

# Failing Grade

STATUS OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY REPORT  
A REPORT CARD ON THE IMPLEMENTATION

NOVEMBER 2012

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**Americans for Democracy  
& Human Rights in Bahrain**

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Americans for Democracy and Human Rights in Bahrain (ADHRB) is a non-profit, 501(c)(3) organization based in Washington, D.C. Through engagement with U.S. government officials, intergovernmental actors, activists, and the public, we seek to foster awareness of and support for democracy and human rights in Bahrain.

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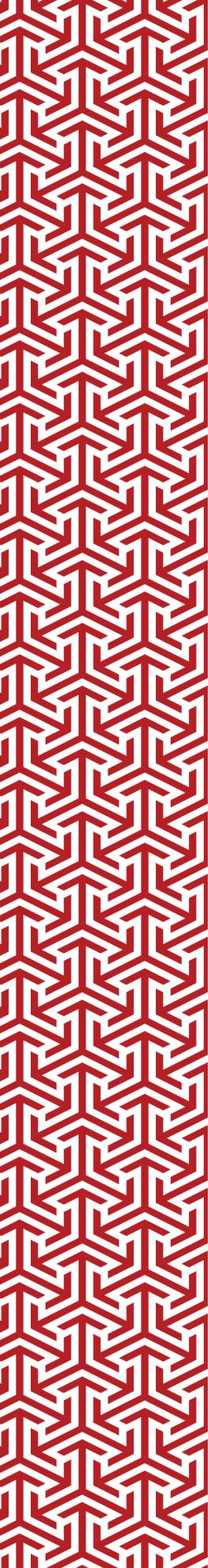
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BAHRAIN INDEPENDENT COMMISSION OF INQUIRY  
**IMPLEMENTATION STATUS REPORT CARD**

GRADE	BICI RECOMMENDATION	
F	1715	Establish independent, impartial commission to implement BICI recommendations
F	1716	Establish independent body to determine accountability for torture and death of civilians
F	1717	Create independent office of Inspector General in Ministry of Interior; enforce police conduct
P	1718	Revoke NSA's law enforcement and arrest powers; establish independent inspector general office
F	1719	Enact laws requiring Attorney General to investigate claims of torture and inhuman treatment
F	1720	Allow civil courts to review all military court cases involving denial of due process
F	1722(a)	Independently investigate and prosecute all deaths and claims of torture by security forces
F	1722(b)	Establish independent body to examine claims of torture and excessive use of force
F	1722(c)	Train public, private law enforcement officers on human rights, UN Principles on the Use of Force
F	1722(d)	Independently monitor detentions; provide arrest warrants to arrestees; cease incommunicado detentions; allow access to attorneys and family
F	1722(e)	Integrate personnel from all communities of Bahrain into the Ministry of Interior security forces
F	1722(f)	Train prosecutors and judiciary personnel on preventing and eradicating torture and ill-treatment
F	1722(g)	Provide audio and visual recordings of all detainee interviews
F	1722(h)	Drop charges and commute sentences of all persons convicted of free speech-related crimes
F	1722(i)	Commute the death sentence for deaths arising from February/March 2011 protests
F	1722(j)	Compensate families of deceased victims of February/March 2011 protests
F	1722(k)	Compensate victims of torture, ill-treatment, and prolonged incommunicado detention
F	1723(a)	Ensure that public sector workers dismissed for exercising free speech or assembly are reinstated
F	1723(b)	Ensure that private sector workers are reinstated to same extent as public sector employees
F	1723(c)	Reinstate students not charged with violent crime; allow expelled students to seek reinstatement
F	1723(d)	Rebuild demolished religious structures
F	1724(a)	Relax censorship; give opposition greater access to media
F	1724(b)	Establish professional standards for media to avoid incitement of hatred and violence
F	1724(c)	Undertake measures to prevent incitement to violence, hatred, or sectarianism
F	1725(a)	Develop educational programs at all levels to promote tolerance, human rights, and rule of law
F	1725(b)	Develop national reconciliation program to address political, social, economic inequalities

P = Pass      F = Fail

*The recommendations on this page have been summarized in a manner that captures the substantive meaning of the text while also conserving space. The full text of the recommendations is spelled out in the report that follows.*

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## Background

In February of 2011, thousands of Bahraini protestors took to the streets to call for political reforms, taking part in a broader movement for democracy in the Middle East. Bahrain's security forces responded to the protests with excessive force, resulting in the deaths of nearly 50 protestors and injury to thousands more. After a state of emergency was declared a month into the protests, giving broad authority to the head of the Bahrain Defense Force, security forces began a concerted effort to repress demonstrators, arrest and detain activists, and persecute doctors who attempted to treat wounded protestors.

