

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



*Bahrain Human Rights Monitor*

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## Bahrain's Dossier in Geneva's next Meeting

In each session of the Human Rights Council's (UNHRC) meetings, states as well as local and international political forces and human rights organizations, tend to rally in preparation for human rights and possibly political battles. Such was the situation for Bahrain, as well as others, in the twenty-seventh session meetings, which were held in September 2014.

Prior to the meeting, there was a sense of optimism that Bahrain is going on the right track. Indicators were reassuring in the sense that the government has made positive steps, including: the conclusion of an agreement of technical cooperation with the OHCHR; the government's submission of a half term UPR (Universal Periodic Review) report and the establishment of institutions for the promotion and protection of human rights (such as the 'Prisoners and Detainees Rights Commission' and the 'Ombudsman Office' affiliated to the Ministry of the Interior). The role of the National Institution for Human Rights (NIHR) has been enhanced. A greater degree of openness has been shown towards the international human rights organizations which have visited Bahrain, such as Amnesty International and others, where the official position was characterized with cooperation and transparency.

Unfortunately, however, the occurrence of some practices, such as the detention of a female activist, has cast a dark shadow over the positive atmosphere. This was viewed as a human rights setback by the international community. It led to renewal of the campaign of critical statements from countries and organizations, including the UNHRC. But things did return to a state of relative calm, after the release of the female activist. This time, however, the Human Rights Council avoided issuing statements, contrary to what has occurred last June, at the twenty-sixth session, where 47 countries signed a joint statement raising concern over a number of human rights issues in Bahrain. In spite of the absence of an adverse dramatic development against the government of Bahrain at the UNHRC's meetings this time around, it does not mean that the issues of concern will not be raised again at the next session in March, 2015. The UNHRC's member states say that they want to give Bahrain a grace period to build on and develop the positive steps taken to address the causes of concern (i.e. the dossiers of: detentions, human rights advocates and freedom of expression).

These dossiers are, in most parts, linked to an unstable political and security reality. Therefore they are most likely to continue to prevail for some considerable time. We do hope that Bahrain will embark on a political solution that would eliminate the root cause of the problem, and culminate in a national political accord that would usher a new positive page in terms of the political and human rights affairs. Only then, will the concern over all the dossiers disappear and the build-up of international pressure cease, giving the future Geneva meetings a different, and hopefully bright and positive, perspective of Bahrain and its political forces.

### In this issue

- 2 Crown Prince's Efforts to End Crisis
- 4 NIHR's Report: Implementation is a Government Task.
- 6 Reactions to NIHR's Report
- 5 NIHR's Independence key to Success
- 8 Lest our Human Rights Organisations turn into Political Parties
- 10 No Democracy through Violence
- 11 Our War on Violence and Terrorism
- 12 Foreign Ministers: Mechanisms to Prevent Human Rights Abuses in Place

## Crown Prince's Efforts to End the Crisis

His Majesty the King instructed the Crown Prince last year, 2013, to stimulate the process of national dialogue and lift the country out of the political impasse it entered more than three years ago. Previous dialogue attempts did not yield a fruitful outcome. As everyone is aware, the Crown Prince is a popular and beloved figure who is greatly respected by the opposition and all political forces. Therefore, the Crown Prince's handling of the issue of dialogue is important to all citizens. Economic activity, same as security and political stability, and civil and political rights is affected by the negative atmosphere and the absence of solutions to the crisis.

The Crown Prince's role is intended to lift the country out of the political deadlock, as political parties were unable to resolve matters in favour of any of them through their policy of 'prevalence'. Some stakes were placed on a change in the regional situation for the benefit of one party or another, or to obtain more concessions at the negotiating table. However, the regional situation exploded more and more, to the extent that it no longer serves anyone, but rather exposes Bahrain itself to the repercussions of the violent changes witnessed by our region.

On the other hand, there are political entitlements. The parliament, from which 18 opposition members pulled out of a total of 40 members, has become weaker in its representation of the community, according to many, and has become less effective in legislation and supervision. Now there is a new parliamentary contest as it has been announced in September 2014, that a new elections would be held on the forthcoming November 22nd. This necessitates the embarking at political understandings and common denominators that would lift the country out of the abnormal reality it experiences.

Since last year, the Crown Prince has met with all political groups, from among the two wings of the opposition and pro-government forces, including the elders and notables. According to these consultations and meetings, he issued a statement in the form of a letter addressed to His Majesty the King, in which he explained that "Common grounds were reached with regard to the

viewpoints of the parties involved and were delivered to them", and that the process of dialogue needs to be completed, as "it has become apparent that what can be agreed upon by all parties for the completion of this dialogue, and could be implemented through constitutional channels includes the following:

1/ Electoral Districts: the constituencies need to be more balanced and representative of the citizens, in addition to enhancing and ensuring the independence of the Supreme Elections Commission.

2/ Legislative Authority: Appointment of members of the Shura Council shall be in accordance with the procedures, controls and manner specified by a royal decree. Safeguards need to be in place to ensure that the legislative process is not disrupted in terms of the respect of the will of the legislature or the time frame. [There is] the possibility of directing questions to the Prime Minister and his deputies as well as accountability for holders of ministerial portfolios.

3/ Government Formation: His Majesty the King shall designate the Prime Minister to form the government after carrying out the traditional consultations about non-sovereign ministries. The Prime Minister-designate shall carry out consultations to form the government and present the government's plan before the Council of Representatives for a vote of confidence. The formation of the government shall be inclusive of the four sovereign ministries. The following is required for the government's plan to gain the confidence of the Council of Representatives:

A / Approval of the government's plan by

a majority of the members of the Council of Representatives at the first time.

B / If the plan fails to gain the confidence of the Council of Representatives, the Prime Minister-designate shall amend it after consultation, and re-submit it for the second time. Rejection of the amendments requires the majority of the members of the Council.

C / If a majority of members of the Council of Representatives rejects the government's plan after amendments, the Prime Minister-designate shall amend it yet another time after consultation, and re-submit it for the third time. If the plan is rejected, the Council of Representatives shall be deemed dissolved, and the existing government



shall continue to discharge affairs of the state until the election of a new Council, according to the provisions of Article (64) of the Constitution.

