Rights: 'We, the undersigned human rights organizations, would like to thank you for your 28 February 2012 letters and your offer of assistance with arranging our upcoming visits to the Kingdom of Bahrain. At the same time, we must object to the conditions placed on

our visits, in particular the extremely short timeframe. The five-business-day limit appears to be arbitrary and will greatly impede our ability to monitor and research human rights developments'. The letter added: 'We consider the limit imposed on the duration of our stay in Bahrain to contradict the oral commitments you and other officials made in meetings with our representatives, and to the United Nations, regarding access for international human rights organizations.' The four organisations criticised the Minister for informing them of these constraints so close to their departure day and called upon him to reconsider and increase their visit times.

Based on this, Amnesty decided to cancel its visit to Bahrain and issued a statement explaining this matter: 'Regrettably we have cancelled the fact-finding visit to Bahrain due to start today, as the new five day limit imposed by the Bahraini authorities for visits by international human rights organizations is a serious impediment to their ability to do their human rights work. The Bahraini authorities have

repeatedly stated their commitment to undertake human rights reform and to cooperate with international human rights organizations. These new restrictions contradict such commitment.' On 3rd March 2012, the Information Affairs Authority issued a statement in response to this, stressing the necessity of obtaining visas and the allocated timeframe. It also expressed its regret that the organisations have cancelled their visits to Bahrain. The statement also added that 'Amnesty's request to visit was for one week, which included a weekend. Bahrain's Minister of Human Rights and Social Development HE Dr Fatima Al Balooshi met Amnesty's representatives, upon her request, to explore how her Ministry could assist Amnesty, and to also clarify Bahrain's immigration regulations, which are not designed to be restrictive'. The Minister's statement added that 'representatives could come to Bahrain even if their arrival and departure times extended into the weekend by some hours, so that they may have the benefit of five full working days in Bahrain. The Ministry is also ready to assist Amnesty in arranging meetings, in order to try to ensure that it could finish its work. In any event, Amnesty could obtain visas for a repeat visit for a further five working days if it failed to achieve in five days what it had originally sought to achieve in six or seven.'

The statement also stated that the Authority is 'disappointed that Amnesty has chosen to put its objections to Bahrain's visa regulations before its work to promote and protect human rights. The Government also regrets Amnesty's attempt, in its statement, to link this immigration issue with the recent postponement, by a few months, of the visit of the United Nations Special Rapporteur on Torture.

The matters are unrelated. Bahrain confirms that the visa regulations do not apply to United Nations agencies and specialised bodies. Bahrain is also pleased to reiterate its commitment to human rights and co-operation with all bodies engaged in the promotion and protection of human rights, which remain welcome to visit Bahrain'. On 6th March 2012, Dr al-Balooshi reiterated the Bahraini Government's official stance, and stressed that Bahrain welcomes all visits from established rights organisations with complete credibility and transparency. However, such visits must follow the administrative rules for visas in order to guarantee their success.

## Background to Government Procedures:

Recently, a group of foreign political and human rights activists entered Bahrain claiming that they were invited by the Bahrain Human Rights Centre (BHRC). These activists participated in illegal demonstrations in the centre of Manama, one of which took place on 11 February 2012. During this protest, confrontations between security forces and protesters took place which led to the detention of two American women: Huwaida Arraf and Radhika Sainath. The women were deported the next day, and had obtained tourist visas from Bahrain Airport. According to an official statement, the two women work for a group called Witness Bahrain, whose website and twitter page are a platform for publishing the activities of the BHRC. On 12th February 2012, the President of BHRC, Nabil Rajab was arrested and then released two days later. The Bahraini Minister of Interior also announced the deportation of six American nationals who participated in similar protests. On 17th February 2012, an immigration official also announced the deportation of four foreign activists who demonstrated in al-Qadam village including two women, one American and one Irish.

On 16 February 2012, the Ministry of Interior met immigration officials and discussed with them the new restrictions regarding visa applications. The Minister explained the new situation regarding foreign activists, and said that Bahrain facilitates the visits of Businessmen and investors, and allows them to obtain visas from the airport. However, some take advantage of these facilitations and violate the rules and regulations, which required a revision of entry procedures and the issuing of visas in order to organise this process. On 19th February 2012, The Interior Minister, Sheikh Rashid bin Abdullah al-Khalifa stated that Bahrain recently prevented 54 individuals from entering the country through Bahrain International



Airport. This is because they came into Bahrain without an invitation from official bodies, whilst further investigations revealed that they were affiliated to some news organisations, and some were reporters. One of these organisations has an office in a GCC country and trains people to resist their regimes, which the Minister considers to be very dangerous. The Minister also explained that the new visa procedures will include citizens from 36 countries. He also expressed his regret that some citizens have been taking advantage of certain facilitations by obtaining tourist visas; while others have breached Bahraini laws by participating in illegal protests. For these reasons, amending immigration procedures has become necessary. The Minister also stressed that anyone visiting Bahrain with the aim of causing problems will be prohibited from entering the country, whilst asserting

that Bahrainis are able to solve their own problems.

In summary, the official point of view is as follows:

- Recent visa procedures aim to prevent political and human rights activists from easily entering Bahrain to participate in illegal political activities, such as demonstrations.
- The current problem in Bahrain is a local one, and hence any foreign interference will complicate the matter further.
- The Bahraini Government wants to continue cooperating with professional and credible international human rights organisations.