Facing international pressure, the Government of Bahrain (GoB) established the Bahrain Independent Commission of Inquiry (BICI) in July 2011 to investigate alleged abuses committed during the protests, and to recommend legal and policy changes to prevent a recurrence of those events. The BICI finally released its 500-page report on November 23, 2011. The report was remarkably candid in its assessment of the excesses committed by the GoB, and made 26 recommendations regarding accountability for those responsible, compensation for victims, and means of pursuing reconciliation. The King publicly accepted the BICI's findings and agreed to fully implement its 26 core recommendations.

Following the issuance of the BICI report, the King of Bahrain established a National Commission to oversee the implementation of the BICI recommendations. Although the National Commission declared implementation of the recommendations to be "comprehensive and far-reaching" in March 2012, to date, none of the BICI recommendations have been fully implemented. The following report documents the status of implementation of these recommendations one year after the issuance of the BICI report.

**1715.** To establish an independent and impartial national commission consisting of personalities of high standing representing both the GoB, opposition political parties and civil society to follow up and implement the recommendations of this Commission. The newly established national commission should examine the laws and procedures that were applied in the aftermath of the events of February/March 2011 with a view to making recommendations to the legislature for appropriate amendments to existing law and the development of new legislation, in particular with respect to legislative reform as contained in this recommendation.

**GOVERNMENT CLAIM: IMPLEMENTED**

“A Royal Order was issued for the formation of the National Commission on 26 November 2011. The Chairman and members of the Commission were appointed by Royal Decree on 28 November 2011.”<sup>1</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

The National Commission was established by the King by Royal Order Nos. 45 and 48, issued on November 26 and 28, respectively. The Commission consisted of 19 persons, all appointed by the King. All 19 members were allegedly pro-government figures, with the exception of Hassan Madan, Secretary General of the Progressive Democratic Tribune, one of the smallest opposition parties in Bahrain. Two members of Al Wefaq, Bahrain’s leading opposition party, were invited to participate but declined to do so because the commission was created without consulting the opposition parties.<sup>2</sup>

While the National Commission did make recommendations to the legislature for amendments to existing law and the development of new legislation, in March 2012, the Commission prematurely and inaccurately declared the implementation of BICI recommendations to be almost entirely complete, thereby failing to effectively oversee the *full* implementation of the BICI recommendations.<sup>3</sup>

**1716.** To establish a national independent and impartial mechanism to determine the accountability of those in government who have committed unlawful or negligent acts resulting in the deaths, torture and mistreatment of civilians with a view to bringing legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of “superior responsibility”.

**GOVERNMENT CLAIM: IMPLEMENTED**

A Special Investigations Unit (SIU) “dedicated to the task of determining accountability” was established within Public Prosecutor’s Office (PPO). Among other features, the SIU has available to it a newly created senior independent investigations counsellor (appointed by the Supreme Judicial Council), experienced in prosecuting and investigating crimes; this person will also be familiar with international standards on human rights investigations.”<sup>4</sup>

“In parallel, the public prosecutor continues to investigate any unlawful acts resulting in deaths, torture and mistreatment with a view to commencing legal and disciplinary actions. . . . At the time of writing [April 2012],<sup>5</sup> the public prosecutor is pursuing 107 cases of deaths, torture and mistreatment of civilians, so far involving 48 officers (as the investigations progress more officers may become implicated). This is an increase on the number of prosecutions at the time of the BICI Report (20).”<sup>6</sup>

As of September 2012, the GoB claimed that the Attorney General has reviewed 122 cases involving death, torture and ill-treatment of civilians<sup>7</sup> and that charges have been made against 21 officers, including a Colonel, and an additional 15 policemen have been “informed of the charges against them.”<sup>8</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

The impartiality of the SIU raises concerns as to its effectiveness. The PPO has been accused of using evidence obtained through torture and ill-treatment against protesters.<sup>9</sup> Moreover, the SIU lacks independence, having been created by Attorney General Ali Fadhul al-Buainain, who has been accused of failing to properly investigate claims of torture.<sup>10</sup> Likewise, the investigations counselor was appointed by the Supreme Judicial Council, a body chaired by the King.