4/ Judicial Authority: To seek assistance of international expertise for the development of the judiciary in line with the best international practices, and to continue to promote the independence of the judiciary in the framework of the constitution and the laws in force.

5/ Security for All: Security is the responsibility of everyone, and

everyone, must respect the laws in force in the Kingdom; reject violence, and stand united against terrorism and sabotage. Military institutions shall also be bound by strict controls that ensure the application of the conditions, set out by law, to be met by each individual enrolling or continuing service in military institutions. Foremost among such conditions is the requirement to refrain from dealing in politics and to respect the military discipline, traditions and customs, in order to preserve the dignity and prestige of the military service”.

For his part, His Majesty the King responded to the Crown Prince’s letter stressing the ability of the people to embark on a promising future, and emphasizing the national fundamentals; the “foundations of our democratic march”; the commonalities which “have and still are cultivating unity among our people irrespective of the diversity and multiplicity of their views and walks of life”, in addition to preserving Bahrain’s characteristic plurality, and the comprehensive national accord as expressed by the National Action Charter. HM highlighted the importance of national agreement and the recent constitutional amendments, as well as the laws and decrees pertaining to the development of the political and legislative structure.

HM the King expressed confidence in Bahrain’s success in overcoming the current phase and reaffirmed his confidence in all segments of society, stressing that “the upcoming electoral contest and the people’s selection of their representatives will usher in a new chapter in national action”, where “these commonalities can be implemented and presented, where necessary, before the Shura Council and the Council of Representatives”.

The King expressed his keenness on “Preserving the social fabric, national achievements and the active participation in the democratic march ensuring its sustainable momentum”, in addition to preserving national unity and shunning divisions and fanaticism. He further stressed on the importance of “the convergence of views, to reach common grounds that encompass all the loyal citizens of the Kingdom”.

The Crown Prince’s public message to the King was intentional. Here are some of our observations:

The points presented by the Crown

Prince are still under discussion with the political parties. They merely determine the areas of discussion, and perhaps dispute, but they do not present complete solutions. This is intended as long as dialogue remains. In other words, we are dealing with the general headlines around which the debate is focused. Hence a great deal of the details is yet to be disclosed if the opposition decides to engage in the political process, and resolve the crisis through elections.

In spite of our lack of knowledge of some details, the Crown Prince’s letter does meet several opposition demands. The electoral districts have been modified and became more balanced compared to the past. As to the legislative authority, the opposition wants it to be restricted to the Council of Representatives, and hence limit the powers of the appointed Shura Council. The opposition also demands consultation of all political forces, concerning those who are appointed as members of the Shura Council. But the Crown Prince’s letter was not explicit about the details, thus we

### **The Opposition’s Stance in a Message to His Majesty the King**

In a message written in the name of the national and nationalist opposition, the opposition expressed its stance on the general guidelines presented by the Crown Prince’s letter. The opposition’s message indicated that Bahrain is affected by the troubled regional situation, which is expected to see more turmoil due to the excommunicating terrorism. This, concluded the message, calls for rallying of internal ranks and ending the political divide, by agreeing at the very least to manage it in a civilized manner. The message added that: “if we go to the elections of 2014 without a national, political consensus, it will increase divisions and perpetuate crisis”. The message stressed that the opposition “Extends a hand of sincerity and has enough flexibility to establish a national consensus that would make Bahrain a successful model in the region. Such agreement will receive regional and international backing and support “.

have no knowledge of the debate going on between the political parties. Conversely, however, there was a clear text demanding that the opposition should not resort to any means of disruption of parliament such as withdrawals, or other means. The powers of the Council of Representatives have been increased to include accountability of the Prime Minister, his deputies and others, which represents a fair deal of what the opposition was calling for.

The Crown Prince’s letter hinted to some role for the political forces, including the opposition, in the event of their participation in the parliamentary elections. The letter mentions a role in the formation of the Cabinet through the Council of Representatives, whose confidence is necessary for the cabinet, as well as a role in approving the government plan, and perhaps there is even more to be assigned. As for the subject of judicial authority, as an item of dialogue, there is a need to strengthen the independence of the judiciary and address the shortcomings attributed to it by the opposition. Finally, on the issue of security, it is agreed that all segments of the society must be represented in the security apparatus, while maintaining the recognised controls in its affiliated staff.

In any case, breaking the political deadlock, and ending the state of political and social schism and security turmoil is a necessity for Bahrain with all its inhabitants, especially under the difficult circumstances witnessed by the region. We know that compromises are difficult for all political parties, but it is an urgent necessity, to lift Bahrain out of the bottleneck.

In our view, the opposition is required to participate in the upcoming elections, not through circumvention by recommending elements from outside its ranks, but through its own members themselves. The opposition’s presence is necessary to end the crisis, to activate the Parliament; as it is necessary to boost confidence and normalize security and political stability. In contrast, remote participation (through recommendation) does not solve any of the basic problems.

Concessions are required from both political parties. We hope to see the elections held with everyone participating. This shall herald a new beginning and signal the advance towards the future, rather than being locked up in the past.

## NIHR's Report:

### Implementing the recommendations is a Government Task

NIHR (the National Institution for Human Rights) of Bahrain issued its first annual report for 2013, in accordance with the Decree establishing it, which stipulates that "NIHR shall prepare an annual report on its efforts, activities and other works. This report shall incorporate its proposals and recommendations that fall within its mandate, and shall define performance constraints and the solutions adopted to overcome such constraints".

The report was notably bold in addressing various human rights issues with a high level of transparency, and was also bold in its characterization of the human rights conditions in Bahrain, prior to the submission of its recommendations to the government.

In 150 pages, the Report covered all topics including those related to the Institution itself, in terms of its inception, organizational structure, strategy and action plans. It also covered the civil and political rights, economic and social rights, the rights of groups that are most worthy of care as well as the issues of national dialogue and corruption.

At the outset, the report pointed out the government bodies, such as ministries and institutions, which cooperated with NIHR by responding to its letters requesting clarifications or information, as well as those government bodies that failed to cooperate with NIHR. Likewise, the report mentioned by name those civil society institutions which were addressed, indicating which ones cooperated and which ones failed to do so, whether in respect of releasing the report or else.