## Repercussions and Solutions

The new Government visa procedures have negatively affected the relationship between Bahrain and international human rights organisations. The Government of Bahrain views these procedures as part of protecting their sovereignty. On the other hand, despite the fact that disagreements between the Government and these organisations is only about a few extra days, the message behind these procedures in the current situation was negative, in the eyes of the human rights organisations. Amnesty International requested a mission of seven days, and the Government reduced this to five. After much pressure the weekend was added (Friday and Saturday), but these two days will force the organisation to arrive to Bahrain on Fridays. The whole issue raises the question, is this really worth undermining the relationship between Bahrain and international human rights organizations? Amnesty also complained that applying for another five days (if its delegation fails to complete its work in the first week) represents another restriction, because its delegation would need

to leave Bahrain and then reapply for new visa.

Further consequences of the recent visa procedures, which we believe will only undermine human rights, are as follows:

1) Damaging Bahrain's relationship with international human rights organizations which is a great loss for Bahrain's reputation, especially in the current circumstances. The new procedures contradict the principle of transparency, and may increase political and media pressure on Bahrain.

2) The new procedures represent a loss for international organizations, and will prevent them from closely monitoring the situation, contributing to the development of human rights in Bahrain and cooperating with the Government and civil society organizations. In fact, all parties within Bahrain will miss valuable opportunities to benefit from the expertise of these organizations.

## What is the problem with the Government decision?

We believe that Bahrain has the right to take any appropriate procedures to protect its interests. However:

- Although foreign activists benefited from Bahrain's entry facilitation, these do not represent well-known human rights organizations, even if they are involved in political activities. Witness Bahrain for example, is a newly formed group (established in February 2012), with political agenda. Hence, the new procedures should have been limited to this group only, and should not have included other better known international organizations, which have nothing to do with political activities, such as participating in illegal demonstrations or entering Bahrain by tourist visas.
- International human rights









2 March 2012

Her Excellency Fatima al-Balooshi  
Minister of Human Rights and Social Development

Your Excellency,

We, the undersigned human rights organizations, would like to thank you for your 28 February 2012 letters and your offer of assistance with arranging our upcoming visits to the Kingdom of Bahrain.

At the same time, we must object to the conditions placed on our visits, in particular the extremely short timeframe. The five-business-day limit appears to be arbitrary and will greatly impede our ability to monitor and research human rights developments.

In addition, while we greatly appreciate your willingness to arrange meetings for our organizations with relevant government officials, it is critical for us to know which meetings you are suggesting, with whom and at what time, as we need to be able to schedule a variety of additional meetings with community leaders, organizations, and other individuals who may have pertinent information about recent events in the Kingdom of Bahrain.

We consider the limit imposed on the duration of our stay in Bahrain to contradict the oral commitments you and other officials made in meetings with our representatives, and to the United Nations, regarding access for international human rights organizations. In addition, informing us of these constraints so close to our planned departure dates calls further into question the King's commitment to interact with us on a constructive basis.

We therefore respectfully request that you reconsider these limitations and respond positively to our requests to visit for more than five days.

We thank you again for your invitation and look forward to your response to this request.

Sincerely,

Hassiba Hadj Sahraoui Deputy Director, MENA Amnesty International	Brian Dooley Director, Human Rights Defenders Human Rights First	Sarah Leah Whitson Director, MENA Human Rights Watch	Richard Sollom Deputy Director Physicians for Human Rights
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cc: Khalifa Al Khalifa Director, Human Rights Organizations

### ***The statement of four human rights organisation regarding limits to their stay in Bahrain***

organizations will continue their activities, including issuing reports and statements and communicating with local and international civil society organizations. In this case, official points of view were absent or limited and these organizations will have the excuse of not being allowed entry into Bahrain or being obstructed by legal and immigration obstacles. These organizations will ultimately not accept such constraints being placed upon them by any government.

- The timing of last minute

restrictions on the organizations mentioned, just before travel, increased the sensitivity of the relationship between them and the Government.

We believe that the visa issue is entirely concerned with the Government, and human rights organizations are obliged to obtain visas before visiting Bahrain. However, with regards to imposing a timeframe, we think that the Ministry of Human Rights should revise its decision, or at least exclude well-known international organizations from it.

## International Reactions to Saleh's Report: Affirming Political Dialogue and Welcoming Achievements

International reaction to Saleh's report was generally positive, and called for continued transparent implementation of BICI's report. Despite its importance in promoting trust in the political system and as an indicator of Government commitment to human rights and reforms, whilst ensuring that the mistakes of the past are never repeated, the international community did not see implementation as Bahrain's final goal. Instead both Bassiouni and Saleh's reports should represent the foundation and reference point for promoting human rights in the country, which would ultimately lead to a stable political system through constitutional amendments and national reconciliation.

It is obvious that Bahrain's crisis was first triggered by demonstrations and then by violence and confrontation on the streets, which developed into breaches and human rights violations investigated by Bassiouni and tracked by Saleh's commission. The political issue which was at the core of the crisis (and its repercussions) remains unaddressed.

As was mentioned in previous issues of the BHRM, two aspects must be addressed to alleviate the : one legal, legislative and human rights related, and the other concerns political

### The United States:

1- On 9 February 2012, the Department of State spokesperson Victoria Nuland said that: 'The United States commends the Bahraini Government for moving quickly to implement the Bahrain Independent Commission of Inquiry Report recommendations. An essential element of promoting national reconciliation is ensuring the confidence of Bahrain's citizens in their government's commitment to, and compliance with, international human rights obligations. We urge the Government of Bahrain to act quickly on the other



reconciliation between the opposition and the Government. This would determine the final picture of a new Consensual political system under the umbrella of the monarchy, without which progress in the human rights field and political/security stability will be undermined. International human rights organizations and political research centres realize this, which explains their constant emphasis on political dialogue and national reconciliation as the primary solutions to the crisis. This represents an ideal political vision for societies which are riddled with ethnic, sectarian and national divisions.

. Both the Government and the opposition agree on the importance of political dialogue and national reconciliation and call for it. The important question now is when will this dialogue begin and what are its mechanisms? Also, to what extent are participants in dialogue prepared to compromise in order to reach consensus and establish a sustainable political situation which protects all groups in society? A situation where unity is restored and national consensus is regained, after being badly affected by the crisis and its repercussions.

