

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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In this issue

- 2** The King: We Will
Leave Crisis Behind
- 3** Understanding The Political Aspect
Benefits The Human Rights Situation
- 4** Government & Human Rights
NGOs: A Tensed Relation
- 6** The Concerns of Human Rights
Organizations Are Food For Thought
- 8** Bahrain: Steps Towards
Reinforcing Transitional Justice
- 12** Reconciliation & Transitional Justice:
A Must for Bahrain
- 17** FCO's Report: Bahrain is
(A Case Study)
- 19** Prosecuting Perpetrators of Torture
- 20** BICI's Recommendations: The
Follow Up & Implementation
- 30** Bahrain's Day in Genève

Preventative Mechanisms are a priority

During Bahrain's months of crisis, in spite of some reservations regarding the role played by international human rights organizations, their work has resulted in the Government's admission of the occurrence of human rights violations and the establishment of an investigation committee as well as another follow up unit in charge of implementing the recommendations. This is in addition to the compensation of victims, introduction of a code of conduct for the police, organisation of workshops for law enforcement officers and the prosecution of perpetrators of torture.

All these steps are taking place although there remains some tension and violence on the streets which renders the prevention of further human rights violations a difficult task. Despite all achievements, the main source of concern can be summarised in a specific question: how can we put forward mechanisms to prevent future human rights violations? This question is more important than how to tackle the problems of violations after they have taken place.

Currently, Bahrain is in the phase of tackling violations after their occurrence, but all efforts will be inadequate if preventative mechanisms are not introduced to prevent further violations. In other words, Bahrain needs a system which includes new legislations, the establishment of judicial institutions, reforming the Judiciary and promoting talents and transparency in official institutions.

This new system represents a priority for human rights activists and International Human Rights Organisations and should become a priority for the Bahraini Government as well. The Government announced many legislative steps during the last few months; however, it seems that Bahrain is still in need of the help of the OHCHR and other human rights organizations. This form of help is not new, and it is important for the Bahraini Government to request it and cooperate with international institutions.

This cooperation will create a positive ambience between the two parties and will contribute to settle down the prevailing crisis of trust. This is also an effective means of convincing international institutions that Bahrain is on the right track and is serious about reforming its human rights file. Without this kind of cooperation, statements of condemnation will continue and the and mistrust will prevail.

The King of Bahrain:

Human rights crisis will not be repeated: Dialogue without outside mediation

On 24 June 2012, the King of Bahrain delivered a speech during a Council of Ministers meeting. The speech included several messages to local and foreign parties and called for the development of Government apparatuses in order to directly communicate with the citizens and achieve prosperity.

One of the main political messages of the speech is the Government's commitment to dialogue with the opposition. This is to take place without any foreign mediators as this issue is part of the country's internal affairs. This implies that dialogue can only be achieved if the concerned parties are convinced of the importance of it as dialogue cannot be imposed from the outside. This can also be seen as a warning to regional and international parties that are seeking a dialogue which suits their own interest and objectives. The level of political maturity in the end is what will specify the time, subjects and outcome of the dialogue.

Major political crises can only be settled through dialogue, however, relying on foreign pressure constitutes an obstacle in that way. We hope that after more than a year of unrest in Bahrain, political parties have reached political maturity and are ready for dialogue for the sake of Bahrain. This should be achieved without foreign influence which will only prolong the crisis and reproduce it.

The second message relates to the repercussions of the crisis and was directed at the opposition, the Government and the general public.

The King, reaffirmed that violence and human rights violations that took place in February 2011 will not be repeated as the past collective experience, losses and new awareness of the people will prevent this from happening again. Moreover, the speech highlighted that the process of reform is required and will continue, but it is going to be gradual and in accordance with the law and in line with the provisions of the Constitution. In addition to this, reform and security will only be achieved by respecting the Judiciary and human rights principles.

The third message is related to the social fabric and sectarianism which was the most dangerous outcome of the crisis as it tore the social fabric and disunited the society.

The King's speech highlighted four points:

Firstly, political disagreements should not be allowed to prejudice the unity and the harmony of the society. In other words, political disagreements should remain among political parties. Political leaderships should not transform their disagreement into sectarian discourses because ultimately this will break down the foundation of the state, complicate political solutions and destroy trust amongst our people. The selfish interests of political parties must not prevail and cause social schism which requires years to heal.

Secondly, social initiatives should be encouraged in order to promote national unity and avoid violence and the incitement of hatred and sectarianism. The King urged civil



society institutions, religious leaders, intellectuals and journalists to take an active and effective role in order to restore trust. He praised recent initiatives aiming at achieving social and national reconciliation. It is important for political disagreements to be confined to political parties and the general public recognize the priority of social co-existence.

Thirdly, restrictions on religious discourses should be introduced. The King demanded that the Ministry of Justice and Social Affairs fulfil its role in protecting religious discourses from being manipulated and should take more active measures in order to protect its noble message. This requires new legislations and putting into practice the existing laws; such as criminalising all forms of sectarianism.

Fourthly, promoting the role of the media is needed in order to preserve national unity and human rights culture, avoid sectarian discourse and allow more press freedom. For the media should be free from all sectarian, political and social polarisations. There is also a need for a modern press law which protects freedom of expression and outlaws any related breaches which could endanger national unity. We will not have a mature society which refuses sectarianism without having a free media which allows the free access to information, promotes transparency, spreads awareness and protects the rule of law and human rights.

Understanding political reality is necessary to guide human rights

Politicians have an important role in dealing with problems during political or human rights crises. This involves taking into consideration the nature of the crisis and its local and regional effects as well as local political balances, among other issues.

Human rights activists approach the problems from a different perspective. Their main area of interest is monitoring and documenting human rights violations, helping the victims, providing technical assistance to ensure that the Government apparatus is in accordance with internationally accepted standards and preventing the reoccurrence of violations.

The political approach considers human rights as an effective tool of pressure. On the other hand, the human rights approach is concerned with the effect of politics on the human rights situation. Some local and regional human rights organizations marginalise politics to the extent that it has negatively impacted the human rights cause.

These one-sided perspectives are exactly what weakened the role of local, regional and international organisations in guiding the way the crisis is managed on a political and rights levels. As a result

of this, these organisations have been unable to take real initiatives and to contribute to the alleviation of the crisis. This has limited the role of these organisations to condemning the violations without taking into consideration the political dimension to the crisis which is the real problem. Due to the political uncertainty, these organisations have become dependent on opposition sources and at the same time, have ignored and cast doubts on information provided by official sources.

Based on this, it is possible to say that the unclear picture of the Bahraini political scene among human rights organisations did not help in positively directing the political and human rights situation. Therefore, it is possible to say that during the crisis in Bahrain the general performance of local, regional and international organisations was not constructive.

The performance of civil human rights organizations in general was not effective in dealing with the social divisions and failed to reconsider their performance and discourse. At the same time, no efforts were detected by the National Institution for Human Rights; which marginalised itself to

the extent that it did not have any role in both Bassiouni and Saleh's committees.

The Bahraini civil society in general lacks expertise, tools, resources and a strategic vision. During the crisis, civil society organizations did not receive any advice or technical assistance from their counterparts in the region or from the international community.

The political conflict between the opposition and the Government was obvious, and civil society institutions failed to remain independent and were divided between the two sides.

This division in Bahraini civil society organizations, which resulted from political polarizations, was reflected in the performance of regional and international human rights organizations which evaluated the situation in Bahrain based on biased sources as well as Arab and foreign media. This negatively affected their performance in positively guiding the political and human rights situation.

Civil society organizations should be away from political polarizations- whether it be from the side of the Government or the opposition. For if they succeed at doing so, they will be able to assess the situation from a new human rights perspective and issue statements and reports that are more effective and objective.

Problematic Relations with International Organizations

Hasan Moosa Shafaei

There is a common feeling among human rights organizations and some western countries that they are being ignored by the Bahraini Government. This has had negative political effects on their mutual relations and has distorted the image of the Bahraini Government in the media. The activities of these organizations and their continued condemnation have also increased political pressure on Bahrain and its allies.

The Government has always stated that its policy of improving its relations with international organizations has been to no avail. It also added that it had facilitated visits of human rights activists to Bahrain and furnished them with all the information needed. Yet, the Government received no positive response and the positive steps it took for dealing with the aftermath of the recent events were not appreciated. Also – according to the Government- these organizations do not include the Government's point of view in their reports and intentionally continued to criticise the government despite the cooperation it had shown.

In other words, the Bahraini Government believes that all its efforts to improve its relations with international human rights organizations are wasted, pointless and should be reconsidered.

Hence, the Government has resorted to a new strategy in dealing with human rights organizations which includes placing new procedures regarding their travel arrangements, ignoring their inquiries and delaying their applications for visits. The reasons for this could be the following:

The monitoring of violations, issuing of statements and criticizing the Government have not only continued but have actually increased.

The Government feels that the coverage of the events in Bahrain by these organizations is exaggerated and imbalanced. The lack of cooperation between both sides has led these organizations to depend on the opposition's sources for information. This attitude has resulted in increasing political pressure on Bahrain and its allies who cannot ignore the political and media influence of these organizations.

The continued tension between both sides as well as the prevention of international organisations from accessing information will not serve the Government or provide a balanced picture of the situation. Therefore, revising this policy is very essential.

There are two aspects to the relationship between international human rights organizations and the Bahraini Government which



Hasan Moosa Shafaei

should be noted:

Behaviour

This relates to the attitude of both sides. For if a positive and constructive attitude is maintained, mutual trust will grow and tension will decrease.

From the point of view of international organizations, there is a lack of trust in the Government for the following reasons:

1/ The Government of Bahrain made many promises and commitments with regard to its future policies and programs, but its implementation is limited, slow and lacks transparency. Human rights organizations say that after many experiences with the Bahraini Government, it cannot trust the seriousness of its promises. Thus, focus should be directed towards what has been

How should we understand the causes of concern for human rights organizations?

The relations between Bahrain and human rights organizations can be described as very tense especially during these recent months. This is due to the restrictions and new procedures that the Bahraini authority has imposed on the visits of representatives of these organizations to Bahrain. The Bahraini Government believes that the statements and reports of these organizations show bias and an unjustified level of hostility towards it. And although it is true that the Government was strongly criticised by both official institutions and international organizations, the King's decision to establish Bassiouni's fact finding committee, accept its findings and commit to implementing its recommendations was also appreciated by many international parties and contributed to improving Bahrain's image. However, these steps once again drew attention towards the level of the Government's commitment to implementing all of Bassiouni's recommendations.

The descending of a great number of human rights organizations on Bahrain after Bassiouni's report and their increased criticisms shocked the Bahraini authorities and drove them to resort to special procedures in order to stop what they saw as breaches by these organizations. Human rights organizations were also surprised as they expected that they would be more than welcome especially after Bahrain's adoption of Bassiouni's recommendations. But in fact the Bahraini authorities became more suspicious of visitors and monitors and these organizations found themselves forced to get information from other sources which may have some political motives.