The lack of a requirement that the SIU use independent experts to investigate allegations of abuse raises questions about the ability of the SIU to impartially investigate government officials who may be responsible for serious human rights abuses.<sup>11</sup>

The GoB has failed to reveal the names of the accused, or whether they are even Bahraini. Trials for these men remain secret, and there is no evidence that these individuals have ever served a prison sentence. Hundreds of other suspected incidents of death, torture, and mistreatment of civilians by government personnel have yet to be investigated or prosecuted.<sup>12</sup>

**1717.** To place the office of the Inspector General in MoI as a separate entity independent of the Ministry’s hierarchical control, whose tasks should include those of an internal “ombudsman’s office”, such as that which exists in many other countries. The new Inspector’s General’s office should be able to receive individual or organisational complaints, protect the safety and privacy of the complainants, carry out independent investigations and have the authority to conduct disciplinary and criminal proceedings as required by CAT, the ICCPR and the Bahrain Criminal Code to the Prosecutor General. The office should also promulgate and enforce police professional standards and carry out legal and sensitivity training for police officers.

**GOVERNMENT CLAIM: IMPLEMENTED**

A decree was issued on February 28, 2012 establishing an Independent Ombudsman outside the MoI to “oversee and conduct investigations in (i) the most serious allegations made against the police and (ii) serious issues affecting the public confidence in policing. The same decree also established a new Internal Affairs Department in the MoI with responsibility for first order disciplinary review.<sup>13</sup>

On January 30, 2012, “the Minister of Interior approved a new Code of Conduct for Bahraini Police. . . The MOI has also finalised a Police Manual (the Manual) setting out the duties of police officers, including procedures to be followed when arresting persons. The pocket sized manual will be issued to all officers; and will be made part of the training programme for police officers.”

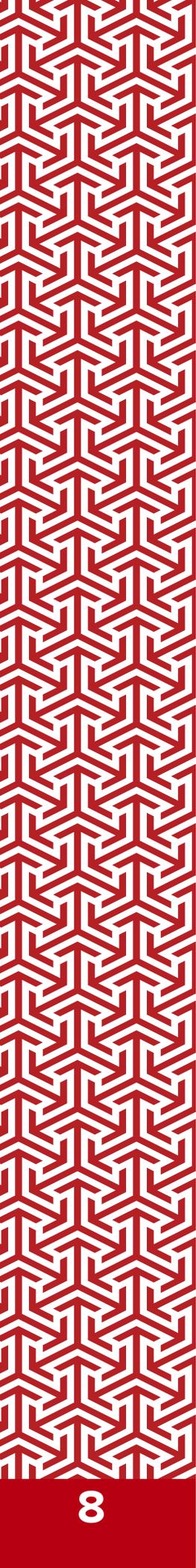
**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Brigadier-General Ibrahim Habib al-Ghaith was appointed Inspector General of the Ministry of Interior in a February 16, 2012 decree. Al-Ghaith was one of a group of Ministry of Interior officials who, in 2009, denied to Human Rights Watch researchers that torture had been committed against 20 detainees, suggesting instead that they had fabricated their stories and that they were trying to arouse political sympathy. These allegations, if true, raise serious concerns regarding Mr. al-Ghaith’s ability to impartially conduct investigations into allegations of abuse.<sup>14</sup>

Nawaf Mohammed Al Maawda, a former high-ranking Ministry of Interior official, was appointed to the post of Ombudsman by Royal Decree in August 2012.<sup>15</sup>

The new police code of conduct, approved on January 30, 2012, was released in the Official Gazette on March 1, 2012.<sup>16</sup> The code requires police to uphold the rule of law without prejudice, remain loyal to the King, use force only as a last resort, and never engage in torture or other ill-treatment, even if ordered to by a superior officer.

Despite this ban on the use of torture, police continue to use torture, according to separate reports released by Amnesty International and Human Rights Watch in April 2012, and a third report released by Physicians for Human Rights in August 2012.<sup>17</sup>



**1718.** To amend the decree establishing the NSA [National Security Agency] to ensure that the organisation is an intelligence gathering agency without law enforcement and arrest authorities. The NSA should also have an independent office of inspector general to carry out the same internal “ombudsman” functions mentioned above with respect to the MoI. Legislation should be adopted to provide that even during the application of a State of National Safety the arrest of persons should be in accordance with the Code of Criminal Procedure.

**GOVERNMENT CLAIM: IMPLEMENTED**

A decree issued on November 28, 2011 rescinded the law enforcement and arrest powers of the NSA.