The following are some statements and international directives:

recommendations of the BCI, and we call on all parties in Bahrain to create and support a climate conducive to reconciliation.'

2- US Department of State Spokesperson Nuland on 7 January 2012: 'The United States is deeply concerned by continuing incidents of violence in Bahrain between police and demonstrators. We strongly urge the Government of Bahrain to undertake a full investigation to determine if excessive force was employed by police. In general we urge all demonstrators to refrain from acts of violence and for police and security forces also to avoid excessive use of force. The Government of Bahrain has taken significant steps to implement recommendations of the Bahrain Independent Commission of Inquiry, and we urge it to complete this important undertaking without delay and continue the work

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of comprehensive reform. We encourage all the citizens of Bahrain to join in this effort, which can be the foundation for genuine reconciliation and a renewed spirit of national unity'.

3- U S Department of State on 13 January 2012: 'The key to Bahrain's future, as we have been discussing with officials in Bahrain, is a real dialogue among Bahrainis which will serve as the foundation for reconciliation and a renewed spirit of national unity'.

4- U S Department of State on 27 January 2012: 'We have and will continue to use our security assistance to reinforce reforms in Bahrain. We have seen some important initial steps from the Bahraini government in implementing the Bahrain Independent Commission of Inquiry's (BICI) recommendations, but more needs to be done. We urge the government of Bahrain to take action on the full range of recommendations that we believe will help lay the foundation for longer-term reform and reconciliation'.

5- Assistant Secretary Of State Michael Posner on 9 February 2012: 'My discussions focused on the implementation of the recommendations made in the Bahrain Independent Commission of Inquiry report. As my government has said, it is a great credit to King Hamad that he initiated the BICI process, accepted its recommendations and appointed a national commission to coordinate implementation of those recommendations. It is commendable for any government to invite and participate in an independent examination of its human rights record. The United States views the BICI report and its follow-up as a bold measure by the government to begin to rebuild confidence with the Bahraini people. Implementing these recommendations is not an easy task, and we commend the efforts undertaken so far to realize the goals of the BICI process. Ultimately, the goal of the BICI and implementation of its recommendations is to create a path toward genuine political dialogue and national reconciliation. We renew our call on all parties, including the government, political societies and others to engage in dialogue and negotiation in which all elements of society have a real voice. This must be a process led by Bahrainis themselves. It will not be easy. And it can only succeed by building a greater degree of mutual respect and mutual trust'.



6- Victoria Nuland, spokesperson for the US Department of State on 14-2-2012: 'The United States reiterates its commitment to the three core principles that we support in Bahrain and across the region: commitment to the universal rights of all citizens, including freedom of speech and assembly; support for political and economic reform; and opposition to the use of violence on any side. We call on the Bahraini Government to work with the opposition and other groups to establish a process leading to real meaningful political reform there'.

7- US congressman Jim Hims on 3 April 2012: The first steps taken towards implementing BICI recommendations have been positive, but full implementation will take time. He added that it remains necessary that the implementation process continues and is explained in a transparent manner.



## United Kingdom

1- A Downing Street spokesperson said after meeting the King on 12 December 2012: discussions focussed on the King's plans to implement reforms in the country, following on from the protests earlier this year and the report from the Independent Commission of Inquiry. He urged the King to deliver swiftly on the commitments he has made to implement the recommendations from the Inquiry and to drive forward reform and reconciliation in the country, engaging with the opposition as part of that process.

2- Minister for the Middle East Alistair Burt on 13 December 2011: 'I look forward to discussing the steps it has taken so far, making clear the importance of swiftly implementing the report's recommendations, and finding ways that the British Government can provide practical assistance. I urge all groups in Bahrain, in particular the opposition, to engage fully to seize this moment for reconciliation and broader reform'.

3- The British Embassy in Bahrain on 13 February 2012: During a visit to Bahrain, Dr Christian Turner, British Foreign and Commonwealth Office Director for the Middle East and North Africa, called for restraint, political dialogue and the effective and early implementation of all (BICI) recommendations. He said: 'The United Kingdom supports the right to peaceful protest, an essential element in any democracy. We welcome the fact that the government has authorised various political gatherings in recent days. However, we call on all sides to reject violence and to do so publicly. This would be an important confidence building measure'.



4- The Minister for the Middle East Alistair Burt on 22 March 2012: 'I welcome the National Commission's report on implementing the recommendations of the Bahrain Independent Commission of Inquiry (BICI). As the Foreign Secretary said at the time the BICI report was published, the Commission's findings were deeply worrying and we have consistently encouraged full implementation of its recommendations. Reform and reconciliation are vitally important if Bahrain is to achieve sustainable stability. I am therefore pleased to see the progress the Government of Bahrain has made so far in responding to the report, in taking



steps aimed at preventing future abuses of human rights. Introducing a police code of conduct, placing cameras in interview rooms and establishing a media oversight body are all important steps. It is also encouraging to see the establishment of a Special Investigations Unit with a mandate to bring to justice those who have perpetrated human rights abuses. We look forward to seeing the effect of these measures. But this is a long-term process and there is more to do. It remains critical that the Government of Bahrain continues its work to implement the Commission's recommendations, in particular ensuring that recent agreements are honoured, addressing issues of accountability and changing behaviour and culture. This should go hand in hand with an inclusive, constructive and realistic political dialogue between the government and political societies. The UK, as a friend and ally, will continue to give its support to these processes'.