It should be noted that human rights play a major part in international politics today. The role and impact of international organizations on public opinion, decision makers, parliaments and the UN has become greater.

Organizations such as Amnesty and HRW enjoy a great deal of credibility in the international arena due

to their high professional level, to the extent that their reports have become an important reference for western Governments and parliaments and a crucial guide on how to deal with human rights issues all over the world. An example of such importance is that both the British Foreign Office and the House of Commons often quote and use excerpts from these organization's publications in their annual and periodic reports. The important status enjoyed by the international human rights organisations has led almost all countries to follow the path of cooperation with them and to provide them with information that would help in forming a more complete picture of any situation. Human rights organisations' criticism of the human rights situation in Bahrain reflects a concern towards specific issues. These issues require effort and should become a priority in government policy. This can be achieved by cooperating with international organisations including the OHCHR and not confronting or ignoring them.

The real reason behind the concerns of international bodies is the lack of any information on a tangible Bahraini effort towards tackling the raised issues. The international reports have also been dealt with carelessly by the Bahraini Government and not appreciated. This attitude can be attributed to the fact that the Bahraini Government feels that these reports seem to be unjustifiably hostile towards it. This led the Government to place restrictions on its cooperation with international human rights organisations including the imposition of restrictions on delegation visits to Bahrain.

The following are the cases which represent a major concern to international bodies which necessitate that the Government clarify its position by issuing a detailed statement supported by legal evidence in line with international standards:

The trials regarding 21 detainees accused of conspiring to overthrow the regime who in the eyes of international organisations are prisoners of conscience

due to the lack of criminalising evidence.

The case regarding the medical professionals which continues despite the fact that half of them have been found to be innocent recently.

The issue regarding holding those accused of torture and the ill treatment of detainees accountable and bringing them to justice. Also the nature of the legal, institutional and administrative procedures in place to prevent impunity. It is also important to note that there is a general impression that violations are still occurring during confrontations with protesters. The Public Prosecutor accused 15 security men of torture related charges and there are ongoing cases of the same sort.

The restrictions that some human rights activists are facing. International human rights organisations believe that they have been targeted and that the Government has hitherto failed to present any criminal evidence to convict them.

The issue relating to compensating the victims of the recent events. The

Government of Bahrain on 26 June 2012, stated that it would compensate the families of 17 individuals who were killed during the unrest of last year with 2.6 million dollars.

The lack of government policies that incorporate all Bahraini diverse social segments in government institutions.

The delay in the reconstruction of religious sites which were demolished last year.

The lack of progress in the issue of national reconciliation.

The independence, impartiality and balance of the official media and guaranteeing that it accommodates all sides.

These are the main issues which concern international human rights organisations and will remain the focal points of tension until they are resolved. Efforts should not be wasted on trivial matters and should be directed towards finding an internal settlement to the most pressing issues within the framework of international human rights standards.

Bahrain: Steps towards Promoting Transitional Justice

Lawyer: Samer Moussa

Coordinator of the Legal Aid Program in the Addamir Association for Human Rights- Gaza

The Implementation of the principle of transitional justice will to some extent guarantee justice especially during the period of democratic transition. Resorting to reconciliation methods could prove to be more beneficial than filing lawsuits as it promotes a culture of accountability. It also paves the way for national reconciliation and accepting compromises which protects the rights of victims and prevents them from taking revenge or resorting to international courts or regional polarizations.

The principle of national reconciliation in the context of the implementation of transitional justice has different meanings. According to some, it relates to the efforts of politicians to start a new page or amnesty. However, according to human rights defenders this kind of reconciliation is rarely accepted as it is argued that real reconciliation should be connected to accountability, justice, admitting mistakes and guaranteeing that violations will not be repeated.

More often, reconciliation is presented as a final and achievable goal without much concern to the process it needs. Hence focusing too much on reconciliation in this way could lead to failure and disappointment.

Implementing transitional justice has many advantages such as providing a comprehensive approach in dealing with violations as well as balance and assimilation. For transitional justice does not concentrate on the protection of civil peace at the expense of the victim's right for justice. It is possible to measure the legitimacy of the mechanism of transitional justice through the level of victim complaints, support, participation and benefits.

Despite the fact that some believe that currently Bahrain is not ready for implementing transitional justice, I do believe that most Bahraini people are able to implement it and overcome

the past ordeal. This is because what unites them is much stronger than the reasons for their disunity. Perhaps most Bahrainis have realised now more than any time before the importance of co-existence based on a new political and social contract which is founded on reason, forgiveness, democracy and human rights.

Hasan Moosa Shafaie has stressed that the principle of transitional justice has different meanings according to different parties, and that its philosophy is based on the idea that in order to follow the path of democracy, any country would need to leave its past mistakes behind. This involves insuring that past mistakes are not repeated and holding to account those responsible for violations. According to Shafaie, the effects of the past are still continuing and a consensual solution has not been reached yet; despite the fact that the Government has presented some solutions to victims. However, these issues were used as a tool for political pressure and condemnation as opposed to a step towards a real settlement.

The Government should be creative, take initiatives, understand the current political circumstances and realise that there are two sides to transitional justice. Both the Government and the opposition made mistakes and for this reason, national reconciliation,



Samer Moussa

forgiveness and admitting mistakes are all essential.

During any transition or political conflict, societies become torn between a legacy of human rights violations and the desire for promoting justice, peace and reconciliation. Transitional justice is hence the only solution. This involves striving for a comprehensive justice during the period of political transition. For the concept of transitional justice consists of two parts: achieving justice and then moving on into the future with a new positive attitude and respect for human rights principles.

Transitional justice in Bahrain can be achieved through:

The rule of law, which includes: reforming the Judiciary, constitution

and election laws, promoting the separation of authorities, public political participation, respecting the freedom of the press and implementing the system of the Constitutional Court.

National reconciliation, this is a part of a transitional justice program and a basic effort to promote civil peace and national trust between the old adversaries while achieving justice, accountability and fairness to the victims.

Restructuring security bodies, this includes, training the police force according to a new strategy which protects human rights and introducing standards for administrative and legal accountability for various security apparatus.

Continuing political development and civil awareness, through the introduction of policies that aim to build a civil and democratic vibrant society.

Reforming the media and education system:- This is in order to build a national culture which promotes unity and avoids social divisions.

It is difficult to specify all the steps needed for transitional justice, but I do believe that the most important steps are to actually implement Bassiouni's recommendations and to benefit from other Arab experiences. The implementation should also be accompanied by good intentions in order to create a society in which human rights are respected.

In light of all the current changes and challenges in Bahrain, the plan to achieve transitional justice in Bahrain should be based on five aspects:

* Achieving fair trials which prosecute the perpetrators of violations whether they were directly or indirectly involved, as was stated in Bassiouni's recommendations.

* Searching for the truth which covered many pages in Bassiouni's report that detailed the daily events that took place in February and March 2011.

* Compensating the victims through the fund established by Royal Decree number 30 for the year 2011.

Institutional and legal reform, dismissing those responsible for violations from public positions and training civil servant to respect and implement the principles of human rights.

* Avoiding future violations and promoting social initiatives by reviving the collective memory of the society.

To ensure that human rights violations will not take place again. The procedures taken by the Bahraini Government such as trials, compensation and reforms could be seen as the first steps to achieving transitional justice and the Government should continue its efforts to implement the rest of Bassiouni's recommendations without any hesitation or delay.

The implementation of the recommendations, such reinstating workers, releasing prisoners of conscience and prosecuting torture perpetrators and those involved in the killing of citizens will lay the foundation for a new political, legal and legislative phase.

There are also several recommendations regarding

transitional justice:

Firstly, promoting access to transitional justice in order to build a state in which human rights and freedoms are respected. The concerned parties should work towards promoting the independence of Judiciary, encouraging the separation of authorities and reconstructing the political system on democratic grounds which guarantee the participation of all citizens and promote accountability and oversight. Secondly, the past and present events as well as the violations that took place necessitate an immediate solution and strategic decision which moves the country towards the next phase in order to lay the foundation for a new period of human rights respect.

Thirdly, the National Institution for Human Rights should be developed in order to combat all forms of discrimination and marginalization through the use new programs and plans and to fulfil Bassiouni's recommendation. This is in addition to promoting the values of citizenship as a framework to rights and obligations, presenting proposals on political assimilation, participating in decision making through national and constitutional institutions and transforming social and economic rights to realities on the ground.

Fourthly, supporting the human rights activities of Bahraini civil societies and spreading the foundations of transitional justice which takes into consideration Bahraini society and represents a new social and political will.

Post-crisis Compensations

Their importance in creating stability and promote national reconciliation

Associate Prof, Izzeldin eltayeb Adam

Dean of Faculty of law, El-Neelain University, sudan

The idea of compensating the victims of the events in Bahrain was raised, since the king announced the establishment of a fund to compensate those affected, vide the royal decree No. 30 issued on 22/9/2011; followed by another royal decree No. (13) for the year 2012 on the system of the Fund's work. The work of the Fund was activated last month, and was started with paying of cash compensation to those affected. The following article highlights the concept of reparations in both the International law, and human rights organizations' perception. It does also emphasize the significance of compensation in addressing post- crisis problems.

The concept of post-crisis compensation embodies the idea of the interrelationship between development, security and human rights, by removing the effects of destruction and devastation left by the wars between nations, and the civil conflicts that may assume various banners and objectives, e.g. resources, identity, liberation, self-determination, etc., but share the same characteristics of violence and brutality and the tendency to cause mass destruction to the institutions of both the state and society, that could lead sometimes to the obliteration of the state's foundation and infrastructure.

The concept of compensation in the law:

It's an obligation imposed by international or national law to reflect the impact of international responsibility, civil or criminal liability under national norms, as a result of a violation by a legal person to their commitments under the law. As such it is a consequential commitment that follows the commission of an unlawful act. Therefore, if proven, the injured party would be authorized, in the face of the perpetrator of the illegal act, an access to compensation adequate enough to redress the damage.

The reparation in damages may take the form of a return in kind, by re-as to what it was before the occurrence of an unlawful act, and it is called (compensation in kind); Compensation may come in the form of

a cash payment when the return in kind is not possible or impossible, or does not cover the entire damage, and is called (Cash Compensations); compensation may take the form of appeasement or sometimes an apology by the person responsible for the illegal act to the victim. Finally, compensation may be provided in the form of guarantees of non repetition of such an act in the future.

The concept of compensation according to International Organizations:

International organizations, governmental and non-governmental, have a special definition to the compensations associated with human rights and the issues of full compensation. In this regard Amnesty International defined full compensation by saying: (The right to full and effective compensation is a fundamental right of all victims of crimes of genocide, crimes against humanity, war crimes, crimes of aggression, torture, and cases of extrajudicial executions and enforced disappearance).

Amnesty emphasizes the significance of compensation as an important and necessary mean to address and remove the effects of the suffering of the victims caused by the grievous crimes, so as to help them rebuild their lives and forget about the psychological effects, in order to integrate back into society.