#### The Right to Life and to Physical and Moral Integrity

The second chapter of the report addressed the civil and political rights that have faced challenges in practice. The Chapter referred to 'The Right to Life and the Right to Physical and Moral Integrity', indicating that the death penalty was issued against only one person in 2013. The Report also noted that Bahrain's Government adopted a voluntary

moratorium on the application of the death penalty or its complete abolition.

With regard to 'the right to physical and moral integrity', the Report pointed to the establishment of the Special Investigation Unit, concerned with investigating allegations of torture, and explained that "the said Special Investigation Unit, in its current form, does not have the aspired independence and impartiality to ensure effective investigations. The Report attributed this to the fact that the Investigation Unit has been assigned to the public prosecution because "it is the authority that undertakes the investigation with an individual who combines the mantle of being accused of committing acts of criminal law with that of a victim who was subjected to torture or other forms of ill-treatment."

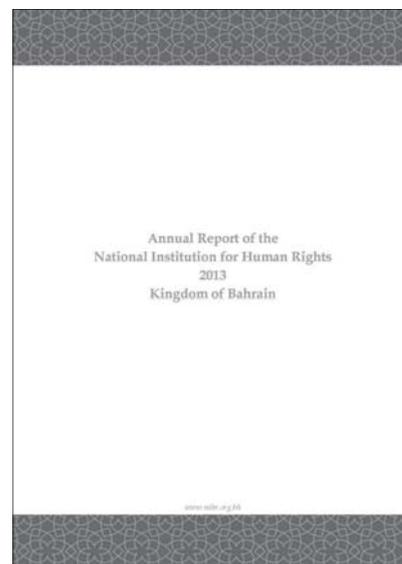
The Report considered that the Special Investigation Unit was not transparent enough, because the reports it issued were "brief and do not rise to the level of public reports which must include the minimum information referred to in the Istanbul Protocol". The report said that the NIHR has submitted inquiries to the public prosecution office about the nine deaths cases that were referred to the courts, where 37 members of the security forces were accused including six officers "However, NIHR has not obtained confirmed information about the nature of the judgments awarded on those cases, whether acquittal or conviction, or about the length of the sentences the convicts received, since the Institution has not receive any response to its communications".

The report added that NIHR "noticed a discrepancy between the judgments awarded against the accused persons in security cases, such as enticement to violence, riots, or other similar acts, in which the terms of imprisonment are usually long, and the sentences issued against those accused, among the employees of the Ministry of Interior, in cases of torture and other forms of ill-treatment. The judgement in the latter's cases is, if not an acquittal, usually diluted, and does not commensurate with the offense committed.

Such approach, if proven, does nothing but encourages the culture of impunity".

On the other hand, NIHR's Report acknowledged the efforts of the Ombudsman Office of the Ministry of Interior with respect to allowing its visit to the Reform and Rehabilitation Centre (Jaw Prison) which enabled the Institution to issue a report on the extent of the application of the International standards regarding the humane treatment, the conditions of the place of detention and the rights and legal safeguards for detainees, as well as their health care.

While the Report refers to the government efforts concerning 'the Right to Physical and Moral Integrity', it states, however that, this right "is still subject to,



a more or less, frequents violations. The security events taking place in the Kingdom have brought these violations to light, given the improper use of force by the public security forces, such as using shotguns, tear gas inside houses and confined places, and stun grenades, in addition to allegations of assault by beating during the arrest of suspects. The monitoring process carried out by NIHR revealed the existence of cases where this right has been violated, which resulted in physical injuries, some of which are classified as severe".

The report pointed to the government's establishment of the National Fund for the Compensation of the Affected People, with the purpose of the redressing and reparation of the victims of violations. The Government established alternatives to resolve the situation of the affected people as soon as possible through the 'Civil Settlement Initiative'. The Report said that since March 2012 the Ministry of Justice has received nearly 84 settlement requests for death cases, and 420 settlement requests relating to injuries. All the death cases mentioned in Bassiouni's report (35 cases) were compensated, in addition to four other cases which were not mentioned in the report.

The NIHR, after examining dozens of complaints concerning torture and ill-treatment, has expressed its legal opinion and referred them to the concerned authorities, but received no responses. An NIHR delegation also visited the Dry Dock Detention Centre to verify allegations of ill-treatment and submitted a report to the competent authorities, which denied the occurrence of abuse without giving any details. Another delegation visited the detention centre in order to investigate after the occurrence of incidents of chaos and riots. The delegation met officials at the centre as well as a number of detainees and concluded by referring to "the existence of marks consistent with severe assault on different parts of the bodies of those arrested, in a manner that can be described as collective punishment". NIHR submitted its report to the Ministry of the Interior together with the recommendations.

The Report's recommendations to the Government called for: the independence of the Special Investigation Unit (SIU), in conformity with the Istanbul Protocol; and called for the SIU's compliance with the Protocol, including the issuance of public reports; accession to the optional Protocol annexed to the Convention against Torture; the issuing of legislations to ensure that rehabilitation and detention centres conform to international standards, which means putting them under the supervision of the Ministry of Justice. The report urged the government to speed up the disbursement of compensations; subject those in charge of law enforcement to comprehensive training programs; limit the use of solitary confinement as a disciplinary measure; consider setting a date for the visit of the UN Special Rapporteur on torture and

apply a process of legal accountability for all decision-makers among the security leaders with regard to cases of death due to torture or other forms of ill-treatment.

## **The Right to Liberty and Security**

The NIHR's Report of 2013 dealt with the local and international legislative background regarding this right, and explained the legislative and legal safeguards, and the Ministry of Interior's procedures relating to the preservation of this right. The report concluded that the government has succeeded in developing a substantive legal and procedural fence in activating the recommendations of the Bassiouni Commission (Article No. 1722/d), which recommends the adoption of all possible steps "To avoid detention without prompt access to lawyers and without access to the outside world. In any event, all detention should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant"

Despite this, the Report says that:" the right to liberty and security was prejudiced, to an extent that it was almost eliminated in certain cases. The security measures in place showed many cases in which the individual's right to freedom and personal safety was exposed to violations. These violations consist of the arrests carried out by the authorities in violation of due process, accompanied by assaulting the sanctity of homes and their inhabitants"... and "the use of force to break through the doors and destruct property. The right to physical and moral integrity was violated in certain cases".