5- The Foreign Office statement on 3 April 2012: Minister Alistair Burt met Bahrain Minister for Follow Up at the Royal Court of Bahrain Sheikh Ahmed bin Atiyatallah Al Khalifa. They discussed the current situation in Bahrain, UK/Bahrain relations and the progress made since the Independent Commission of Inquiry published its report in November 2011. They discussed plans for a political dialogue, the security situation, specific human rights concerns and areas where the UK could provide assistance. The Minister for the Middle East emphasised the importance of reform and reconciliation if sustainable stability is to be achieved in Bahrain. He said: 'We have consistently encouraged the Government of Bahrain to implement in full the recommendations from last year's Independent Commission of Inquiry. We hope that the steps taken so far by the Bahraini Government will provide the basis for further reform and will help prevent future abuses from being committed. Reports of ongoing violence and street protests in Bahrain make clear this is long-term process and more needs to be done. The Bahraini Government should continue to make progress on a political dialogue that is inclusive, constructive and realistic, but I also encourage all other parties to take the necessary steps to achieve this as a matter of urgency. We are ready and willing to provide assistance to Bahrain to help them implement these reforms'.



## The European Union

1- Statement by the spokesperson of High Representative Catherine Ashton on the anniversary of the unrest in Bahrain on 13 February 2012: 'On the eve of 14th February, High Representative Catherine Ashton calls upon all parties in Bahrain to exercise calm and restraint, especially during the planned demonstrations, which she trusts will take place in a peaceful manner. The High Representative also stresses that

it is indispensable that all sides contribute constructively to the national reconciliation process, including by implementing the recommendations of the report issued by the Bahrain Independent Commission of Inquiry. The EU reiterates its support to this process'.

2- The European Parliament on 15 March 2012: Parliament urges the Bahraini authorities to achieve national reconciliation through a comprehensive and constructive dialogue. This is crucial for the democratic stability of Bahrain's diverse society, and dialogue must guarantee equal rights for all citizens through the practice of the Law. The Parliament also urged the respect of human rights and the implementation of required reforms swiftly and in full. It also called for impartial and independent investigations to be made into human rights violations by the police and security forces, and reiterated the call for immediate and unconditional release of all peaceful demonstrators, political activists and human rights defenders.



## Germany

The German Federal Foreign Office on 23 March 2012: 'The international Bassiouni Commission, established to investigate the events of spring 2011, presented its final report in November 2011. Bahrain has not yet completed implementation of the Commission's recommendations. The German Government is firmly of the opinion that only meaningful dialogue between all players in Bahraini politics can lead to national reconciliation, and it encourages the Government and opposition groups to seek such dialogue'.



## France

The French Foreign Ministry on 26 March 2012: 'We have taken note of the submission of this report; we noted with interest the efforts of the Bahraini government to respond to the Bassiouni Commission's recommendations. We hope that the announced measures will now be implemented within the framework of an inclusive process of reform and dialogue which will bring together all components of Bahraini society and political life. We urge all parties to take advantage of the opportunities for dialogue afforded to them, in order to find a solution that will respond to the aspirations of all Bahraini citizens and to ease tensions over the long term'.



## International Human Rights Organizations: between Bassiouni and Saleh's Reports

Bassiouni's report was very much concerned with the human rights aspects of the Bahraini crisis and holding those responsible for human rights violations accountable. It also provided an adequate description of the crisis, whilst presenting proposals and recommendations in order to find solutions through potential implementation.

It is unsurprising then, that local, international and regional bodies, as well as political societies and countries interested in the Bahrain, gave Bassiouni's report a great deal of attention for a number of reasons. Some human rights organizations saw in it a confirmation of their statements and reports, whilst various political societies applauded its condemnation of the Bahraini Government, and used the report to support their positions and political demands. On the other hand, western countries expressed their hope that BICI's report would constitute the first step towards addressing political and human rights issues in Bahrain. For these reasons, there was unprecedented international, political and media interest in the report which was regarded as a reference point for documenting violations and the recommendations it provided.

By comparison, the report of the National Commission in charge of implementing Bassiouni's recommendations attracted less interest, despite being directly concerned with the steps that should be taken towards solving the current crisis. It isn't at all rights that Bassiouni's report to be given a great deal of attention only because it condemns the Government and documents violations. After all, the ultimate objective of the report, in addition to holding the Government responsible,

is to find solutions to the problems in Bahrain. Bassiouni's report provides guidelines towards such solutions, and local and international human rights organizations rightly gave it the attention it deserves. On the other hand, Saleh's implementation report is concerned with directing Government actions on the ground, which means it evaluates legislations, amends laws, reforms Government institutions and puts into practice preventative measures to avoid human rights violations. In addition to addressing the violations which have occurred since February and March 2011, Saleh's report also addresses the root causes of human rights violations in the country. According to human rights literature, it is necessary to identify the real causes of violations in a given country, as short term solutions are insufficient without structural reforms of government institutions, legislations and the practices of Government apparatus. For this reason, it was surprising that Saleh's report was not given enough attention and evaluation by local and international human rights organizations.. It was expected that leading international human rights organisations would present objective criticism and evaluation of Saleh's report, as well as following the implementation of Bassiouni's recommendations and ensuring Government compliance.

We seek to draw attention to the strategic implications of the solutions provided by Saleh's report. The political stagnation and security tensions do not serve the human rights cause in Bahrain. Hence, all parties should participate in finding a real solution to the problem and tackle the violations which took place, whilst laying the foundation for a new phase where such violations do not reoccur.

### HRW Evaluation of Saleh's Report

Human Rights Watch is the only international human rights organization to provide a partial evaluation of Saleh's report, and what has been implemented from Bassiouni's report. On 28 March 2012, HRW issued a report entitled 'Bahrain: Vital Reform Commitments Unmet'. Regardless of the language used in this report, its concentration on Government shortcomings, and the gaps in the information provided, it does present a relatively useful and beneficial evaluation. HRW justified this by claiming that it did not have access to some information due to restrictions on its delegation's visit to Bahrain.