Izzeldin eltayeb Adam

Amnesty International Classification of compensation:

Case response to restore situation that existed: means the set of actions aimed at restoring the victim to the normal original position that existed before the crime, including the restoration of freedom first, and then returning to their original residence or to a function they had occupied, along with restoration of the property that was taken away or been destroyed.

Compensation: It is a financial grant (monetary payments) made as compensation for damages that can be estimated economically, such as physical

or mental injury, along with the loss of opportunities in education, employment, and other social benefits, and loss of income. The moral damages include compromising human dignity, reputation and honor.

Rehabilitation: Is intended to provide medical and psychological care, alongside other legal and social services.

Satisfaction: It means the provision of public apology to the victims of conflicts and the revival of their memory, and the search for places of the abducted persons, and to locate the bodies of the victims who were killed.

Guarantees of non repetition of crimes: A set of legal procedures seeking to extend a guarantee not to repeat the crimes or expose the victims to other crimes. Among these procedures:

- Strengthening the independence of the judicial authorities.
- Training law enforcement officers from police, army or security forces on human rights issues.
- Reforming the norms that have contributed to the occurrence of crimes or allowed its occurrence , to make compatible with international standards regarding the independence of the judiciary and respect for international conventions and agreements on human rights and fundamental freedoms.

Legal nature of the compensation:

The International jurisprudence and judiciary confirmed the legal nature of compensations through decisions of arbitration and the decrees of international courts; where the English jurist Oppenheim confirmed that: (The basic legal effects of violation of international law are compensation for material and moral damage that has occurred). In other words, it is a legal obligation that falls upon the state, which shoulders the international responsibility for violating an international obligation for compensation for damage

caused.

In that respect, the Permanent Court of International Justice in one of its famous rulings in 1927, stated that :- (The violation by the State of its obligations entails an obligation to repair the damage).

General principles in the identification and quantification of compensation:

The Permanent Court of International Justice Established, the above-mentioned general principles that can be referred to when assessing and determining the compensation to be performed due to breach of international law. It said: (the fundamental principle upon which stands the theory of an illegal act, is the principle which has settled in international practice, and was applied in international arbitration decisions that the compensation is required whenever it is possible to restore the situation that existed before the unlawful act was committed and is called compensation in kind, especially in property and economic loss. When the restore is not possible or it does not cover the full damage, compensation shall be in cash, a so-called : material compensation. Compensation may be in the form of moral satisfaction or an official apology provided by the person responsible for the unlawful act to the injured person).

It is noted that the damage , whether material or moral , can always be compensated financially.

On the other hand, with regard to the draft law of international responsibility, Arangio Ruiz, Special Reporter of the International Law Commission explained that the compensation and satisfaction: (are not classified as sentences , because the purpose of reparations is the return of peace between countries and not for punishment and revenge. He said that a distinction has been made with absolute certainty between paying money by way of compensation, or for the purposes of punishment, with complete

exclusion of the latter from the concept of compensation).

The scope of compensation:

The determination of the scope of compensation is linked primarily to the investigation of the damage caused by the unlawful act; the rules of legal liability of all kinds (international - civil - criminal) constitute a legal range for compensation that entails obliging the persons who commit acts against the law, to compensate for the damage that resulted from such illegal acts.

According to this concept the jurists agreed unanimously on the importance of the occurrence of injury before a claim of responsibility could be presented. However, this Agreement did not, in fact, prevent the emergence of three trends of jurisprudence on the necessity for the presence of damage within the scope of responsibility.

The first trend: the view that the presence of damage is a necessary condition for the establishment of responsibility. In other words, the mere breach of a person legal obligation is not sufficient for the establishment of responsibility. In accordance with this trend injury is a fundamental element without which no responsibility could be established (No liability without damage).

The second trend: Considers the damage to be a fundamental element in the presence of the illegal act itself, along with two other elements:- (a) the objective, which means that the content of the illegal act is in violation of international obligations. (b) The personal element: The attribution of that conduct to an international legal person. According to this view (The illegal act exists only if it was contrary to the obligations of an international person towards another international one that results in causing damage to the latter).

The third trend: View the damage as inextricably linked to the internationally illegal act. Wherever the latter is found the damage would be there. Proponents illustrate by saying: (The right to compensation arises from the moment you commit the illegal act).

Arab experts:

Reconciliation and Transitional Justice are Essential for Bahrain

Bahrain Human Rights Monitor met several human rights activists and experts during a conference held in Cairo in April 2012, which was entitled 'Bahrain: From Crisis to Stability'. During the conference the political, social, legal and human rights aspects of the events in Bahrain were discussed. Moreover the conference addressed the challenges, background for some of the problems, alleviation of the crisis and the role of both human rights organizations and the Government. The meeting and discussions revealed that the different parties shared several ideas and findings.

Bassiouni's report: first step for settling the crisis

To what extent can Bassiouni's report become a reference point for solving the existing political and human rights problem in Bahrain?

Talal Okal, a political analyst and media expert, stated:

this report is a result of the King of Bahrain's initiative and was not imposed on Bahrainis from abroad. This indicates that the King is willing to find a solution to the long standing crisis and fulfil the demands of its people. The outcome of the report is very important. The most important issue is the implementation of the recommendation of the report. Implementation mechanisms were introduced and the King committed himself to implementing these recommendations. Therefore, the opposition should realise the importance of the report and its positive objectives and should regard it as a reference point in solving the human rights problem.



Talal Okal

The investigations that took place in Bahrain by Bassiouni's Committee and the involvement of the international community gave the impression of international interference, what do you think of this? Is there any relationship between these investigations and international law?

Dr. Mosaed Abdulati an expert of international law: the establishment of Bassiouni's Committee and its investigations are in line with international law which is part of the International Bill of Human Rights. We commended the courageous step taken by the King of Bahrain to

establish this committee, appoint an international expert in international criminal law to lead it and was granted the mandate to do its work which in fact is unprecedented in the Arab world. I believe that all the concerned parties in Bahrain are invited to take advantage of this opportunity in order to achieve reconciliation which is in the best interest of the general public.



Dr. Mosaed Abdulati

Where are we heading if the implementation of the Bassiouni's recommendations is completed?

Dr. Bassiouni Hamada, a lecturer in the Faculty of Information at Cairo University:

Bassiouni's report laid the foundation for a period of transitional justice and stressed the principles of citizenship, the rule of law, diversity and the importance of building a modern state by allowing more freedom and public participation in decision making. The report is not only dealing with the violations but also presented a picture for the future of Bahrain.



Dr. Bassiouni Hamada

How much have the steps taken by the Bahrain Government regarding the implementation of the recommendation contributed to promoting the principle of transitional justice?

Samir Moosa, a researcher and a lawyer in the Palestinian Conscience Foundation: Bassiouni's report

was supposed to be the first step towards the process of transitional justice which can only be achieved with the agreement of all Bahraini parties. The positive steps taken by the Government of Bahrain do not relate to the strategy of transitional justice but is a mere response to Bassiouni's recommendations. For example, the established compensation fund is very much related to the principle of transition of justice, although the approach here is different.



Samir Moosa

The role of human rights organizations

How can we evaluate the influence of the international community which includes governments and civil society organizations with regards to the events in Bahrain?

Dr. Emad Awad, a lecturer of political science in Cairo University: since the beginning of the recent crisis in February 2011, the events in Bahrain have been put under the spotlight due to its strategic geo politics . The policy of the US -especially in the aftermath of the Arab spring – is based on helping friendly regimes in order to make some reforms and political changes which resulted in conflicting American positions. This led some to believe that the US supports oppositions while others to believe that it supports the regimes. The important issue is that the US wants the regime to stay in power but to undertake political reform process. The problem for the US is how to achieve political changes without harming American interests and without affecting the stability of the Gulf.



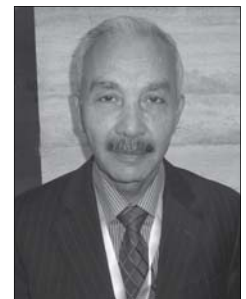
Dr. Emad Awad

International human rights organizations have concentrated on following the violations without taking into consideration the deep political aspects and especially

the sectarian conflict. I think that these organizations are concerned with the Bahraini political situation from a human rights perspective.

There is a complaint that Bahraini civil organizations were not active during the events. What can they do to decrease violence, sectarianism and extremism?

Naeem Al Onayzat, an expert in the security of societies: the Government should protect and help civil society organizations to freely do its work and to financially support them in accordance to a clear law. Civil society organizations cannot fulfil their role during a crisis if they lack expertise, training and resources. Hence, they cannot be given any social and human rights responsibilities.



Naeem Al Onayzat

Bahraini civil societies can organise social debates which can bring social components together and discuss the reasons behind extremism in order to eradicate it. It is always beneficial to give these organizations the opportunity to organise TV programs for spreading awareness. Moreover, it would be a good idea if these organizations contribute as mediators between various political parties and between the Government and opposition.

What can international organizations do to help in solving this crisis?

Issam Younis, the General Director of Al Mezan Centre for Human Rights in Gaza: Human rights organisations should professionally deal with all public issues. The real challenge for any human rights organization appears during exceptional and difficult circumstances. They should be impartial with all parties and focus on the victims as well as the values of justice in order to solve the problem.

Some Government bodies believe that international human rights reports are biased and ignore all positives and only concentrate on the negatives, to what extent

are these organizations impartial, independent and not affected by foreign influences?

Dr. Emad Awaad: the prominent human rights organizations are impartial and professional regardless of any political connections. In reality there is a connection between political and human rights objectives. In general, human rights have become a political issue and involve issues such as international trials and political relations. The main objective of human rights organizations is improving the human rights situation in all countries and highlighting any violations. Some questions were left without answers like the reasons behind these violations and whether they have been provoked? These organisations shed the light and focus on human rights violations when they take place in any country and reports and statements are issued. For example, the HRW criticizes the Bahraini Government's procedures in implementing Bassiouni's recommendations and says that they are not genuine. In fact, some recommendations were implemented and there are statements that state that the rest will be implemented but need some time. Some organizations are in hurry and concentrate on the victims; their reports should be balanced and provide an explanation within the political context.

How do you view the human rights experience and what are the shortcomings?

Dr. Hasan Moosa, the President of Arab Organization for Human Right in Austria and a member of the Executive Committee in Cairo: I think there are shortcomings which should be tackled for the sake of Bahrain's future. Bassiouni's recommendations have not been fully implemented. Violations are monitored and there are visions as to the way out of the crisis. We can not build a stable country on violations. We build it on a foundation of freedom.

What is required is working in accordance with the international human right system which the King of Bahrain accepted and the National Action Charter which contains many articles which protect the rights of the citizens. Also, efforts are being made to implement the rest of Bassiouni's recommendations and releasing the prisoners of conscience by Royal orders. Also, the violence on the street should stop

because it hinders political solutions and affects human rights and increases social and political tension.