In this regard, the report recommended several measures. These include conducting effective and intensive training and awareness programs for members of the public prosecution and the staff in its executive arm, to instil and enhance among them the human rights culture, the respect for the rights of the accused, the adoption of alternative measures to remand. The Report called for the activation of the supervisory authority of the public prosecution office in relation to violations committed by law enforcement officers while conducting arrests, search, or entering houses or others. It also urged

the legislative authority to expedite the issuance of the necessary amendments to the Criminal Procedure Code regarding granting the accused the right to effective grievance, and the reduction of the duration of remand, putting an end to the individual actions by law enforcement apparatus that constitute human rights violations, the establishment of an effective and transparent system to hold accountable those deemed responsible for violations. The Report further recommended the removal of obstacles to the freedom of movement; the cessation of illegal practices at security checkpoints and finally to consider allowing the Arbitrary Detention Team to visit Bahrain.

## **Other Issues**

Regarding the right to a fair trial, the report criticized many government bodies which violated the constitutionally inscribed guarantees by publishing the names and photographs of suspects in the official media and some local newspapers, which constitutes a breach to the principle of the presumption of innocence, and prejudices the human dignity of the accused.

Regarding the right to a citizenship, the report referred to the revoke of the Bahraini citizenship of 31 people, and expressed the view that the state has the right to do so, provided it does not lead to the emergence of the phenomenon of (stateless) individuals. The report added that the decision of forfeiture has caused the said individuals to become stateless persons; therefore it recommended reinstatement of citizenship to them.

Regarding the right to freedom of expression, the report recommended the rapid issuance of a law on the press, printing, publishing and audio-visual media and electronic media, in line with international conventions. It also recommended that all licensed political associations be allowed greater access to television and radio broadcasting, as well as print media. The report urged the public prosecution not to resort to arrest warrants on media issues; and urged the government to ease censorship and restrictions on the media, and to lift the ban on political associations issuing bulletins. Finally, the report called on the government to allow the Special Rapporteur on freedom of expression to visit Bahrain.

## Responses to NIHR's Report

His Majesty the King of Bahrain praised the achievements and activities included in the National Institution for Human Rights (NIHR)'s report, aimed at promoting and developing human rights. HM stressed on the importance of consolidating and disseminating awareness of human rights. The King also emphasized that Bahrain is committed to all treaties and international laws pertaining to human rights and that establishing such rights in the community and the state is a top priority.

For his part, the Crown Prince highlighted the role of specialized national human rights institutions which undertake the responsibility of evaluating and monitoring the implementation of human rights standards, in an effective manner. HRH attributed the effectiveness of such national institutions to their complete familiarity with the specificity of local affairs and the appropriate manner of dealing with them.

The Crown Prince noted that the NIHR report included a significant, objective and comprehensive documentation of its functions in the context of full autonomy; evident and transparent cooperation as well as effective communication with the specialized organizations and bodies both internally and abroad. HRH also noted that the report involved monitoring, coordination and continuous follow-up with the official authorities and bodies, and hence it is possible to build on its

recommendations.

His Royal Highness the Prime Minister, called on NIHR members to "Stand up for human rights, particularly the right of the Bahraini citizens to live without fear of terrorism and saboteurs" and "the right of your country to enjoy security and stability"; pointing out that Bahrain has enhanced its cooperation with all international human rights organizations that share the same sincere orientation to build nations rather than seeking a pretext to disseminate fallacies.

For his part, the Minister of the Interior noted the development and upgrading programmes adopted by the Ministry with respect to human rights and directed the Ministry officials to reply, in the shortest time possible, to the items mentioned in the report concerning the activities of the Interior Ministry. The Minister stressed the Ministry's keen interest to cooperate with the NIHR in improving the local human rights situation.

The US Ambassador in Bahrain, Thomas Krajewski, described the NIHR report as an important step for the promotion of human rights in the Kingdom. He expressed his admiration of the significant details included in the report, covering various aspects of human rights. The ambassador also looked forward to the implementation of the important recommendations included in the report, because that is the next important step in this

matter.

Washington's ambassador to the UN Human Rights Council (UNHRC), Keith Harper, welcomed the report stressing support for its recommendations on the investigation into allegations of torture and abuse, as well as continuing reforms. During his speech before the International Human Rights Council, he encouraged all peaceful forces in Bahrain to



exert more effort; to make concessions and to achieve real progress in the political process and reform.

Moreover, the German Government's Commissioner for Human Rights, Christoph Strässer, described the NIHR's report as an important document for the Bahraini human rights situation, and attributed this to the report's openness, transparency and candour. Thus, he believes, it could become an important reference for achieving social harmony in the long term.

## Ban Ki-Moon reveals OHCHR's efforts in Support of Bahrain

The United Nations, through the Office of the High Commissioner for Human Rights (OHCHR), has rendered an important service to Bahrain that was noteworthy for reference in the UN Secretary-General's report to the Human Rights Council at its Twenty-Seventh session in September 2014. The report included information on the activities undertaken by the OHCHR for the establishment and enhancement of the national human rights institutions and cooperation between these institutions and the international human rights system.

With respect to legal advice, the Secretary-General stated that the OHCHR has "provided legal advice on the draft law to amend the decree establishing a national human rights institution in Bahrain, to ensure its compliance

with the Paris Principles". The amendment was actually adopted by the Bahraini parliament and a law was issued in this regard.

In the area of capacity-building activities, the Secretary-General said that "In cooperation with the national human rights commission of Bahrain, OHCHR organized a series of national consultations on various human rights issues, including a round table in April 2014 on the role of national human rights institutions in promoting and protecting human rights".

In his above-mentioned report, the Secretary-General of the United Nations, encouraged states "to ensure that national human rights institutions are provided with a broad mandate to protect and promote all human rights, including economic, social and cultural rights, and are granted adequate powers of investigation into

allegations of human rights violations, including an authorization to visit detention centres". He also encouraged countries to "ensure that national human rights institutions are provided with adequate human and financial resources and enjoy the necessary autonomy to propose and manage their own budgets and recruit their own staff members", as well as implementation of the recommendations of national human rights institutions by the states concerned.

The Secretary-General encouraged national human rights institutions "to continue to develop, and advocate for the development of, protective measures and mechanisms for human rights defenders, and to disseminate information thereon", as well as "to continue to engage with the international human rights system".