A decree issued on February 28, 2012 established an independent Office of the Inspector General.

On January 8, 2012, the Cabinet approved legislative amendments to ensure that “even in the state of national safety, [the] arrests of persons will be in accordance with the Code of Criminal Procedure.”<sup>18</sup>

**ACTUAL STATUS: IMPLEMENTED**

Decree No. 115, issued November 28, 2011, amends Decree No. 14 (2002) by rescinding the NSA’s arrest power.<sup>19</sup>

On February 28, 2012, the King issued Decree No. 28, establishing an Office of Inspector General and an Office of Professional Standards inside the NSA.<sup>20</sup>

The government approved legislative amendments on January 8, 2012 that ensure that the arrest of persons, even during a state of national safety, will be in accordance with the Code of Criminal Procedure. Specifically, the legislature amended the Criminal Procedure Law promulgated by Law Decree No. 46 of 2001 (as amended by Law No. 41 of 2005) by enacting a new provision (Article 64) which provides that “[p]rovisions stipulated by this chapter shall be applied during the announcement of a state of national security.” It is too soon to tell whether such provision will be complied with during such times.<sup>21</sup>

**1719.** To adopt legislative measures requiring the Attorney-General to investigate claims of torture and other forms of cruel, inhuman or degrading treatment or punishment, and to use independent forensic experts. Such procedures should guarantee the safety of those raising such claims. Furthermore, the legislation should provide for remedies for any person claiming retribution for having raised a claim of torture or other forms of cruel, inhuman or degrading treatment or punishment.

**GOVERNMENT CLAIM: IMPLEMENTED**

"[A]s announced on 8 December 2011, all cases of cruel, inhuman or degrading treatment have been transferred from the Ministry of Interior to the Attorney-General's office."<sup>22</sup>

"In response to the recommendation of the National Commission on 14 December 2011, on 8 January 2012, the Cabinet approved legislative amendments (1) that give the Attorney General the exclusive jurisdiction to investigate claims of torture and other forms of inhuman treatment; and (2) protecting persons from any retribution for raising a claim of torture or other forms of cruel or inhuman treatment."<sup>23</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

On December 8, 2011, all cases of cruel, inhuman, or degrading treatment were transferred from the MoI to the Attorney General.<sup>24</sup> However, there is no indication that the Attorney General is *required* to investigate such cases, nor does it appear that any legislation has been enacted which would mandate such investigations, as stipulated in the recommendation.

With respect to the requirement that independent forensics experts be used in the investigation of cases involving torture or cruel, inhuman or degrading treatment, according to a report released by Amnesty International in April 2012, in at least two cases, independent forensic examinations either had not been provided or were explicitly denied when requested.<sup>25</sup>

Amendments that create penalties for persons who commit torture and ill-treatment were approved by the Cabinet on January 8, 2012. However, these amendments appear to actually *weaken* previously-existing law by creating an exception for state-sanctioned abuse. Specifically, the amended law now stipulates that it "shall not be applied on cases of pain and suffering caused by, resulting from, or accompanying legal procedures or sanctions."<sup>26</sup>

Amendments protecting people from retaliation for filing claims were approved by the Cabinet on January 8, 2012.<sup>27</sup> Amendments providing civil remedies for persons who have experienced retribution for raising a claim of torture or cruel, inhuman, or degrading treatment were approved by the Cabinet on January 8, 2012, although the remedies are not clearly articulated in the amendment, putting into question the effectiveness of the amendment and the GoB's fulfillment of this recommendation.<sup>28</sup>

**1720.** To make subject to review in ordinary courts all convictions and sentences rendered by the National Security Courts where fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony, were not respected be subject to full review in the ordinary courts.

**GOVERNMENT CLAIM: IMPLEMENTED**

On December 24, 2011, the Attorney General confirmed that all charges related to free speech would be dropped, affecting 43 cases and 334 persons charged with offenses related to freedom of opinion and expression.<sup>29</sup>

On January 2, 2012, the President of the Court of Cassation and Vice President of the Bahrain Supreme Judicial Council (SJC) stated that a committee made up of judges had been established to review all final verdicts and sentences issued by the NSC.<sup>30</sup> The SJC announced that the committee had completed its work on February 25, 2012. The committee found that the NSCs had issued 165 verdicts resulting in the sentencing of 502 people. Of those verdicts, 135 were appealed and “are being processed by ordinary courts according to the law.”<sup>31</sup>