The foreign interference factor in the crisis

According to official and opposition statements, both refuse foreign interference in Bahrain and believe that Bahrain's problems can only be solved by the Bahrainis themselves. Does the foreign element have a big influence on local affairs and how can we avoid its danger?

Naeem Al Onayzaat: undoubtedly, the problem in Bahrain is not only local but also there are many foreign powers that have interests in the Gulf including Iran whom we cannot say does not want to interfere in Bahrain.

The ability to protect Bahrain needs extensive dialogue with the protesters as well as social and political parties in general. The Government should exert more effort especially when combating sectarianism. Political societies in Bahrain should avoid sectarian discourses and express the need for a national unifying discourse.

How can Bahrain avoid regional influences which could increase tension and internal conflict?

Dr. Emad Awad: your question take us back to the root of the problem, which is the geographic position of Bahrain and its demography which have imposed a kind of political polarization. There are the GCC countries on one side and Iran on the other.

The Bahraini people have only one chance which is to become united on the principles of citizenship, mutual interest, reform and democracy. This is in addition to promoting freedom especially when taking strategic decisions and confronting sectarianism.

A way out of the political and human rights problem

Based on your follow up of the Bahraini crisis, in your opinion what is the best way to solve the current

problem?

Dr. Hasan Moosa: Bahrain is an integral part of our Arab nations and is currently being subjected to attempts to disunite it and break down its collective identity. We support the desire of the Bahraini people for more freedom, democracy and institutional work. However, this should be achieved in a framework of a united Bahrain.



Dr. Hasan Moosa

Bahrain is for all Bahrainis therefore calls for freedom should not lead to sectarian conflicts and political societies should not be established on sectarian or religious bases.

I believe that the way out of this crisis is for the Government to take more responsibility and push forward the national dialogue. The political parties that reject dialogue cannot solve the problem by resorting to the street. All issues are to be solved and settled on the basis of citizenship, civil peace and national reconciliation.

National dialogue is essential, but dialogue cannot be initiated without certain foundations such as national identity, equality and the rejection of foreign interference. A lesson should be learnt from the Libyan experience. We would like to see our Arab world as a society based on justice, law and citizenship; we are against any religious, military or sectarian states.

What are the mechanisms for solving the Bahraini problem?

Issam Younis: In summary this can be achieved through a comprehensive national dialogue. Dialogue means that both the Government and the opposition should agree on specific reference points and regulating rules for the process of the dialogue based on human rights standards which guarantee Bahrain's stability, unity and the safety of its citizens. Dialogue should also lead to social reconciliation. This should be left to the Bahrainis themselves without



Issam Younis

any foreign interference. There are international and regional influences but the decision should remain in the hands of Bahrainis and this depends on their ability to sort out their differences and learn from past mistakes.

The lack of trust is disappointing and an obstacle to dialogue between political parties, how can this problem be solved?

Bassiouni Hamada: trust cannot be built by words and meetings but by action because actions speak louder than words. Trust is very important in solving political problems and we should pay attention to the reasons behind the current mistrust between political parties. In my opinion, the most important reason is the fact that each party is expecting the best from the other. Moreover, violence, violations and taking extreme positions have badly affected the trust. Trust needs self assessment and all parties, including the Government and opposition, have contributed to this problem and should take initiatives to rebuild trust.

In your opinion, what is the most important factor for avoiding social and political divisions in Bahraini society?

Dr. Mosaed Abdulati, in my opinion, the most essential factor is constructive and direct dialogue between all Bahraini social segments. This dialogue should be based on good intentions from all parties and should take into consideration the general interests of all Bahrainis. Also, in order for the dialogue to succeed, all parties should avoid media statements.

There are foreign interference attempts in the Bahraini crisis and a lot of mistrust between political parties. How do you see the solution?

Talal Okal, there is no magical solution, but there are certain guidelines. 1- all parties should admit that a crisis exists. 2-foreign interference should be ruled out. 3-violence and extremism will not solve the

problem, and all parties should be willing to engage in a comprehensive dialogue between all social segments including the Government. During the national dialogue, steps which should be taken with regards to transitional justice should be discussed in order to find a solution to the problem of mistrust and create constitutional mechanisms. I would like to stress that only Bahrainis themselves are able to solve

their problems. Bahrain needs quick and practical solutions which avoids all factors which ignite political and social conflict. Bahrain contains many national capabilities and civil society organisations which could contribute in finding a way out of the crisis. Even if there are points of disagreement, they should focus on the points of agreement and this will provide the suitable mechanism to go out of the crisis.

Bassiouni's Report and the Responsibility of all Parties to Implement It

George Ishak

A member of the Egyptian National Council for Human Rights

The outcomes of Bassiouni's report are a big leap forward in understanding human rights because it is an important shift in Arab policy in dealing with human rights violations. These violations cannot be ignored and should be criminalised on all levels. This is a new chapter of individual responsibility and the ability to highlight international crimes. Bassiouni's report summarises the human rights violations and presents solutions and recommendations.

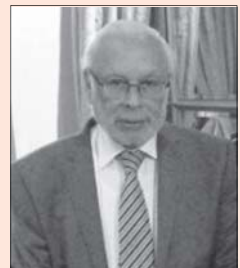
It is important to realise that the report is the first of its kind in the region and comes in a time when human rights are regarded as a basic issue in the entire Arab world. Hence, it is the first step towards solving the current situation in Bahrain and a framework for the region. This is because it is the first time that an international committee is brought to investigate an internal crisis. This is

a pioneering experience in the Arab region in the context of transitional justice and the rule of law.

Transitional justice is also known as 'reconciliational justice' and is an important issue in international law and has been studied greatly as well as the issues which arise during transitional periods and the mechanisms and solutions which could be used. As a result of this it is possible to view Bassiouni's report as a big step forward with regards to cooperation with international organisations such as OHCHR and the HRC. It is also an opportunity to learn from the international community how to solve our local problems.

Bassiouni's report suggested the implementation of certain principles and mechanisms of international law, including promoting justice, compensation and restitution and to guarantee that violations don't

re-happen. These principles and mechanisms still need a strong will to put them into practice and hence



George Ishak

all Bahraini parties need to work together to find a common ground and agree on a number of principles and laws which will support and help in the implementation process of the recommendations. There is no doubt that some recommendations have been implemented by the Government which is working towards achieving reconciliation and reducing tension with the opposition.

If the Bahraini model succeeds, it will be looked upon as an example of transitional justice in the Arab region. This success depends on whether reconciliation can be achieved between the Government and the opposition as well as putting into place modern laws and legislations which respect human rights and bringing those who committed violations to justice.

British Foreign Ministry's Report:

Bahrain is 'A Case Study'

When it comes to dealing with the Middle East and the Arab world in particular, Britain has the advantage over other Western countries which is its close and thorough knowledge of the characteristics of the region. For due to its history of colonisation, Britain has a wide understanding of the region's cultural, social and religious heritage.

Britain has maintained a great deal of political influence in many countries including the Gulf States even during the periods of post-colonialism, World Wars and the Cold War.

As part of its foreign policy, the British Foreign Office pays a great amount of attention to human rights and democracy in the region and issues annual and periodic reports which focus on human rights and democracy.

The British Foreign Office's report discusses the challenges facing democracy and human rights in the entire world as well as the position of the British Government. The report also discusses specific countries whose human rights files represent a major concern for Britain. This report could result in Britain taking a specific position in term of its mutual relations with these countries or adopting certain decisions during international and regional conferences.

The British Foreign Office's report takes into consideration the

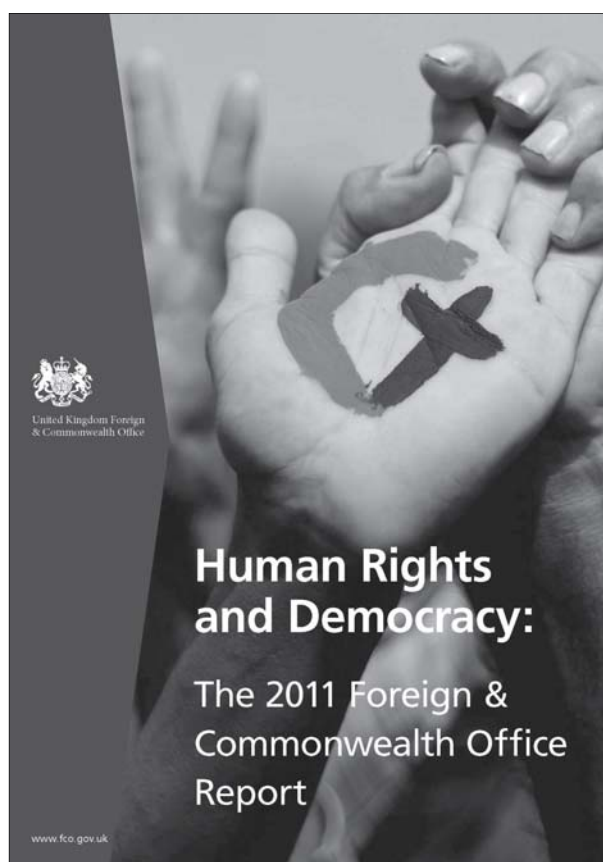
opinions of international human rights organizations such as Amnesty International and HRW as well as the media which plays an important part in forming British public opinion. The opinions of British MPs are also considered especially as the Foreign Office's report is usually discussed with the members of the Foreign Affairs Committee.

On December 2010, the Foreign Secretary William Hague established the Advisory Group on Human Rights which consists of representatives of international human rights organizations, international institutions, academic institutions, research centres and the media.

The 2011 Foreign Office's report which was issued in April 2012, allocated a whole chapter on the changes facing the Middle East and North Africa and discussed the reasons behind them and the ways that the British Government should deal with its new position. The chapter also highlighted the issues

of major concern with regards to human rights.

The report highlighted 28 countries as source of concern,



seven of which were Arab countries (excluding Bahrain) which was placed under a new category entitled 'a case under study'. The Foreign Secretary explained this new categorization in his report introduction speech. He stated that this categorization concerns countries which do not have a very bad human rights record. Hague also announced that his Ministry will adopt the new strategy of

issuing periodic reports in order to evaluate the progress made by both categories (a case under study and source of concern).

The fact that Bahrain was not ranked under 'source of concern' was condemned by human rights organizations, the media and Parliament. Some went as far as accusing the British Government of sacrificing principles for the sake of interest. The British Government, on the other hand, believes that the establishment of the fact finding committee by the King and his acceptance of its findings and recommendations, reflects Bahrain's serious intention towards improving human rights. Britain encouraged further reforms instead of resorting to harsh criticism; this was clear in the heated debates of the House of Common on Bahrain. The Foreign Office Minister for the Middle East and North Africa, Alistair Burt, defended his Government's policy towards Bahrain and was optimistic of the possibility of improving the political and human rights situation through the implementation of Bassiouni's recommendations. Based on this attitude, the British Government stressed during the thirteen sessions of the UPR in May 2011, that it will continue encouraging the Bahraini Government and will provide it with the help and advice if needed. This was made clear by Alistair Burt's visit to Bahrain during the second week of June and the two other visits of the

Bahraini Minister of Interior, Sheikh Rashid bin Abdulla Al Khalifa, and the Minister of Justice and Islamic Affairs, Sheikh Khalid bin Ali Al Khalifa. During these meetings the discussions revolved around: the importance of an immediate implementation of all of Bassiouni's recommendations and the willingness of Britain to provide all possible help in this field. It was also clear that Britain stresses two issues: national reconciliation and constructive dialogue as the only ways of achieving stability and prosperity in Bahrain.