## NIHR's Independence Vital for its Success

The annual report of the National Institution for Human Rights (NIHR) has come as a surprise to observers and those concerned in terms of its content, professional tackling of topics as well as its maturity in providing suggestions and recommendations.

Despite containing objective criticism for many of the human rights issues in Bahrain, the report undoubtedly presents a positive image of NIHR and the large margin of independence it enjoys. The report also reinforces NIHR's credibility at the local and international levels.

We in Bahrain Human Rights Monitor believe that NIHR has made an achievement, not only for the issuance of such a report, but also because it reveals the substantial efforts exerted by NIHR recently to meet its responsibilities according to the statutes of its establishment. The domestic or international public opinion was not aware of those efforts, so learning about them in the context of the report, came as complete surprise for everyone.

We hope that NIHR will consolidate its local status as well as its standing in the human rights world with more of such acts and activities. We hope that it opens up to the domestic scene before the worldwide one, to become an essential human rights reference for the state and society, and to play a pivotal role in the solution and the development of human rights issues.

We wish that NIHR's members, staff and officials, will continue this professional and objective approach. We hope that they could build upon it for their future activities, through following-up the implementation of recommendations and assisting the government in solving human rights problems. Having said that, we also call upon the state's institutions to engage in further cooperation with NIHR, as per the Royal Decree establishing it.

As much as it is considered an asset to NIHR, this Report is also an asset to the government it criticized. Acceptance

and recognition of this criticism, and commitment to the implementation of the recommendations set out in the report, enhances the credibility of the government in terms of its seriousness in dealing with the human rights dossier. It also is an indication of the seriousness of the government in providing the favorable atmosphere for NIHR work, without the pressures restricting its independence and its positions, as stipulated in the Paris Principles.

The greater the commitment to the principles of Paris, the greater is the chance for development of a national human rights institution that is credible, effective and professional. Conversely, the abandonment of those principles leaves the national human rights institutions void of value and drains them of any moral balance or presumed standing, and consequently renders them unable to serve neither human rights nor the regimes that established them.

In order to support NIHR, we are primarily required to implement its recommendations, and to increase the cooperation of government institutions and ministries with it. Cooperation could take place by providing information, allowing investigation or by responding to NIHR questions and inquiries, or other means. On the other hand, officials need to keep NIHR away from interventions or pressures if any. NIHR needs to be encouraged, praised and given confidence to be a true human rights voice that sincerely expresses the reality of the society and the state.

As for the civil society institutions, particularly civil human rights organizations, we ask them to view the NIHR report and activities with fairness, leaving aside the political polarizations and stereotypes. The Bahraini civil society was expected to read the report and welcome it publicly; but the attitude of stereotyping among some, made them unable to even consider the report, let alone express any positive response to it, in terms of its actual service to the

cause of human rights and not as a tool to condemn the government based on the principal of (I judge you by your own words!)

We have not seen any positive reaction towards the report from the civil society institutions affiliated to the opposition, bearing in mind that the report confirmed that NIHR has requested the assistance of local human rights societies which did not respond to the request. But we do hope that the report will be the beginning of a new relationship between the NIHR and all Bahraini civil society institutions. The international organizations and the United Nations often ask national institutions to cooperate, interact and encourage civil society organizations to engage in their programs and human rights activities and to consult with them in their reports, drawing of policies, plans and programs, and even in the implementation of those plans, programs and in their evaluation. How can that take place, if the civil society is negatively boycotting and is unable to see things objectively and positively?

It should be noted here that Bahrain has achieved some positive bright spots in its human rights march. But these are sporadic in most cases; and not built upon, developed and expanded. The Government has a right to complain that many people do not acknowledge the positive aspects. This is true to a large extent. But it is also true that many of these positive aspects are often lost primarily because of the political conflict. There are those who see only blackness and are merely interested in promoting the negative news only. On the other hand, there are official mistakes that occur and overshadow the positive aspects painstakingly accomplished by the Government. Then there are some issues that are not fully accomplished, and are not properly followed up till they bear fruit.

We hope that the NIHR project pays off even after a while, and we wish this plant would grow till it becomes a towering tree.

## No, to turning our Human Rights Organisations into Political Parties

Hasan Moosa Shafaei

A general screening of the political and human rights arena in Bahrain today reveals the existence of two political camps, each with its own set of political, media, human rights, religious and popular tools. Two dissonant camps, each constitutes a clearly defined solid mass within which the defining lines between political, human rights, sectarian cultural or even ideological aspects are blurred so that within each camp almost one voice prevails over all others in such a way that makes the human rights activist feel that he/she has lost his/her specificity, tools and distinctiveness; and seemed more like a professional politician speaking the language of human rights to attack either the regime or the opposition. In other words the activist has become part of a distinctive political machine. Thus, the matter is no longer a simple mix-up in approach between the political and the human rights aspects. In the midst of the political conflict, even the objectives of human rights activists have been lost. By joining either of the two camps, the affiliated human rights activists ultimately become so engrossed in the political end game, that the methods and approach they adopt are determined by the politician.

Today, everything is politicized in Bahrain. One may even dare to say that each and every activist in public affairs has already determined his/her political choices or has automatically become part of one of the two camps.

In such an environment, we need to go back to the beginnings and ask ourselves some basic and obvious questions, so as not to lose our sense of direction any more than is the case so far.

It is the task of the human rights activist to develop human rights conditions, but this does not necessarily mean clashing with the political regime; as

the need may arise to cooperate with it. Otherwise a human rights activist may turn into a political activist, because he/she decided from the outset that human rights objectives can only be achieved through political tools, or through partial or total political change; while acknowledging the impact of the development of the political situation on the human rights one, and vice versa.

When I point out this fact to some human rights advocates in Bahrain, they answer me back with a question: "But we have a dictatorial regime that uses all the tools of oppression and repression against activists, and therefore the regime needs to be changed first, otherwise human rights activism becomes useless?"

What answer could I offer? Dictatorship is relative in each country. Some political regimes have agreed to evolve into less repressive regimes or 'emerging democracies', to use the more positive modern expression. Consequently, there are two tracks that cannot be confused. The political opposition track, either outside the law, or within the permitted limits in the event of the existence of any legislation permitting the establishment of political parties. The other track is that of human rights activism in the context of civil society organizations.