On January 2, 2012, the SJC announced that it had formed a committee to review final judgments rendered by the NSCs that cannot be opened up on appeal (which number 30) to ensure that the accused were provided with their fair trial rights. Out of the 30 final judgments (involving 31 people), 13 people had already served their sentence and had been released. This left 18 accused still in detention. In relation to these 18 accused, the SJC decided that:

- 6 would have their sentences reduced to time served, and could be released.
- Charges would be dropped against 5 accused as they related to speech related activity. This resulted in 4 out of the 5 accused being released immediately, with one person still detained on other charges. All 5 of the accused would have their records expunged of the speech related charges.
- Convictions against 7 persons would be maintained.<sup>32</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Because most people arrested for their participation in the protests were charged with multiple offenses, very few of them have benefitted from this initiative, but instead continue to face criminal prosecution.<sup>33</sup>

Moreover, despite the GoB’s apparent progress in transferring military court cases to civilian courts, dozens of individuals continue to face trials or serve sentences based on charges related to their exercise of freedom of expression and association, so while the GoB may have attempted to comply with this recommendation in practice, it has failed to comply with it in spirit.

For instance, in early 2012, the GoB amended, rather than repealed, two of the laws—articles 168 and 169 of the Penal Code—used to charge people with offenses pertaining to their exercise of free speech and expression. Those two provisions of the code may still be used to charge individuals with disseminating “false reports, statements or rumors” that “cause damage to public security,” order, or health, or that “undermine the public peace” or damage the state’s reputation. This vague and broadly-worded law opens up the door to continued prosecutions of individuals who exercise their rights to free expression and free speech.<sup>34</sup>

**1722(a).** To conduct effective investigations in accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions of all the deaths that have been attributed to the security forces. Likewise, all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles. The investigation of both types of alleged violation should be capable of leading to the prosecution of the implicated individuals, both direct and at all levels of responsibility, with a view to ensuring that punishment be consistent with the gravity of the offence.

**GOVERNMENT CLAIM: IMPLEMENTED**

“The External Legal Experts have advised that the AG can fulfil [sic] the role of the “independent and impartial body”, provided there is sufficient training on conducting effective investigations. To that end GoB has agreed an extensive programme of training for prosecutors with the International Institute of Higher Studies in Criminal Sciences (ISISC), based on Syracuse [sic] (more details below in recommendation 1722(f)); the programme will be delivered by an experienced Arab speaking faculty, with examples drawn from BICI.”

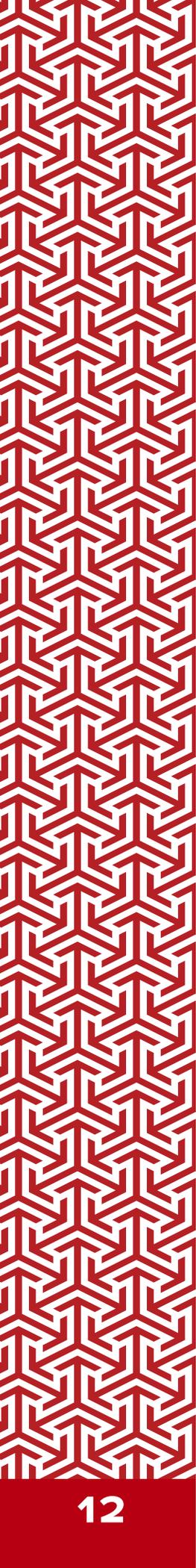
According to a statement issued by Chief of Public Security Tariq Al Hassan on March 20, 2012, “all legal violations [pertaining to recommendation 1722(a)] were referred to the Public Prosecutor.”<sup>35</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Serious questions exist regarding the impartiality of the Attorney General’s Public Prosecution Office. According to the GoB, 21 individuals, including a Colonel, have been charged with offenses related to the mistreatment of protesters. An additional 15 officers have been “informed of the charges against them.”<sup>36</sup> However, as with recommendation 1716, the GoB has largely failed to reveal the names of the accused, or, in some cases, whether they are even Bahraini.<sup>37</sup> Similarly, trials for these individuals remain secret, and there is no evidence that these individuals have ever served a prison sentence.<sup>38</sup>

Moreover, in at least one recent trial, a police officer was acquitted of torture, allegedly due to “inconsistent” testimony by the victim, who presented several medical reports prepared by a doctor in defense of her claims. Other officers implicated in the abuse, which occurred on May 22, 2011, have not been charged.<sup>39</sup>