HRW's report presented the positive steps taken by the Government regarding some of Bassiouni's recommendations, and the aspects which have not yet been implemented. HRW stated that 'some of BICI's most serious concerns, like accountability for crimes such as torture and relief for people wrongly imprisoned, were not adequately addressed'. But when referring to Saleh's report, this statement appears to be inaccurate. Moreover, there are differences in defining what is important and what is the most important, and Saleh's report does not claim that all BICI's recommendations have been implemented. In fact, the report asserts that this needs time, and the Government (as represented by the King) also pointed to the importance of continuing the implementation process.

The following are some comments on HRW's report:

1) HRW's report concentrates on recommendation No.1761, regarding

Human Rights Watch

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## البحرين: الفشل في تنفيذ التزامات إصلاحية هامة

مئات الأشخاص مازالوا في السجون بسبب التعبير عن الرأي وكبار الضباط لم يظهروا العقاب

مارس 28, 2012



(ببروت) - قالت هيومن رايتس ووتش اليوم إن الحكومة البحرينية لم تنفذ أهم التوصيات التي قدمتها اللجنة المستقلة التي بحثت في انتهاكات حقوق الإنسان التي حدثت على نطاق واسع خلال حملة قمع المحتجين المطالبين بالديمقراطية في عام 2011.

وكانت اللجنة البحرينية المستقلة لتقصي الحقائق، التي أنشأها الملك حمد بن عيسى آل خليفة وترأسها شريف بسبوني، الخبير القانوني من أصل مصري - أمريكي، قد نشرت النتائج التي توصلت إليها في نوفمبر/تشرين الثاني 2011. وفي ذلك التوقيت، وعد الملك بتنفيذ جميع التوصيات الصادرة عن اللجنة وأنشأ لجنة وطنية لمتابعة التنفيذ. وفي 20 مارس/آذار 2012، أعلنت هذه اللجنة أن تنفيذ توصيات اللجنة المستقلة لتقصي الحقائق لا يمكن أن يتحقق إلا إذا تمت معالجة القضايا التي تتعلق بحقوق الإنسان في البحرين. ولكن هيومن رايتس ووتش قالت إن الحكومة البحرينية لم تنفذ أهم التوصيات التي قدمتها اللجنة المستقلة التي بحثت في انتهاكات حقوق الإنسان التي حدثت على نطاق واسع خلال حملة قمع المحتجين المطالبين بالديمقراطية في عام 2011.

وكانت اللجنة البحرينية المستقلة لتقصي الحقائق، التي أنشأها الملك حمد بن عيسى آل خليفة وترأسها شريف بسبوني، الخبير القانوني من أصل مصري - أمريكي، قد نشرت النتائج التي توصلت إليها في نوفمبر/تشرين الثاني 2011. وفي ذلك التوقيت، وعد الملك بتنفيذ جميع التوصيات الصادرة عن اللجنة وأنشأ لجنة وطنية لمتابعة التنفيذ. وفي 20 مارس/آذار 2012، أعلنت هذه اللجنة أن تنفيذ توصيات اللجنة المستقلة لتقصي الحقائق لا يمكن أن يتحقق إلا إذا تمت معالجة القضايا التي تتعلق بحقوق الإنسان في البحرين. ولكن هيومن رايتس ووتش قالت إن الحكومة البحرينية لم تنفذ أهم التوصيات التي قدمتها اللجنة المستقلة التي بحثت في انتهاكات حقوق الإنسان التي حدثت على نطاق واسع خلال حملة قمع المحتجين المطالبين بالديمقراطية في عام 2011.

اتخذت مملكة البحرين بعض الخطوات الإيجابية، ولكن لا يمكن لحكومة البحرين التحدث عن تنفيذ توصيات اللجنة المستقلة لتقصي الحقائق في وقت مازال فيه مئات الأشخاص خلف القضبان بسبب التعبير عن الرأي والمطالبة بتغيير الحكومة. ويبدو أنه لم يتم التحقيق مع أي ضباط من أصحاب الرتب العالية في الدور الذي لعبوه في انتشار التعذيب وعمليات القتل غير القانونية.

جو سنورك، نائب المدير التنفيذي لقسم الشرق الأوسط وشمال أفريقيا في هيومن رايتس ووتش

not yet been implemented, such as carrying out a comprehensive review of court sentences imposed for speech crimes and to void convictions imposed after grossly unfair trials.' This relates to recommendation No.1722 (f), and many detainees have been released as it is clear in the records of Saleh's Commission and the letters of the Prosecutor General to HRW. However, HRW's report connected the issue to the 21 detained political leaders, whose cases are still pending.

On 1 April 2012, The Ministry of Human Rights responded to HRW's report, commenting that the implementation of the recommendations is continuing, and it has only been 130 days since the submission and publication of the BICI report. It is therefore very early to make a final assessment about what the organization claimed to be "unmet reform commitments". The Ministry added that this indicates that HRW's statement did not agree with the advice provided by independent legal experts on how to develop and assign the independent investigation mechanism recommended by BICI.

The Ministry's statement added that until now, the Bahraini Government has relied on the advice provided by a number of legal experts who are pioneers in the world in this area, and has full confidence in the legal advice it has used. The list of legal experts includes: Daniel Bethlehem QC (renowned international lawyer who had previously worked as a key legal advisor to the Ministry of Foreign Affairs in the United Kingdom), Jeffery Joel (a prominent lawyer in constitutional law in the United Kingdom), Sarah Cleveland (Professor of Human Rights, Columbia University,) and Adnan Amajan (Professor of international and EU law).