The error is that when conflict intensified in the political process in Bahrain, the human rights track has been hijacked. The human rights track failed to put up any resistance to salvage even a tiny bit of its independence, as per the international human rights standards which impose the reasonably possible degree of neutrality, objectivity and professionalism.

Apart from this, any talk of human rights becomes little more than political justifications. Thus, a human rights advocate is critical of the regime or the



Hasan Moosa Shafaei

opposition, not with a view to improving the human rights situation, but rather for a goal that is pre-determined by a politician in one camp or the other. As a result, the humanitarian value of human rights work is degraded as it becomes merely a means of indicting one party or the other. This goes to the extent where some rejoice over the occurrence of more violations by the regime, as the latter's mistakes supply them with material for defamation and political condemnation.

So, who really cares for the pain of the victims, the blood and the security unrest; or feels the pain of ordinary people? I am not asking the politician to cease activities or abandon their goals; but rather say to the human rights activist: "Why did you abandon your goals? Why have you dropped the humanitarian dimension in your fight for human rights? Your true goal is to reduce the size of human rights violations, and to expand the space of benefits to citizens in the civil and political rights spheres. Your goal is not political in the sense that is explained by the politicians on either side of the political divide".

As a human rights defender

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myself, I am confronted with several questions, from my colleagues as well as others, such as: "Why did you choose to cooperate with the Bahraini Government?" "Is there any benefit from what you are doing?" ... "Is not what you are doing a justification and an attempt to polish the image of the behaviour and conduct of the government; and to cover up its violations?"

Also, some Bahraini human rights activists do not hesitate at throwing allegations at me such as been an infiltrator, a plant, a political broker, or an opportunist who exploits the pains of others to achieve personal gains, in addition to other allegations they happily feed to regional and international human rights entities.

The essence of the dispute lies in what I mentioned above. In other words, it is a dispute over the methodology and approach to the human rights issue. No one can overbid someone with a political opposition background, who has spent nearly a quarter of a century in defence of Bahraini human rights. I understand the difference between political and human rights work. I do realize that my job and specific task is to improve human rights conditions through communication with the government, international organizations, United Nation's institutions and an extensive network of contacts, while relying on a professional human rights discourse.

Working with the government does not mean acceptance or cover up of the violations that occur. In fact, I am doing what other fellow human rights activists are doing. The difference is that I convey documented information and put them in their proper context. I provide solutions to solve human rights issues and have been successful in many of them. But most importantly is that my purpose in all of this is not political. My purpose in essence and core is purely humanitarian, national and focused on human rights. My human rights work is not intended for the purposes of defamation, embarrassment nor political

exploitation.

A balanced relationship with the government is indispensable for a human rights advocate. How do you expect to develop a human rights situation by clashing with the government? All International human rights organizations do not clash with governments, but open channels of dialogue and communication with officials, even in the most notorious of dictatorial regimes. It is even more so as we live in a homeland whose political fundamentals we have accepted, and where there is a wide margin for civil society, political parties and the media. Would it then be reasonable and wise, if we genuinely want to serve the cause of human rights, to sever relationships with the government and opt to clash with it? How could that possibly be right?

In any case, this debate is not new. It has started between me and my colleagues in the Bahrain Centre for Human Rights (BCHR) since we established it together in early 2000. Due to differences in methodology I withdrew from the BCHR. I would like to remind my BCHR colleagues to re-read the objectives and methods of the Centre, which are included in the BCHR Statutes (published in the *Official Gazette*), so that we could all realize how far or how close we have come towards achieving those objectives, and whether or not we actually use the correct methods and approaches to achieve them.

Based on the relationship with the Bahraini government, and through long personal experience, it could be said that there is willingness by the country's leadership to develop the human rights situation to a large extent. I have discovered that the prime deficiency lies in the lack of understanding of this new paradigm called "human rights according to international standards". All the State's institutions have, for more than half a century, been founded on a totally different culture. Hence, the question is how to reshape all these official institutions? How to correct the

behaviour of individuals in accordance with human rights standards and controls? How to compel individuals to comply with these standards?

I have had the opportunity to meet closely with senior ministers and officials concerned with human rights dossiers. I have talked and listened to them on dozens of emergent or heated human rights issues, pointing out errors, suggesting solutions and criticizing some of the behaviours and legislation. Such activity has contributed to the resolution of several issues.

Someone may ask: Why should the regime agree to listen to you? I would think that perhaps the officials have realized that our approach and ends are different. In any case, I am grateful to all those officials for availing me of the opportunity to meet with them and for bearing my sometimes painful criticism and candour. I am grateful to them for enduring my constant irritation and persistence, and for allowing me a window of opportunity to serve human rights in my homeland by accepting little or much of my demands, proposals and calls.

I should also point out, that my human rights' activities and operational methodology are widely accepted among all international human rights organizations, including the UNHRC. Many of the officials of those organizations closely follow and realize what I am doing, and appreciate the joint cooperation, views and the suggestions I propose.

Finally, while we observe that politicians, especially from the opposition, are engaging in human rights activity; human rights activists are also engaging in political action, albeit under human rights pretences. This, once again, raises the question about the need to review the way human rights work is exercised in Bahrain. Without this, we risk having our human rights societies turning into political parties, as their core business. Worse still, we all risk losing our human rights credibility.

## No Democracy through Violence

Two international observances of particular importance at the international and regional levels have been celebrated. The first occasion is the International Day of Non-Violence; the second, the International Day of Democracy. Both occasions are organically linked in their final goal, namely the creation of peacefully coexisting democratic communities that are free from violence, exclusion, extremism, dictatorship, discrimination, and deprivation of citizens' rights.

Practical experience in the so-called 'Arab Spring countries' has demonstrated that violence contrasts with democracy, irrespective of whether violence is practiced by the regime or the opposition. It is difficult to build a sound, humane, fraternal and democratically coexisting system through civil wars, or through the barrel of a gun used against existing political regimes. Perhaps we do not need further explanation, as we witness the experiences of Libya, Syria and Iraq, where the much sought-after democracy was lost. Instead of democracy, violence settled and killing has become so widespread to the extent that the fundamental 'right to life' was lost, and communities splintered along regional, tribal, sectarian and ethnic lines fighting each other.