On July 2012, the British Foreign Ministry issued the follow up report which evaluates the performance of the countries which were categorised as 'source of concern' and 'under study'. According to the report progress was made in some human rights aspects and contained several comments and recommendations:

The report called upon the Bahraini Government to follow correct legal procedures and conduct trials in a transparent manner;

The importance of continuing prosecution of those responsible for human rights violations; and

The report expressed concerns over the use of sectarian discourse in the state media and the media affiliated to the opposition. It believes that the authorities should introduce media restrictions which eliminate extremism and incitements to violence and

sectarianism.

It is clear that the British Government is interested greatly in the progress of human rights in Bahrain and believes that the condemnation policy is not beneficial in improving the human rights situation. Building on Bassiouni's report and implementing its recommendations, as well as providing help and technical expertise will have positive effects in the future. Hence, Bahrain needs more encouragement in dealing with human rights in Bahrain and should:

Continue implementing Bassiouni's recommendations seriously and benefit from the technical and professional help and training provided by the British Government;

Provide detailed information with relation to implementing the recommendations and state the obstacles if encountered with all transparency to the concerned bodies in the British Government. This will be beneficial to these bodies in responding to any criticism regarding human rights in Bahrain; and

Review their relation with international human rights organisations especially with regards to allowing them to visit Bahrain and conduct their activities. This should promote trust between both sides and will give credibility to the Government's efforts and enable it to benefit from the expertise of these organisations.

Prosecuting Torture Perpetrators

Torture allegations were always one of the most worrying issues in Bahrain's human rights file. Human rights organizations have documented these violations; and this issue was also the centre of attention for Bahraini civil society organizations. Bahrain lacks an independent mechanism for investigating torture allegations and persecuting those responsible. This file has taken its legal path since the investigations conducted by Bassiouni's Committee and its recommendations. There are three main points relating to this file:

Firstly- the existence of torture and ill treatment cases has been confirmed by the Government after Bassiouni's report had proven the existence of such cases.

Secondly- this relates to the need for preventative mechanisms against torture in the future through the introduction of new legislations. These mechanisms have been discussed in this BHRM issue, despite the fact these mechanisms remain incomplete.

Thirdly- the follow up procedures after admitting the existence of torture include conducting investigations, holding those responsible accountable and compensating the victims. All these points were stated in Bassiouni's report and represent a real test to the seriousness of Bahraini authorities in combating torture.

To prove its seriousness in combating torture, the Government took many steps and opened relatively transparent investigations, for example:

On 2 April 2012, the Head of the Special Investigations Unit in the Public Prosecution Nawaf Abdullah Hamzah stated that in compliance with BICI's recommendations, the Public Prosecution has received from the Ministry of Interior and the National Security Agency all cases pertaining to fatalities and human rights violations including complaints and allegations of torture and mistreatment, explaining that the number of such cases pertaining to deaths reached fifteen complaints meanwhile the number of other cases and complaints pertaining to allegations of human rights violations reached 107 cases.

Mr. Hamzah asserted the Public Prosecution's keenness on compliance with the same governmental methodology in fully, effectively and transparently implementing BICI's recommendations and that the Public Prosecutor Dr. Ali bin FadhI Al-Buainain decided taking a series of actions aimed at finalizing current investigations as soon as possible in

accordance with regional and international human rights and judicial standards.

He added that the first of these decisions was the creation of a Special Investigations Unit inside the Public Prosecution office charged with examining all investigations, complaints and reports of fatalities, torture and gross human rights violations in the aftermath of the February-March 2011 incidents and to take actions in regards thereof.

The Public Prosecutor issued Resolution No.: (8) dated 27/2/2012 stipulating the formation of the Unit to be presided over by one of the senior chiefs of prosecution and membership of seven chiefs and members of the Public Prosecution. The Unit has actually begun to perform its assigned duties. And as regards to how complaints and reports could be lodged by individuals complaining from instances of torture or human rights violations, the Public Prosecution emphasized that all citizens have the right to directly lodge their complaints with the Unit in the Public Prosecution premises or to any of the Penal Prosecution offices which still do receive such type of complaints and reports in order to take preliminary actions, including immediate medical check up by forensic doctors, in compliance with the provisions of Article (12) of the Anti-Torture Agreement and the provisions of Istanbul Protocol for Investigation.

The Public Prosecution is committed to complete transparency, and therefore, the Public Prosecutor decided to issue a comprehensive progress statement on the first week of every month of the work done by the Special Investigations Unit regarding allegations of torture or gross human rights violations.

On 8 May 2012, the Council of Ministers discussed a draft law to amend some provisions in the Law of Criminal Procedures in order to protect individuals filing torture complains against revenge in compliance of Bassiouni's recommendation No (1719).

On 4 May 2012, Hamza also said that they have recently interrogated 56 of the defendants and referred nine cases to the competent courts, stressing that the unit continues to make every effort to accommodate the growing number of new complaints as well as what has been referred to by the Ministry of Interior and National Security.

On 4 June 2012, Hamza confirmed

that the Special Investigations Unit in the Public Prosecution has proceeded with its investigations efforts and considered complaints submitted regarding torture and ill-treatment.

Special investigators continue to listen to statements from complainants and finished listening to 18 complainants in addition to 11 witnesses and that reliant upon these investigations the Unit interrogated 8 accused persons and informed them about charges raised versus them. The Special Investigations Unit received 10 new complaints last May and opened official investigation dossiers for all ten cases.

It is worth mentioning that accused persons are summoned in order to interrogate them regarding charges made against them. The unit is currently investigating into 37 new complaints in addition to 102 cases which had been referred last April from the Ministry of Interior and the National Security Agency.

It is also worth mentioning that the Public Prosecution has referred two policemen regarding two separate complaints in which the Unit had earlier on investigated and informed them about the charges against them in terms of physical assaulting of other persons and penalized the two policemen incarcerating each of them for 3 months.

On 2 July 2012, The Special Investigation Unit's chief, Mr. Nawaf Abdullah Hamza, stated that the Public Prosecution questioned fifteen accused persons and informed them of charges against them. The Special Investigation Unit's chief revealed that the unit received eleven new complaints during June 2012, pointing out that the accused persons were summoned, and that investigation with them is still underway on the charges made against them. The unit had earlier referred one policeman to the High Criminal Court and demanded penalizing him in view of charges raised against him for having caused a permanent disability to a victim. The said court issued its verdict on the lawsuit on its session dated 25/6/2012 penalizing the policeman with five years' imprisonment. The Public prosecution also referred three accused persons to the same court in two separate lawsuits and demanded penalizing them on charges of an assault which resulted in causing death. The court, during the same session, decided to change records and described the charge as premeditated murder.

Bassiouni's Recommendations: Follow ups and Implementations

It is clear that the Government is keen about implementing Bassiouni's recommendations and this should reduce political tension and reflect on the level of trust in the Government. It is also obvious that to some extent the opposition and perhaps international human rights organizations are both ignoring these efforts. It is true that there are still some unsettled issues but appreciation and encouragement will help in accelerating the implementation process of the recommendations. This is in addition to settling many human rights issues is related in one way or another to other social and political issues. Appreciating Government efforts is not to say that there are no remaining controversial issues; however it is also unfair to say that nothing has been achieved so far and to claim that the Government is not serious in implementing the recommendations.

The unit in charge of following up the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI's Follow Up Unit), has announced a number of ongoing procedures and programs for various ministries and concerned government departments in its first Interim Report issued on 12-15 July 2012. These programs are concerned with the promoting and developing of the judicial authority, accountability, compensations, places of worship and freedom of expression,

Training of Judges and members of the General Persecution

Dana Al-Zayani, Head of the BICI Follow Up Unit, stated that in implementation of Recommendation 1722 (F) on the training of judges and members of the Public Prosecution, the Government signed a Memorandum of Cooperation with the Italian International Institute for Higher studies in Criminal Sciences, aimed at providing

technical assistance to members of the judiciary through a number of training courses in the fields of protection of human rights, and the international and regional mechanisms of criminal justice and human rights. The agreement also provides for conducting a number of field visits to international agencies active in the field of protection of human rights in Italy, Switzerland and France.

The first training course took place during the period 1-21 May at the headquarters of the Institute in Siracusa, Italy, with the participation of 20 judges and public prosecutors who met with a group of international experts for a period of 10 days. During that time, they visited a number of law enforcement agencies in South Italy, followed by a field tour to a number of European capitals starting with Rome, where they visited the headquarters of the General Public Prosecutor, the Supreme Court, and the Forensic Evidence Directorate. Thereafter, they proceeded to Geneva where they visited the UN Office of the High Commission for Human Rights and the International Commission of the

Red Cross. They then proceeded to Strasburg, France, where they visited the European Court for Human Rights and the Council of Europe. The second training course is scheduled to begin early next month with the participation of 20 Judges and members of Public Prosecution.

To enhance the competency and abilities of judges in all fields of contemporary criminal sciences, judges are continuously delegated to participate in training seminars abroad. A female judge participated in a specialized training session at the University of Nottingham, United Kingdom from 19th to 30th of March 2012, addressing the subjects of implementation of international conventions on human rights. A second female judge participated in the International League Conference of Female Judges held in London this past May, in addition to judges who have participated in a number of conferences held in Egypt, UAE and Kuwait.

On in-house training in the Kingdom, and in addition to regular training sessions organized by the Judicial and Legal Studies

Institute, the Public Prosecution received over the period from 23rd April to 3rd May, five legal experts from Germany who trained 30 members of the Public Prosecution over a period of 7 days in two workshops addressing the basic rights of individuals, as well as the German experience in the implementation of the European Standards of Criminal Justice.

Moreover, on May 1st and 2nd the Public Prosecution received the Egyptian Attorney General and Assistant Attorney General who met with 25 public prosecutors over a period of two full days in a seminar on criminal investigations and protection of the rights of individuals in criminal procedure.

The Public Prosecution also received two experts from the Kingdom of Morocco who met with 50 members of the Public Prosecution on combating contemporary forms of organized crime.

The Government has also identified a group of international experts in the field of development of judicial systems, and charged them with the study of the existing conditions and submitting their proposals.

An international expert was appointed as a permanent advisor to the Higher Judicial Council, to develop Bahrain's judicial system as a whole and put together a comprehensive strategy including the development of the Public Prosecution. The expert is scheduled to submit a preliminary

study in August covering all challenges and best practices. This expert also participates – in a consulting capacity – in the activities of the Committee for Follow up of Implementation of the BICI recommendations.