Ultimately, this partial evaluation of Saleh's report by HRW is a much better effort than completely ignoring its importance, and not giving it the necessary attention it deserves.

holding those responsible for breaches such as torture and killing accountable (including those in higher position). HRW added that it 'knows of no efforts to hold accountable high-ranking officials', despite the fact that investigations have covered many perpetrators.

2) HRW questioned whether the decision to assign investigations to the Public Prosecution Office would in fact meet recommendation No.1722 (a) which calls for investigating violations by an independent, impartial and effective authority, in accordance with Istanbul principles. Bassiouni had also recommended the establishment of another permanent body to examine all torture complaints (recommendation

No. 1722(b)). It is worth noting that a bill was presented to Parliament relating to the establishment of a national human rights commission, in accordance with Paris principles, to investigate torture and ill treatment allegations.

With regard to the first body, the Government consulted five foreign experts, and saw that the Prosecutor General should undertake investigation. The latter also sent a letter to HRW saying that there is no law which prevents adopting measures against any official who is proven to be involved in the events, regardless of his position.

3) HRW's report states that 'other key BICI recommendations have

## Democratic Consensual Monarchy

More than a year has passed and Bahrain's political, social and human rights crisis continues. The Government and all segments of Bahraini society are eager to see the end of the crisis and hope recent events never reoccur. But the important question is when and how will it end?

How?

Political parties, foreign observers and researchers all have a clear idea about the way out of this crisis: first by easing tensions surrounding the most controversial issues, especially human rights, and this was the goal of both Bassiouni and Saleh's reports. Secondly, a political settlement must be reached through national dialogue and national reconciliation.

When will dialogue and reconciliation take place?

At present, despite continued protests and outcry from human rights organizations, the Bahraini scene has reached political stagnation. This has been the case for several months, as the opposition, the regime and Sunni groups are all refusing to compromise or make an effort to break this vicious cycle.

What next?

For the past the year the explosive part of the crisis was linked to human rights issues, for example: trials, torture, compensation, religious sites, dismissed students, freedom of expression, right to assembly and sectarianism among others. Efforts are now being made to address such human rights issues, which Bassiouni's report dealt with and provided recommendations for. The current political debate uses human rights terms in order to win political battles against opponents, whilst waiting for dialogue to begin. Ultimately, the Bahraini citizen, burdened with sectarianism and political disagreement, is the biggest loser of all.

Political stagnation means that all political parties refuse to compromise, and without compromise there will be no dialogue, national reconciliation or a consensual political settlement on the horizon. It also means that political parties are placing their bets on local and regional changes.

Three words summarise the bases to alleviate the crisis:

**Monarchy:** it is not possible for any party to change the political system, whether

by violent or non-violent means. The Monarchy should be an umbrella for the two components of Bahraini society, the arbitrator of disagreement and the achiever of political balance. This should develop into a constitutional monarchy in the future.

**Consensual** which means all social components agree on the extent of changes and determine the direction and policies of the regime and their participation in political life.

**Democratic** which conforms with international human rights principles in justice, equality, accountability, as well as respecting diversity and the citizen's opinions, choices and political and civil rights.

The current political stagnation in Bahrain should end as it is negatively impacting all political, social and economic aspects of public life. All parties should accept the principle of consensus as a basic element in alleviating the problem. This is because monarchy is generally accepted as a political system, and democracy as a mechanism for public participation in decision making, in order to build a civilised country and a developed society.

## The OHCHR Welcomes and Criticises

On 20 March 2012, the OHCHR criticised the use of excessive force including the use of tear gas by the security forces. The Spokesperson for the OHCHR Rupert Colville called upon the Bahraini Government to investigate the alleged use of such excessive force, adding: 'we have been receiving worrying reports of the disproportionate use of force by Bahraini security forces, including the excessive use of tear gas, the use of pellets and rubber bullets. The use of tear gas in particular has reportedly resulted in a number of deaths of protestors and bystanders - and that number has reportedly risen in recent months'. Colville also welcomed the recent issuing of a new code of conduct requiring the police force to adhere fully to human rights principles, and hoped that its implementation will be carefully monitored.

## BHRS Supports the Visit of Rapporteur on Torture

On 4 March 2012, the Bahrain Human Rights Society called upon the Government to allow the UN Rapporteur on torture to enter Bahrain and perform his assigned task. This includes facilitating his meetings with officials, political and civil society organizations and victims and their families, in order to enable him to provide constructive recommendations for developing Bahrain's human rights record. The BHRS also reminded the Government of its international commitments, as stated in the Universal Periodic Review and presented to the Human Rights Council. This includes permitting visits from all UN rapporteurs, international human rights organizations, human rights activists and journalists.

The UN Special Rapporteur on Torture Juan Mendez was expected to visit Bahrain from the 8-14 March. However, the Government requested that this visit should be delayed without allocating a new time frame. The BHRS also called upon the Government to adhere to its commitments and the international agreements it has signed, including the UN Convention against Torture, whilst ensuring regular presentation of its reports to the relevant international bodies.

## Compensating Victims Based on Civil Settlements

On 4 March 2012, an initiative for civil settlements was ratified by the Council of Ministers, whereby afflicted parties can settle their claims in a consensual manner outside courts. This does not affect the rights of those who do not

accept a settlement or those who wish to resort to the civil court, nor does it remove any criminal liability. The Council also clarified the mechanisms of this settlement, which includes the establishment of a committee in the Ministry of Justice for receiving applications, as proposed by the Minister of Justice and Islamic Affairs and Endowments.