Marking the occasion of the International Day of Non-Violence, Ban Ki-moon, the UN Secretary General wrote about the culture of non-violence as a path towards coexistence and prosperity of diversity. In this regard, Ban Ki-moon recalled Gandhi's words:

"An eye for an eye ends up making the whole world blind."

This is particularly true in cases of internal conflicts and civil wars where mutual retaliation is exercised between different groups, or between regimes and opponents. Mr Ban Ki-moon stressed that "We have to foster a culture of peace, built on dialogue and understanding, for living together in harmony while respecting and celebrating humanity's rich diversity."

Moon also considered education as the most important tool "to enhance human dignity, promote a culture of non-violence, and build lasting peace. Through education, we can craft new ways of living" as well as "developing new forms of global citizenship

and solidarity that are so essential in today's world".

The United Nations Secretary General called on all people to counter what he called 'the forces of intolerance', which he believes to be the fundamental generator of violence. Such forces reject the primary principles of accepting differences, and refuse to co-exist with those who are different even among their compatriots. That is because these forces, owing to their fanaticism, determine rights on the basis of narrow affiliations. Fanatics reject equality and the principles of citizenship, and believe that they have more rights than their other compatriots, that is assuming, of course, they recognize that the latter have any rights in the first place, including such rights as the right to difference, and freedom of expression, thought and worship. Moreover, we even got to the point where the forces of bigotry and excommunication (such as ISIS) fail to recognize even the right to life for their opponents.

We in Bahrain need to reaffirm the consolidation of a culture of non-violence, both in daily life and political life. No one should rush to justify violence, whatever is its source. We must all recognize that change through violence is not only expensive, with slim prospects of success, but it also eliminates the chances of a good life in the future and destroys the very foundations of community coexistence. Those who believe in violence as a means of achieving democracy should rest assured that this can never happen. What would happen, though, is that we will end up with the dismembered human corpses, dead consciences and warring communities that lack the most basic of requirements for a decent life.

On the other hand, the roots of violence or the environment providing the climate for exercising it must all be wiped out or at least have their threat lessened. Violence grows in an environment of tyranny, despair

of change, predominance of the culture of hatred and extremism, lack of respect for others and the adoption of means of coercion, exclusion and marginalization. All this leads to tendencies of violence in communities. We are required to expel the specter of violence from our society, through the reinforcement of democratic procedures and legislation and the rebuilding of the social fabric along the principles of citizenship; and through tolerance rather than punishment and by halting mutual retaliatory confrontations and planting the flowers of hope in a decent living in coexistence.

In an article on the occasion of the International Day of Democracy, Mr Ban Ki-moon expressed his belief that the acts of violence which are raging, mostly in our region, consolidate the fact that



"where societies are not inclusive, and where governments are not responsive and accountable, peace, equality and shared prosperity cannot take hold". Thus he advocates the empowerment of the underprivileged, marginalized, miserable, jobless and hopeless people, so that they could engage in a positive manner in drawing their future.

The UN Secretary General called on the youths aged between 15 and 24, who comprise one-fifth of the world population, to identify the challenges and the means of confronting and resolving them so that they can take control of their destiny, fulfill their dreams and lead the ranks in contributing to the building of stronger and better democratic societies.

## Our War on Violence and Extremism

**“The battle against ISIS is not America’s alone. It is ours par excellence. Those are individuals that targeted us as nations — that targeted our people, history, culture and everything...”**

**Sheikh Khalid Bin Ahmed Al Khalifa, Bahrain’s Foreign Minister**

Nothing occupies the minds in this region and the world nowadays more than the war on terrorism. War drums have rang to counter an expanding threat that spares no country. More serious than the military war itself is its impact and repercussions on the local conditions in each country, triggering many questions, such as: How could we create a clean environment where the viruses of violence and terrorism cannot grow? This leads us to the other arm of the counter-terrorism policy, the part relating to policy, thought and culture.

In essence, terrorism is an enemy of life, especially in the form manifested by ISIS where decapitations and women captivation left no room for preserving any of the human rights, chief among them are the ‘right to life’ and the right to be free, as the world has fought hard to put an end to slavery and combat it through regulations, laws and legislation. Do we really want to go back to the ages of captivation and ignorance?

As far as Bahrain is concerned, the Bahraini Foreign Minister pointed out that the number of Bahrainis enrolled in ISIS (ISIL) and Al-Nusra Front does not exceed a 100 people. Nonetheless, it is not a small figure for a country with a tiny population, especially one that has been renowned for its tolerance; acceptance of cultural, sectarian and religious pluralism; social openness, and a long history of civil peace.

Here we must recognize a number of objective fundamentals:

- Terrorism, especially of the Al Qaeda and ISIS brands, does not grow in a clean environment, but rather flourishes in turbulent atmospheres, suffering from political, social or security-related unrest or all of these combined. We believe that the security and political unrest in Bahrain has facilitated the growth of the extremist thought and ideology which is essentially imported from abroad. This led to a deep schism in the community which fed on

political dissent, and was further inflamed by media outlets and social networking sites. For all of the above, all social groups in Bahrain, are required to be aware of the fact that the various conflicts which had happened in the past three years have provided a favourable climate for extremism in thought and practice, which, we pray to God, would not escalate into local violence. All the warring factions have rallied against each other, and spared none of its media, cultural or religious weaponry without using it in its political discourse. This resulted in a tense and charged audience that is fraught with pain. On the other hand, the prolonged political crisis, and the lack of prospects for moderate solutions, has contributed to the creation of a corrupt climate where all the parasites of violence and terrorism were able to grow.

- We believe that the ideology of extremism and violence is imported and that it is alien to Bahrain. Although this ideology holds but a very tiny share of the ideology market, its shoppers do, in spite of their meagre numbers, constitute a major threat to security and stability. It is time to take severe and decisive measures against those advocates and promoters of hate speech and extremism in Bahrain. It is time for the discourse of our intellectuals, scholars and politicians to rise to the challenge if we want to cleanse our country from an epidemic of excommunication (Takfeer) and extremism that leads to violence and blood. It is also time to impose tight censorship over those imported extremist thoughts and combat them with moderation, tolerance and respect, and by highlighting the spotless image of the values of Islam and humanity.