The Ministry of Justice also requested the American Bar Association (ABA) provide advice and technical assistance by dispatching an international expert to review the current status and submit proposals. The expert commenced his task in collaboration with a prominent US judge. They filed a comprehensive report that is currently under review to implement its recommendations.

Investigating Violations

Al-Zayani pointed out that on the issue of accountability of offenders regarding violations which occurred during the events of last year (2011), and as determined by Public Prosecution, the Special Investigation Unit (SIU) received 122 cases which were referred to it by the Ministry of Interior (MOI) and the National Security Agency (NSA). In addition, it directly received forty-five complaints. Fifty complainants were referred to forensic medical examiners for medical checkups.

Moreover, 77 of the accused were questioned directly at all levels of responsibility. Investigations resulted in charges made against 21, including officers. Investigations also resulted in the

referral of 13 cases to relevant courts, including all murder cases, which were referred to SIU by the MOI and NSA. They were all re-investigated and cases are ongoing.

Legislations

On the legislative side, Al-Zayani said that the Government prepared necessary amendments to the Penal Code and the Code of Criminal Procedure, to ensure that perpetrators of such crimes do not escape punishment. The most significant amendment was the definition of torture, criminalizing acts of inflicting severe pain or suffering, whether physical or mental, on a detained person by, or under the control of, a civil servant or a serving officer, for the purpose of obtaining information, extracting confession, inflicting punishment, or terrorizing or coercing the detainee or any other person. The amendment also emphasized that the statute of limitations does not apply to crimes of torture.

Compensations

On the right of every citizen to claim compensation for injury sustained, an article was added to the Code of Criminal Procedure, allowing any person who alleges that he/she has suffered a vengeful act as a result of a previous claim of torture or any other form of inhumane or degrading treatment

or punishment, to file a civil action suit versus the accused while evidence is being gathered, during investigation or before the court trying the criminal case, whichever the case may be, if such vengeful act is deemed a crime. If the vengeful act is not a punishable felony, civil courts shall have jurisdiction.

The ratifications of Legislative Amendments to Support Freedom of Expression

On aspects related to freedom of expression, the Head of the BICI Follow Up Unit stated that, prior to the issuance of the BICI Report, the Government had prepared a draft amendment of a number of penal code provisions related to the regulation of freedom of expression. Those amendments were passed by both Houses of Parliament.

The most important outcome of those amendments is the placement of constraints on the implementation of Article 168 of the Penal Code, which provides for punishment for broadcasting false news, on condition that such an act is deliberate, and results in harm to national security, public order or public health. The new amendment also stipulated that such an act shall have to cause injury in order to be valid. As for undermining national security, the amendment provided that it must be related to incitement of violence, or could

cause incitement of violence, and with a direct link to the occurrence or possible occurrence of violent acts.

To further emphasize the necessity of providing full protection of citizens' right to free expression, a new article was added to the Penal Code emphasizing that the interpretation of restrictions on the right of free expression in the Penal Code or in any other code remains within the necessary framework of a democratic society. It also emphasized that exercising the right of the freedom of expression within this framework is exempt from punishment.

To emphasize this aspect, the Public Prosecution, prior to ratification of those amendments, dropped all existing charges that overlap with the right of expression and freedom of opinion, involving 334 cases.

Reinstatement of Dismissed Workers

According to updated statistics gathered by the Labour Ministry, most dismissed workers have been reinstated to their original positions and that the Government took the initiative by ensuring that reinstated workers continue to receive the same amount of salary and enjoy their previous job scale and remuneration.

The Government's commitment to restore things back to normal, under a genuine spirit of national

reconciliation, pointing out the Government instructions to private companies to restore all 2462 demobilized workers of whom 92% have already been reinstated in their former positions.

The percentage can be summarized as follows:

-1765 of the dismissed employees work in companies which are partly owned by the Government and have been reinstated in most cases. Twelve workers were rejected and have filed lawsuits.

- 697 employees work in the private sector and the Government has contacted these companies and encouraged them to reinstate those workers. Until now 160 have been reinstated and 370 have been employed in other countries.

- 42 employees were rejected by some companies and hence filed lawsuits and are currently waiting decisions from the Bahraini courts.

National Reconciliation

With regards to national reconciliation efforts, many political, social and economic programs have been put into place. The help of international expertise has also been used to settle the problems resulting from the crisis. These efforts include promoting the principles of national reconciliation in order to decrease the effects of the crisis and promote trust between the various social components. These steps

also include the initiative of the Ministry of Social Affairs to allocate half a million dollars for civil society organisations which participate in social reconciliation programs. There have also been some initiatives which are concerned with supporting the unity of Bahraini society by promoting the ideas of citizenship and co-existence.

Due to the importance of the role of religious discourses in promoting national unity and avoiding violence, extremism, sectarianism and hatred, the Minister of Justice and Islamic Affairs and Endowments issued decision No 23 for the year 2009. This decision states a number of restrictions which should be followed during speeches, lessons and religious lectures based on the principles of citizenship, co-existence, sectarian sensitivity, respecting diversity and avoiding sectarian incitement.

The National Committee has also requested a definition of the term 'inciting hatred and sectarianism' in line with internationally accepted standards. Due to the Government's desire to deal with this issue in line with the requirement of Article (19) of the International Covenant for Civil and Political Rights, the Government is working with experienced international bodies in order to put forward a law that criminalises all calls inciting hatred, racism and violence.

In order to implement this, the Minister of Justice and Islamic Affairs has set up programs for religious preachers during this

year and the coming one. The Ministry aims to improve the level of religious discourses through: increasing awareness regarding the importance of updating religious discourses, supporting inter-cultural dialogue, promoting the principles of tolerance and respect for others, resisting extreme ideas, avoiding hatred and violence and emphasizing the principles of equality and citizenship. These courses will include teachers of both genders, students of Islamic studies and religious preachers in mosques and centres. The Ministry has urged that education curriculums include the values of diversity and co-existence. Participating in the setting up and organisation of these courses are the Supreme Council for Islamic Affairs, both Sunni and Jafari Endowments, the Supreme Council for Women, the Ministry of Education, religious scholars from all sects, intellectuals, and representatives of the Arab League, human rights organizations and civil society organizations. These programs are also organised with the cooperation of non-profit institutions specialised in youth affairs in Scotland. Moreover, a number of programs are also being organised for the youth on national reconciliation. These programs emphasize the importance of involving the youth in many activities under the supervision of specialists of many fields in order to encourage them to debate, participate in discussions and

come up with beneficial ideas.

Compensating the victims

Based on the Royal Directive which highlights the importance of settling the cases of the victims as soon as possible, a civil settlement was adopted by the Council of Ministers based on the proposal of the National Committee which was established to follow up the implementation of Bassiouni's recommendations.

The Head of the BICI Follow Up Unit, Dana Al- Zayani, stated that the Civil Settlement Office in the Ministry of Justice and Islamic affairs received a number of compensation claims applications. The Office settled 17 cases with two million and six hundred thousand dollars- without affecting criminal investigations.

Religious Sites

In line with the related laws, Bassiouni's recommendations and according to the head of the Follow Up Unit, the reconstruction of five religious sites is almost complete. Moreover, fences have been built around eight other sites. The total number of all sites that have been reconstructed is 22 and eight other sites remain under study. These procedures fulfil the needs of all areas for religious sites in a legal and safe manner which protects the sanctity of these religious sites.

Towards a Better Understanding of the Sectarian Problem:

The Required Initiatives to Confront Sectarianism

The root of the problem in Bahrain is political but its manifestation is sectarian

It is a political problem entwined with sectarianism,

The solutions needed for the sectarian problem are political

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The sectarian problem can be defined from three different angles:

Firstly: it can be regarded as a result of religious differences and the belief of each sect that its belief is the right one, and thus, responsible for guiding others to the right path even through the use of forceful means. Usually religious people and activists are responsible for this.

Secondly: it can be regarded as a social disagreement resulting from a conflict between the interests of various parties. This is clear when one group attempts to influence the other politically or culturally for example, by converting some shias into sunnis or vice versa. This represents a threat and could cast doubts on the competency or the legitimacy of the social influence of the group. The reaction to this is usually defensive and involves each group to protect its own interests by exaggerating their rights and highlighting the other group's shortcomings. Usually many social forces participate in this including religious men, political and social leaders in addition to the government.

Thirdly: it can be regarded as a reaction to social injustice- this is according to John Rowel who focuses on the importance of equal opportunities. This is clear in autocratic countries, countries lacking constitutional guarantees of minorities rights or the adoption of unjust

measures in distributing resources and opportunities between the different social classes and sectors. The nature of the reaction in this case is political and



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psychological. The first reaction can take the form of collective rebellion against the political system. The second reaction takes the form of individual condemnation or ailing uninvolved in public affairs.

The previous definitions are all correct but each is not an adequate explanation on its own. All three definitions describe a state of sectarian conflict. In other words, sectarianism is not one problem, but in fact includes three problems. For example, during the civil war in Lebanon which was described as a sectarian war, the end of the war was not achieved through dialogue between the various sects but through an agreement to rebuild the political system and distribute power between various sects. Also, during the current conflict in Iraq, those who discuss the crisis are not religious men or intellectuals, but politicians. These

politicians do not discuss religious issues but their opinions on their groups' fair share of the country's political power and resources.

The political path of the sectarian problem

Despite differences between the various sectarian conflicts, it is common to use sectarianism as a framework for the conflict. Social injustice represents a suitable ground for internal divisions, however, it should be noted that not all societies which are lacking freedom feel the need to rebel. For some while they feel unhappy with the prevailing situation,, they do not see rebelling as beneficial. This is either because their culture justifies the situation and finds it acceptable or because they have other means for dealing with the problem without rebelling. It should be noted, that in addition to the lack of justice, the tendency to rebel is motivated by other factors:

1- The understanding of individuals that their circumstances are a result of the dominant political and social system. In other words, this is an explanation of their situation within the political context.

2- The availability of a cultural foundation that accepts rebellion and considers it a legitimate option if no other options are available.

3- The existence of hope in the possibility of dealing with the crisis through rebellion. The level of hope will determine the objective and the extent of the rebellion. Lack of hope does not prevent rebellion but will limit it to individual reactions. On the other hand, a high level of hope can widen the social margin for rebellion, limit the use of violence and encourage making

compromises. Social elites also have an important role to play in solving the problem or make it more complicated.

If these three factors are available, the idea of rebelling will become a reality and will be reflected in the discourses justifying rebellion. In this phase in particular individuals can use sectarianism as a justification. These sectarian discourses depend on two aspects. The first relates to the group and its ability to mobilise people and provide legitimacy. The second relates to the group's ability to determine the social and geographic boundaries of the problem. It should be noted that every social demand and every active group has potential enemies and supporters.

The question is: why is sectarianism and not civil rights constitute the main framework for expressing demands?