## UNDP Facilitates National Reconciliation

The Assistant Resident Representative of the UNDP in Bahrain, Mr Mohammed Al-Sharif, announced the launch of a programme designed to attract experts to improve the communication skills necessary for achieving national reconciliation. He also believed that international experts would be needed to provide training for institutions as well as individuals, adding that the UNDP has already organised 25 successful programmes to support these kinds of skills. Moreover, one of UNDP's American experts in New York Chetan Kumar stated that the organisation met several officials, as well as the Council of Representatives, and discussed with them successful international experiences on national reconciliation. He also added that field surveys and polls to individuals and institutions will begin soon, as national reconciliation is necessary for the security of society. He also added that mistrust between the two parties is natural at this stage, for sometimes the stronger party lacks a motive to communicate, depending on its power, whilst the weaker party can also cast doubts on the other. Trust should first be created and fears removed in order to start the reconciliation process. He added that individuals and groups should be encouraged to facilitate reconciliation by removing boundaries between the various social segments. Each group has different way of thinking and certain communication skills, and all should cooperate to provide a safe space for each other in order to restore confidence.

## Prosecutor General: Action against Doctors' Torturers

The Attorney General Abdul Rahman Sayed announced that the Prosecution is currently investigating torture allegations regarding the case of 20 doctors. The Prosecution listened to the testimonies of the accused, and investigations continue in order to uncover the truth. He strongly affirms 'that legal procedures will be taken against those involved, whatever their position, and we will not hesitate to bring them to justice if we have enough evidence against them'.

# Concerns over Violence and the Necessity of Political Dialogue

The 14 February 2012 saw the commemoration of the unfortunate events of 2011, which resulted in the deaths of many, as well as human rights breaches and sharp social divisions. On this occasion, the Bahrain Human Rights Monitor (BHRM) issued a statement highlighting several points which represent the foundation for a solution to the current crisis.

Firstly, the BHRM stressed the necessity of implementing Bassiouni's recommendations, as this represents one of the most important means of regaining trust between the Government and political parties despite all difficulties and challenges. The President of the BHRM Hasan Shafaei said that, although the Government has managed to address many problems, there are some recommendations which are of real concern and interest to the human rights community, and should be dealt with swiftly. These include: the cases of detainees, doctors, dismissed workers, compensating victims and prosecuting those responsible for violations.

Secondly, the issue of freedom of expression, assembly and protest is guaranteed in the National Action Charter and in the Constitution, meaning that no one who exercises these rights should be punished. The BHRM called upon the law enforcement agencies to exercise restraint, refrain from using excessive force and guarantee the safety of civilians. The BHRM also stressed the importance of coordinating with the

relevant authorities regarding places of protest and assembly, whilst stressing the peacefulness of the demonstrations, which have sometimes descended into violence.

Thirdly, the BHRM stressed the importance of direct dialogue between political parties and the Government in order to find way out of the political crisis, urging them to stop communicating with each other through the media or public speeches. Shafaei also said that it is brave for decision-makers and their opponents to sit down and try to solve their political problems. He also added that the call for dialogue is not a crime, and anyone refuses it intentionally or unintentionally encourages the escalation of violence, tensions on the street and the fragmentation of society. Moreover, dialogue has its own mechanisms and political disagreement will only increase tensions.

The BHRM concluded its statement by calling upon all political parties to pause and reflect upon what the country has lost and what it has gained in the last year. This evaluation will reveal that everyone is a loser, and continuing the problem would mean wasting more of Bahrain's resources. It is now necessary for the country to find a Consensual solution and restore societal peace, which can turn this black page in Bahrain's history and return hope to its citizens. This cannot be imposed on Bahrainis, it should come from within, and we hope their decisions will be wise and mature.

## Dialogue and Implementing the Recommendations are the Solutions to the Crisis

The President of the BHRM Hasan Moosa Shafaei called upon the authorities in Bahrain to facilitate the mission of the UN Special Rapporteur on Torture, who has been invited by the Bahraini Government to visit Bahrain. Shafaei believes that Bahrain needs international expertise to help it implement Bassiouni's recommendations, improve the performance of its human rights institutions and its human rights record generally. The situation in Bahrain is being closely monitored by leading human rights organizations, especially that some areas still witnessing demonstrations, riots and human rights breaches.

Shafaei commented on the speech of the Minister of Human Rights and Social Development Fatima Al Balooshi before the Human Rights Council in Geneva on 28 February 2012, by saying that it was a relatively balanced speech. In her speech the Minister said that the Bahraini Government is serious and

keen to implementation Bassiouni's recommendations and to push forward the political dialogue. Shafaei stressed the importance of these two principles in promoting trust between various political parties, and in conveying clear messages regarding the State's commitment to reform, transparency and adherence to internationally accepted human rights principles.

The Minister had also stated that mistakes were made, including the use of excessive force, illegal detention and unlawful killings, adding that the Government is trying to remedy these mistakes through the compensation fund, the release of detainees and the reinstatement of workers. Shafaei commented that these are precisely the issues that local and international human rights organizations are urging Bahrain to address. This includes implementing the BICI recommendation which is related to accountability as a basis

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for reform and an indicator for the next phase.

Shafaei commended the Government's cooperation with international human rights organizations, and the signing of a memorandum of understanding with the International Committee of the Red Cross, which allows visits to detention centres. He also praised the signing of memorandum of understanding with the UNESCO to promote tolerance, diversity and human rights, and the Ministry of Human Rights' efforts to sign a memorandum of understanding with the OHCHR. Shafaei suggested that the OHCHR memorandum should reflect the fullest extent of cooperation and scope of authority, and include the basis of OHCHR work in Bahrain, including monitoring, evaluation and protection. Such cooperation will have strategic effects on the human

rights situation in the country, and will lay the foundation for qualitative development in official human rights practices.

Shafaei concluded his statements by stating that the challenges facing Bahrain are considerable. He hoped that Bassiouni's recommendations will be implemented as soon as possible, and that a serious political dialogue will be initiated in order to continue with structural and constitutional reforms. He also called for another dialogue to take place on a social level, paralleling Bahrain's political dialogue, to tackle sectarianism and reunite the country's social fabric. Moreover, he hoped that all political bodies will work together to ease tensions on the street, stop breaches completely, and avoid human casualties, so that Bahrain can recover from this crisis as soon as possible.