- As we have seen and still see nowadays in other countries, the extremist and violent ideology should not be a tool in the hands of an individual against the other, because it is, ultimately, an

exclusionary ideology against everyone. It is an ideology that predates the statehood era. Its adherents are not against a particular group but are actually against all groups and sects, and against the very origin of the system of government. They are against the way of life of the ordinary citizen and against their culture and traditions. None, whether a country, political party or group, has ever used this thought and its adherents for their ends, without seeing it backfire at them with dire consequences. This fact should make everyone realise that they are within the circle of danger and targeting. The sense of collective danger should drive them to re-communicate after a long period of estrangement between social, political, religious or cultural groups. Whatever the political dispute, it remains a much lesser risk compared to the danger of excommunicating and violent extremism. The political dispute should not be allowed to turn into a sectarian dispute that feeds extremism and violence in Bahrain.

Finally, we must reckon with the fact that this violent ideology feeds on societal divisions, and the greater the rift, the easier is the generation of extremism. Politicians should avoid the intercalation of sectarian, ideological and cultural differences in political controversy.

In sum, what has happened in the region during the past few months is a lesson to all, including states and elites of various orientations. We in Bahrain need to cooperate in eliminating the environment that provides the lifeline for extremism and violence potentials. We have to arrive at rapid political understandings to deliver everyone from the crisis. This cannot be accomplished without true realization and remembrance of the imminent and impending danger to everyone on the one hand; and making concessions for the benefit of the security and stability of the country and the future of its generations.

### Foreign Minister:

## Mechanisms to Prevent Human Rights Abuses in Place

Bahrain's Foreign Minister was accurate in his characterization of the situation in the Arab region when he said that the region traverses the most difficult phase in its modern history, due to the state of chaos and the savage and bloody wave of terrorism that is unprecedented in our modern times.

The Minister was also accurate in his analysis of the factors behind the emanation of chaos and turmoil, which he attributed to three factors or challenges: the increasing danger of terrorist groups; foreign interventions and the ambitions of hegemony as well as foreign occupation of Arab territory and its consequential threats and wars.

In his speech before the General Assembly of the United Nations (on 29/9/2014), the Minister noted that the terrorist challenge has become global, thriving in our Arab region with greater savagery and callousness. Not only individuals are targeted, but also entire groups through the persecution of ethnic and religious minorities; displacing them and destroying their cultural and civilizational heritage; depriving them from their religious freedom and properties; attacking entire cities, and declaring war on sovereign countries in their regional and international settings, in disregard of all religious doctrines or intrinsic human nature. Terrorism has thus sought to destroy the centuries-old foundations of coexistence between various groups.

According to the Minister, confronting the inhumane practices of mass murder and public beheadings requires advocacy of the values of tolerance, equality, moderation and respect for cultural diversity, as well as operation along three axes:

First, the security and military axis as terrorist groups have acquired heavy weapons, enabling them to occupy entire cities that they use as safe havens from which they launch their terrorist operations.

Hence, according to the Minister, it became imperative to confront this threat. To this end, Bahrain's military involvement took place through its air force.

The Minister expressed his country's welcome of Security Council resolution 2178, which focused on stopping the recruitment of foreign fighters, adding that "we continue to closely monitor frontiers and outlets so as to stop the citizens of the Kingdom from contacting terrorist groups or joining them,

to arrest all those who have allegedly been affiliated to them as soon as they return to the country and to prosecute them."

The second axis is fighting the extremist ideology that is alien to the human nature and the essence and principals of Islam. Hence, Sheikh Khalid Bin Ahmed Al Khalifa highlighted the important role of Muslim clerics and scholars and religious institutions in counteracting such misguided thought.

The third axis is to sever what the Minister described as the financial lifeline nourishing such terrorist groups, enabling them to purchase weapons and corrupt consciences.

In this regard, he pointed out that the Kingdom of Bahrain is convening an international conference during the forthcoming November to examine the financing of terrorism, how best to combat it and how to drain its sources. He noted that Bahrain believes that ending the financing of terrorist groups is half the battle of defeating and annihilating them.

In an interview with the London-based Al-Hayat newspaper (1/10/2014), the Foreign Minister said that his country had to be involved in counterterrorism policy, explaining that "If we failed to adopt an effective participatory role in protecting the region, then we would have failed ourselves and our people, as well as undermined our role in the world". He added that "the issue of ISIS and terrorism is much wider in scope than that of the Syrian crisis. We are looking at the bigger picture and the greater danger that threatens us all", stressing in a conclusive tone "we will face years of hardship if we fail to fight and be committed to war on terrorism for years".

### Human Rights and the Political Solution

On the issue of politics and human rights in Bahrain, Al-Hayat newspaper asked the Foreign Minister a question "about the accusations levelled against your country by human rights organizations concerning abuses of those rights in dealing with the opposition, as the number of political prisoners currently incarcerated is said to total approximately 2,000. Sometimes we hear that you are communicating, then we see that you are imprisoning. Why is that?"

The Minister answered "It is imperative that we look at this issue from two points of view. First, the issue of human rights is of utmost importance. But there is no country in the world, even here in the US, where some human rights violations have not occurred. The issue is not the fact that violations occur, but relates to how countries deal with human rights and keep matters on the right track. We are very confident that we will succeed in overcoming this phase and have adopted all the mechanisms necessary to prevent human right violations by the country's security forces. We look forward to what is best. The world bodies are working with us and we are working with the OHCHR, while Amnesty International, with which we have relations, conducts continuous visits to Bahrain, and we have made important strides forward".

As to the number of prisoners, he asserted



that the figure is incorrect, and that there is a small number of political prisoners who received fair trials. However, he added that there are saboteurs "who perpetrated crimes against and terrorized security forces and citizens. We do not consider them to be political prisoners because those who terrorize people in the street cannot be characterized as political prisoners".

The Foreign Minister expressed optimism regarding the on-going dialogue between the opposition and the government, stressing that no state intervenes in the dialogue, and that what is happening is taking place under the guidance of His Majesty the King. He said that "it is a purely Bahraini matter and, if it is to succeed, it will do so with the help of the Bahrainis alone", adding that "Common ground has been reached on paper, and the upcoming elections are scheduled for Nov. 22".