It is clear that lack of justice not sectarian differences sparks rebellion. The issue does not concern whether sectarianism is accepted or rejected but relates to other issues such as the role of the general public who have a simplified view of the problem. An example of this simplification is giving a sectarian explanation for the issue of justice. Cultural heritage is also used to justify the stances of certain groups.

Social agreement is what determines the outcome of these issues and the acceptance of the public of such sectarian discourses will create a good context which provides supporters of sectarianism.. However, if sectarian discourses are rejected by the public, most likely it will become a minority movement which has no influence.

The question is: why do people accept and support sectarian discourses despite the fact that their demands most of the times are not sectarian?

With regards to this, it is possible to point to two possible explanations. The first focuses on ethnic identities in this modern age; and the second focuses on the issue of adaptation.

The identity issue: In summary, ethnically different groups were forced for many years to hide their identity or subjected to forceful assimilation by dominant cultures. It is also possible that these groups were also unaware of their identity and its role in the formation their social relations and unique character. But with the end of this domination, as in the case of the Soviet Union, or due to the communication and IT revolution and the spread of the human rights culture such as civil freedom and participation in decision making, these societies have become aware that they are subjected to discrimination, disrespect and treated unequally. Hence, self-discovery and demands for equality will make these societies concentrate on the boundaries between them and the other. This is an important element in determining the problem and its reasons which is the most obvious factor used to mobilise a group. This is the summery of the role of identity in understanding conflicts. This idea also accuses the state of delaying or hindering national assimilation and identity. I believe that many people will tend towards this idea due to its simplicity and the possibility of its implementation on the ground. Based on this explanation, it is clear that there is a need for accepting diversity, tolerance as well as building a consociational political system.

The issue of adaptation

This is based on the explanation of Daniel Lerner, who states that the most prominent characteristic of modern society is the ability of individuals to adapt, understand others and establish relations based on interests. As for traditional societies, relations are closed and limited to individuals of the same social group making it difficult to establish relations with new individuals outside their own social framework. The inability to adapt with social and cultural changes can be attributed to an absence of diversity and the tendency to prefer similar cultures. This results in a total assimilation of individual identities, domination of the collective identity, anxiety towards other cultures or looking down on them.

The political framework of the problem: the issue of minorities

There is a strong tie between sectarian tension and the issue of minorities. Most of the time, tension occurs in countries with diverse sects, ethnicities, and cultures. What is meant here are political minorities which are the groups that are deprived from some rights in comparison to other groups in the society. There are nearly twenty states in the whole world which are populated by one ethnic or religious group. Nowadays, the issue of minorities is not subsidiary. Although the existence of minorities is not a problem for most countries, it remains a potential problem which could necessitate early interference in order to prevent further escalation.

Sectarian conflicts are not triggered by religion

but by social discrimination and inequality. For the degrading treatment of minorities is the main reason for rebellion.

The role of the political system in increasing or decreasing tension

In the past, all state powers were in the hands of the ruler and submission to this ruler was the basis for the relationship between the state and society. This has changed due to the fact that political systems and public participation have changed. The state has become a representative of the people and derives its authority from them. Currently, part of the states' authority is to promote civil rights, equality between citizens and the rule of law. This solves the religious and sectarian differences between citizens, especially with the availability of specific legal mechanisms to deal with discrimination and abuse.

Most Islamic states have not changed their principles and view themselves as independent from society and have absolute power. Their political system still has many shortcomings with regard to the relationship between the various social components and the relations between society and the state despite public awareness.

Rebellion can be expressed in sectarian terms because sectarian discourses are able to use the cultural heritage of a group in order to find justifications and gain public acceptance. In fact, both parties have some power; the state, for instance, used its authority to mobilise people using the media. But the real reason behind the problem is not sectarian differences but sectarian discrimination.

Suggestions for dealing with sectarianism

Legal and political path: this was used in many countries to solve civil wars. This takes the shape of providing channels for dealing with the political problems through the fair representation of ethnic minorities in the political system. This is in addition to providing political and constitutional channels for dealing with complaints.

The level of rebellion varies based on the availability of the means for escalating the situation by both the state and society. These means can be financial resources or political or constitutional institutions. Financial support has an important role to play in decreasing political tensions. Moreover, political institutions and civil society organizations can and should play an important role in rationalising the demands and directing the tension away from sectarianism to civil and legal demands. Constitutional institutions such as parliament and the judiciary can also play the same role.

Political and constitutional institutions can play the same the role if the political and social system is diverse, accepts the existence of diversity and deals with it positively. In such a system, civil society organizations, political parties and constitutional institutions can work effectively to tackle ethnic tensions and transform them into civil and legal framework.

It is also important to help various groups to be represented effectively and fairly in the political system.

With regard to the legal framework, the following are suggested:

Enacting a law that criminalises sectarianism,

regulates and guarantees the rights of individuals without any prejudice to the rights of others. This law should be implemented firmly and without any discrimination.

Establishing special committees for monitoring sectarianism in order to deal with any sectarian problem as soon as it starts.

The economic path: in most cases political depression is a reflection of the detriation of the economic situation; which is a direct outcome of an imbalance in distributing national resources or the slow pace of the government's development efforts. The fair distribution of resources and a balanced development will raise hopes in a better life which will strengthen the national system. This kind of hope is an alternative to rebellion.

It is essential to provide the largest number of options and alternatives to individuals. The availability of sufficient options will encourage ambitious individuals to invent means to solve their problems through the existing system instead of rebelling against it. This decreases the need for using the special characteristics of its group during the rebellion.

The cultural path: This specifically deals with the isolation and integration in our societies. Due to contradictions in upbringing, individual identities in our societies are still undefined or filled with problems. The education system, school books and media also contain conflicting messages and are filled with romanticised notions about the homeland. However, this romantic portrayal of the homeland, which requires loyalty and sacrifice, is not the real picture of the country which is based on a partnership of interests. The gap between

the interests of those close to the regime and ordinary people, who are obliged to make the sacrifices unlike the regime, is very wide.

The individual as a citizen and partner should be promoted and any differences on any grounds and specifically on the basis of beliefs are unimportant in the relationships amongst citizens. This leads us to an important issue which is the way our religious discourses revolve around what may be called 'the heritage of the group'. Most of our religious discourses, whether it takes place in mosques or in the media revolve around this particular idea. This results in emphasising the isolation mentality. Due to the domination of this idea, it has been difficult to bring different ethnicities and sects together. It has also prevented religious leaders from criticising or ignoring the heritage of the group.

Tackling this cultural aspect is not enough in solving the problem of sectarianism as long as other political and economic factors of tension exist. In my opinion, a cultural solution will be effective if all parties realise that they have interests in being involved in a genuine national partnership. With regards to the political and economic aspects, the efforts of religious leaders will be useless if the outcomes of the political and economic development are not felt on the ground. Civil and living demands can only be separated from sectarianism if the overall situation is improved. This will only be achieved if the general public feels a strong hope in improving the political and economic situation. If this takes place, people will be more willing and able to criticise their heritage and their perceptions of themselves and others.

Respecting Human Rights is the Way to Achieve Stability

Dr. Loai Deeb

Bassiouni's report laid the foundation for the principles needed for the desired changes in Bahrain. The recommendations of the report created a state of incomplete transitional justice; but also created a willingness to uncover past violations, promoted civil peace, reconciliation, the rule of law and democracy.

Bassiouni's recommendations can be regarded as the first step towards achieving justice in a way that is suitable for Bahraini society after the period of unfortunate human rights violations and violence. When he first ascended the throne, the King of Bahrain took a historical decision when he initiated the first political reforms. He also took another important decision when he ordered the establishment of Bassiouni's Committee and committed himself to implementing the recommendations of the report.

The democratic transition in Bahrain should be combined with steps of transitional justice such as allowing criminal lawsuits, conducting legal investigations with those responsible of violations, establishing truth committees, setting up compensation programmes and reforming security apparatus. All these steps have been taken by the Government, however, they are incomplete and unsatisfying and have failed to end the crisis. The reasons behind this are the lack of political trust, fear of the future and the existence of incitement discourses. The steps taken by the Government are very important and positive; however, the Bahraini scene is still unclear as there are still many shortcomings which need to be addressed. There is also a need for creative initiatives in order to improve the relations of the various social components.

Promoting trust in post-crisis societies requires more interrelated measures. For without efforts to uncover the truth

and compensate the victims, punishing a few criminals could be seen as a form of political revenge. On the other hand, uncovering the truth without prosecuting those responsible of violations and reforming security institutions could be regarded as words without deeds. In addition to this, compensating the victims without criminal lawsuits can be seen as trying to silence the victims (this cannot be applied to the compensation programmes that the Bahraini Government endorsed). Moreover, reforming institutions without political partnership will fail to achieve the desired results.

We believe in the right of citizens to know the truth as equal as their legitimate right to live free and prosperously. The possibility of achieving peace, democracy and change differs from one country to another. However, uncovering the truth is essential whatever the circumstances as long as decision makers in Bahrain are able to cooperate with other political parties. This will help in achieving civil peace, democratic development and avoiding the repetition of past mistakes. National dialogue is also important for promoting consociational democracy, co-existence and the rule of the law. These are the main aims of all Bahrainis who desire to overcome the current crisis and heal the wounds of the past.

Moreover, there is a grave need for internal dialogue between on the one hand, all the social components and between political societies and the Government on the other hand. There is also a need for the active participation of all parties in the political process. Good intention if found among political parties is not enough to solve the problem, it should be seen on the ground.

To avoid more disunity in the society, Bahraini national identity needs restructuring on solid political and cultural bases, equal citizenship



Dr. Loai Deeb

standards and a state of freedom and law.

Other countries which went through similar crises were able to move beyond a transitional justice towards a reconciliation justice through admitting their mistakes, forgiveness, transparency and placing legislative foundations in order to prevent the repetition of the past. Despite the importance of punishment as a deterrent tool, it should not be an objective in itself. The Penal Code alone cannot create ethics, protect coexistence standards and dignity; for ethics should come from within and from believing in the rights of others. The demands of the political movement in Bahrain were legitimate but were transformed into political and social division, violence, and sectarian discourses. Sectarianism in the media is very harmful and should stop in order to prevent further losses.

The Government and opposition are both responsible for Bahrain's future and both should be lenient with their demands for the sake of preserving and strengthening the social fabric, achieving political and security stability, achieving a balanced development and a genuine national consensus. It is obvious that some of Bassiouni's recommendations point in this direction and implementing them professionally represents a way out for all. Political parties should benefit from the rich experiences of others in order to create their own unique experience of achieving stability.

Bahrain's Day in Geneva

A Review of The Bahrain's Second UPR

On 21 May 2012, the human rights situation in Bahrain was discussed by the Human Rights Council during the UPR which takes place every four years. The interactive discussion includes all the countries and is as follows:

The concerned government presents a human rights report which covers all human rights fields: women; children; workers; political, economic and civil rights; and other legislative, judicial and executive aspects. The report explains the challenges and the difficulties facing the government in developing human rights. The government also presents in the report future plans and recommendations which could be adopted by the Human Rights Council in order to evaluate the human rights situation in the concerned country after four years.