## **Seminar in Geneva: Bahrain Faces Political and Human Rights Entitlements**

On the sidelines of the 19th session of the Human Rights Council, the President of BHRM gave a presentation during a seminar held on 15 March 2012 on human rights in the context of the Arab spring. The seminar was headed by Dr. Loai Deeb of the Global Network for Rights & Development. Shafaei explained the features of political development in Bahrain, which started before the Arab Spring when political reforms began in 2000. This period witnessed the establishment of political and civil society organizations, parliamentary and municipal elections, and an expanded margin of freedom of expression, assembly and protest. Additionally, the period also witnessed many legislative amendments and the passing of new laws which regulate Government apparatus, until the recent protests erupted, causing a big crisis inside the regime, the opposition and Bahraini society. Public protests came as an expression of the need for more political reforms, encouraged by previous ones which were deemed insufficient, yet had whetted the public appetite to begin with.

Shafaei continued that despite such developments, the Government was struck by the concerns and fears of some local parties, as well as by the violence and riots on the street, which led to a loss of momentum in the reforms, as the Crown Prince noticed. Shafaei also noted that the Executive Authority was not able to keep up with the big reform decisions made by the Bahraini leadership, and the performance of the public services was also below the expectations of citizens. Bahrain also fell prey to an unfavourable regional situation, which discourages political reforms and human rights.

He explained that citizens of nations which are actively engaging in a reform process and enjoy a margin of freedom of expression, generally becomes more able to express their aspirations from those living in total dictatorships. Hence, it was to be expected that the popular movement and political change in Bahrain would take the form of gradual reform, and not a revolution. The situation in Bahrain should have developed in a similar way to Morocco for example, and the movement on the street should have energised the reform project and improved the political system using peaceful, democratic and civilised means.

But mistakes by the security forces were made, followed by the adoption of extreme political views by the opposition, and accompanied by violence and vandalism on the streets. Subsequently, a call for dialogue by the Crown Prince was met by calls to overthrow the regime, which resulted in large-scale confrontations.

Shafaei concluded his presentation by saying that both the Government and the opposition have failed to tackle this crisis responsibly, and that the biggest losers were the moderates on both sides. Ultimately however, the main loss lies in the creation of deep social and sectarian schisms in Bahrain, and in the field of human rights. He also added that there are two ways towards solving this crisis: the first is a human rights solution, through implementing Bassiouni's recommendations. The second is political and can be achieved through dialogue between the various political parties, which should result in reconciliation between Shia and Sunni political parties, as well as the Royal Family.

## BHRM Activities

### Bahrain

The President of BHRM Hasan Moosa Shafaei met the Chairman of the National Commission concerned with the implementation of Bassiouni's recommendations Ali bin Saleh Al-Saleh. The meeting took place in the latter's office in Manama. During the meeting, human rights situation, national reconciliation and the importance of following up the executive authorities' implementation of Bassiouni's recommendations were all discussed. Shafaei also received two copies of Saleh's report in both languages English and Arabic.

Shafaei also met with several prominent political and human rights figures including: the General Director of the Democratic Tribune Society and a member of the National Commission Dr. Hasan Madan, the former General Director of the Bahrain Human rights Society, and a member of the National Commission: Abdulla Al- Drazi and the President of the Bahrain Transparency Society Abdulnabi Al- Ekri. During these meetings, political and human rights situation in Bahrain were discussed. The meetings also discussed ways that would positively contribute to the improvement of situation and promote respect for human rights .

### Moscow

During a business trip to Moscow, the President of the BHRM met the Head of the Council on Civil Society and Human Rights affairs at the Russian Presidency, Prof . Mikhail Fedotov. During the meeting, human rights in Bahrain and a potential cooperation between Bahraini and Russian civil society were discussed.

Shafaei also met the General Manager of Russia Today satellite Channel- Arabic division- Alaxander Nazarov, with whom he conducted an interview discussing the commemoration of the events which took place last February. He also met many journalists working for RT Channel, including Salam Mosafir.

Shafaei also met the President of the Department of Asian and Middle Eastern Studies in the Russian Institute for Strategic Studies Dr. Elena Suponina.

### Geneva

The President of the BHRM engaged in many activities during his visit to Geneva, including attending the meetings of the Human Rights Council during its 19th session.

He also participated in seminars on human rights in the Arab World in general, and in Bahrain in particular. Shafaei also met many foreign and Arab human rights activists including: the Vice President of the Bahrain Human Rights Society Esa Al- Ghaib, Shawan Jabarin, the General Director of Al Haq, a Palestinian Human Rights Organization, a Syrian human rights activist Dr. Haytham Manna, the Chief of Middle East and North Africa section in the OHCHR Frej Fenniche, as well as Mohamed Hojeij, the Officer in charge of Bahrain in the OHCHR.

### Other Activities

During another visit to Germany, the President of BHRM met several activists and journalists including the Head of the Arabic Department in the German Satellite TV Channel DW Mustafa Isaid, his Deputy Mohamed Ibrahim and the Editor in Chief of Qantara website Loay Mudhoon.

An article by the President of the BHRM entitled Spring or Crisis in Bahrain was published in the The Democracy, an Egyptian Quarterly issued by Al – Ahram Establishment.



*The President of BHRM with Ali bin Saleh Al-Saleh*



*with Frej Fenniche of Middle East and North Africa section in the OHCHR*



*at symposium in Geneva on human rights in the context of the Arab spring*



*In a meeting with Prof . Mikhail Fedotov*



*with Dr. Elena Suponina*



*with Alaxander Nazarov of Russia Today satellite Channel*