Civil society organisations in the concerned country present their own account of the human rights situation in their country. International human rights organisation can also present their own reports and recommendations to the Human Rights Council.

The UN and its agencies present a similar report which evaluates the human rights situation in the concerned country and their proposals and recommendations.

The concerned government studies these recommendations, responds officially to the Human Rights Council and presents implementation plans and mechanisms.

During the discussion, official representatives such as the Human Rights Minister Salah Ali were present as well as a number of civil society organisations.

Interactive Dialogue

1/ Slovenia commended Bahrain for acceding to the ICRPD and regretted that despite the recommendations made during the first review, reservations to CEDAW have not been removed and the Optional Protocol was not ratified.

2/ Spain commended Bahrain's

efforts in implementing Bassiouni's recommendations and recommended the signing of the Optional Protocol to the Convention Against Torture and the second Optional Protocol to the International Covenant on Civil and Political Rights which aims to abolish capital punishment.

3/ Sudan supported the efforts of Bahrain and the positive approach taken since its first UPR. Sudan reiterated that the UPR should not be a forum to put states on trial.

4/ Sweden commended the activities of civil society organisations and their role in enriching discussions regarding human rights. It also criticised the Minister of Human Rights' restriction on these organisations and recommended that all restrictions on the work of human rights defenders should be removed.

5/ Turkey commended the reforms made so far in the fields of security, judiciary, media and education in line with the BICI report. It mentioned, among others, reforms towards transformations to a complete civilian legal order, institutionalisation of an independent Ombudsman's Office and establishment of an independent body to review the applications of the victims regarding their allegations of torture.

6/ The United Arab Emirates recommended that Bahrain provides suitable education opportunities for the disabled.

7/ The United Kingdom of Great Britain and Northern Ireland welcomed promises to implement reforms based on BICI's recommendations. The UK was deeply concerned by reports of human rights violations that continue to occur. It looked to the authorities to ensure that convictions in military courts were reviewed and prisoners detained for exercising freedom of expression released.

8/ The United States of America commended the establishment of the BICI but was concerned that several of the Commission's most important recommendations had not been

implemented. It remained concerned by the failure of the State to effectively investigate and prosecute alleged human rights abusers and the on-going prosecutions of 20 medical professionals. 9/ Uruguay recommended that the Government carry out democratic reforms through national dialogue which includes all Bahraini social segments.

10/ Algeria appreciated the availability of protection for foreign workers in Bahrain in accordance with the new Labour Law.

11/ Argentina welcomed the delegation and paid tribute to Bahrain for the creation and implementation of the National Plan of Action related to its commitments under the UPR.

12/ Australia acknowledged Bahrain's efforts to address reported human rights violations during and following the 2011 unrest and welcomed the setting up of the BICI and the National Commission to this effect. Australia also welcomed the issuing of the Police Code of Conduct, re-trialling prisoners sentenced to death and reinstating dismissed workers. It also recommended that Bahrain carries out political reforms which protect the rights of all citizens.

13/ Austria recommended that the Press Law be amended in order to remove all restrictions on freedom of expression and that the demolished mosques be rebuilt.

14/ Azerbaijan commended the measures taken to combat human trafficking and called upon the Government to continue its coordination with the UN with regards to human rights measures.

15/ Qatar commended Bahrain's efforts to promote and protect human rights given the recent constitutional amendments aimed at enhancing participation and empowering reforms and the democratic approach.

16/ Belarus urged Bahrain to adhere to presenting its periodic reports with regards to international agreements.

17/ Belgium recommended that Bahrain strive to achieve national reconciliation.

18/ Canada requested information on

the processes established, methods used and results achieved with respect to human rights sensitivity training for police officers and security forces.

19/ Chile called for the empowerment of women socially and politically and the issuing of the second part of the Family Law.

20/ China recommended that Bahrain continues its endeavours to improve its capacity in the area of human rights.

21/ Costa Rica called for Bahrain to respect the right of peaceful assembly.

22/ Finland hoped that Bahrain's local legislations coincide with its international commitments.

23/ Indonesia welcomed the establishment of a National Human Rights Institution. It also appreciated the initiatives undertaken in the area of domestic workers.

24/ Italy welcomed measures taken by the authorities to implement the recommendations in the BICI report which is of great importance for national reconciliation. It also called for the rebuilding of demolished mosques and the abolishing of capital punishment.

25/ Japan recommended that draft press law should not to be unduly restrictive on freedom of expression.

26/ Jordan commended Bahrain's efforts to establish an Arab court for human rights.

27/ Ireland called for the investigation of torture allegations and bringing those responsible to justice.

28/ Kuwait called Bahrain to continue the implementation of the recommendations of the BICI and putting procedures regarding accountability and compensation into practice.

29/ Lebanon called for the participation of civil society organisations in the national work plan.

30/ Libya called for the inclusion of human rights principles in school curriculums.

31/ Malaysia called Bahrain to take more steps towards promoting human rights awareness through education programs.

33/ Mexico called for a dialogue that

includes all national parties and criticised the delay in the issuing of the new Press Law.

33/ The Netherlands called for the adherence to international standards during arrests, showing arrest warrants and allowing independent bodies to scrutinise trials.

34/ Nicaragua acknowledged commitments undertaken by Bahrain at empowering women and questioned the mechanisms of the previous National Dialogue.

35/ Norway asked for a time frame for the implementation of Bassiouni's recommendations and continuing the reforms.

36/ Pakistan commended Bahrain's efforts and expressed its support for national dialogue.

37/ Palestine commended Bahrain's efforts in establishing a compensation fund for the victims.

38/ The Kingdom of Saudi Arabia commended Bahrain's efforts in implementing Bassiouni's recommendations.

Official Response

Members of the official delegation in Geneva responded to the questions, recommendations and criticisms made by the countries with regards to the human rights file:

The Minister of State for Human Rights, Dr. Salah Ali stated that his country has no prisoners of conscious: 'Bahrain has no political prisoners or prisoners of conscious and if this was the case I would be the first to defend them until they are released. However, there are criminal cases waiting for decisions by the Judiciary. We have all the trust in the

Judiciary even if they are found to be innocent.' He also denied the accusations regarding the use of excessive force by security forces. He also added that a gradual mechanism was adopted in order to protect civil rights.

With regards to the torture allegations, Dr Saleh stated that national laws prohibit and criminalise the use of torture and that no one is above the law. He continued 'if you hear about any torture cases these have already been investigated by the judicial authority.' He also stated that Bahrain has signed a memorandum of understanding with the Red Cross which confirms Bahrain's adherence to international standards in dealing with



prisoners. The representative of the public persecutor discussed the torture cases and stated that it received 142 complaints and listened to 120 individuals. He added that 60 officers and members of the police force were questioned and nine cases were referred to the court. He stated also that the Public Persecutor has already started investigations on torture and fatal beating allegations - these investigations are ongoing. With regards to preventing foreign journalists and the representatives of human rights organisations from entering the country, the Minister stated: 'there are no restrictions on journalists and organisations. The number of journalists who have entered the country is 397 which

proves that there are no such restrictions'. However, a number of journalists had failed to adhere to Bahrain's laws and regulations and added: 'we welcome all those who respect the laws of the country'.

With regards to freedom of press, Dr. Salah Ali stated that a bill regarding journalism and media is already being discussed by the legislative authority in line with international standards. He also highlighted that this Act has been amended through the suspension of the imprisonment of journalists. He added that 'its only a matter of time that this Act will become a national law which guarantees the protection of the rights of journalists'.

With regards to incorporating all social segments in the Ministry of Interior he said that 'the Ministry is promoting the role of community police by allowing all sects in Bahrain to work in the field without any restriction'.

With regards to the demolition of religious places the Minister stated that Bahrain is proud to have places of worships that belong to all religions. He also highlighted that the number of Muslim places of worship is more than 2,000 and those demolished were 12, five of which have already been reconstructed and the work on the rest is still continuing.

The Under Secretary of the Ministry of Human Rights, Sa'eed Al Fayhani also stated that 'Bahrain is about to join the Convention for the Protection of all Person from Enforced Disappearance and is currently is taking legal procedures for this. Bahrain is also adopting a gradual policy and is open to all other international agreements; however, at the same time, it also takes into consideration its constitutional regulations. He also added that 'Bahrain is in contact with special rapporteur, responds to their inquires, cooperates with OHCHR and conducts mutual visits and meetings with the Council'.

Nawaf Al Maawda of the Authority of Media Affairs responded to all questions regarding freedom of expression and the

Press law and stated that Bahrain is in the process of issuing a comprehensive law which covers visual and aural media. He also pointed to its efforts to establish a supreme media council to scrutinise the media and prevent sectarian incitement.

MP Dalal Al Zayed commented on issues regarding granting the Bahraini nationality to the children of Bahraini women married to non Bahrainis stating that 'due to the absence of a law that regulates this issue, Bahrain has taken some measures which can provide help and facilitation to this group'. She also stated that the Government has established a joint committee specialised in looking into the possibility of granting the nationality to the children of Bahraini women, -many of which have already been granted the nationality. She also added that the new Child law states that 'the children of Bahraini women enjoy all rights like other Bahraini citizens especially with regards to government services'.

With respects to national dialogue, Al Zayed stated that 'many constitutional amendments were made in order to increase legislative and regulatory powers. Most important of these is the law which states that the elected Council should be the only body with all regulatory powers, and has the power to question ministers in the Council public meetings'.

With regards to the issue of foreign workers, the delegation pointed to many government procedures which prevent and combat human trafficking. He also pointed to the right of workers to move freely through a new Bahraini law. Also, she highlighted that the State is in the process of issuing a national legislation regarding domestic workers.

Troika, recommendations and the Government's response

At the end of the interactive dialogue

and listening to the response of the official delegation, the Human Rights Council selected the following group of Rapporteurs (troika) to facilitate the review of Bahrain: Uruguay, Saudi Arabia and Spain. This is in order to put forward recommendations for the Government of Bahrain for the next four years. On 25 May, the Human Rights Council issued 176 recommendations for Bahrain, most of which derive from the recommendations of the states which discussed Bahrain's file.

With regard to the official response, Dr. Salah stated that the recommendations are positive and that some require studying and an implementation plan. He also said that these recommendations will be studied with an open mind and a feeling of national responsibility by the concerned authorities and with the participation of all relevant parties. He continued stating that his country is going to respond as soon as possible.

The Government of Bahrain has established a committee in order to respond to the recommendations of the Human Rights Council headed by the Minister of State for Human Rights and with presence of government's representatives.

On 18 June 2012, the follow up committee stated that it will complete its work next August before the allocated time in September by the Human Rights Council. On 3 July 2012, the President of the Committee said that the first draft of the proposed answer has been completed and been referred to the Prime Minister's office. He also added that the Government completely supports the work on the implementations of most of the recommendations, stressing that the response to all recommendations will be positive and interactive, especially seeing as most of them have already been implemented on the ground or in the process of being implemented.