Furthermore, the GoB has promoted several officials responsible for acts of torture committed in detention centers. Bahrain’s Chief of Public Security, Tariq bin Dinah, for instance, was appointed as Ambassador to the Cabinet of the Ministry of Foreign Affairs. The former head of the national security apparatus, Sheikh Khalifa bin Abdullah Al-Khalifa, was promoted to General Secretary of the Supreme Council of Defense and King’s advisor, and given the rank of Minister. Bassam Al-Muraj, a police officer who has for years been accused of committing torture, was promoted in 2013 to General Director of the Anti-Corruption, Economic, and Electronic Security Department at the General Directorate.<sup>40</sup>



**1722(b).** To establish a standing independent body to examine all complaints of torture or ill-treatment, excessive use of force or other abuses at the hands of the authorities. The burden of proving that treatment complies with the prohibition of torture and other ill-treatment should be on the State.

**GOVERNMENT CLAIM: IMPLEMENTED**

“The External Legal Experts have advised that the “standing body” role can be fulfilled by the office of the Attorney-General. The UNODC will provide technical assistance with implementing this recommendation as (see recommendation 1717) as will ISISC (see recommendation 1722(a)).”<sup>41</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

As mentioned under recommendations 1716 and 1722(a), serious concerns exist regarding the impartiality of the office of the Attorney General and subordinate offices, such as the Public Prosecution Office. Moreover, concerns also exist as to how effectively and impartially this recommendation is being carried out, given the low number of prosecutions against officers accused of having committed torture and other abuse, and also given that, to date, only low-level officers have been prosecuted. (The GoB claims to have “probed” allegations of torture against a colonel, but there is no indication that this individual has been charged or prosecuted based on those allegations.)<sup>42</sup>

**1722(c).** To implement an extensive program of public order training for the public security forces, the NSA and the BDF, including their private security companies, in accordance with UN best practices. To ensure future compliance with the Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the security forces should be trained in the human rights dimensions of detention and interrogation, and in particular the obligation to refuse to participate in any actions involving torture and other prohibited ill-treatment.

**GOVERNMENT CLAIM: IMPLEMENTED**

“Pursuant to the Minister of Interior’s order on 22 December 2011, a new training programme on appropriate conduct by police officers is currently being implemented, and the first sessions have already begun at the Police Academy. This was put together with the advice of international policing experts, John Yates and John Timoney.” The MOI also prepared a Police Code of Ethics, in compliance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>43</sup>

“The NSA commenced a comprehensive programme of training for its personnel on 22 January 2012. The courses are being run over revolving periods of six months, and will include classes on basic human rights, appropriate professional conduct and how to interact with members of the public (although this is unlikely to ever happen now that the NSA has been stripped of its law enforcement powers).”

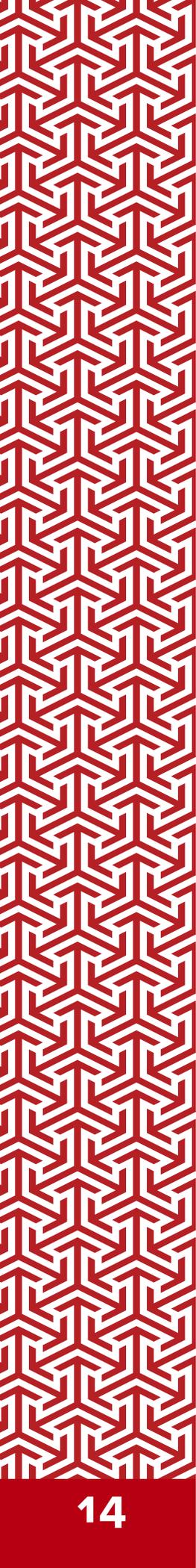
“The BDF has similarly incorporated a Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials into its training programme, as well as core modules on human rights.”<sup>44</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Although the GoB appears to have undertaken a public security force training program, and despite the institution of a new police Code of Conduct earlier this year which obligates officers to comply with international human rights law,<sup>45</sup> the results are far from successful. As mentioned under recommendation 1716, above, according to several human rights organizations, police continue to use excessive force against civilians,<sup>46</sup> and have also reportedly been firing tear gas at them at close range and in enclosed spaces.<sup>47</sup> Police also reportedly continue to beat and otherwise torture detainees, particularly in locations outside of detention facilities.<sup>48</sup>

Although the GoB initially announced that the NSA was complying with the recommendation that security personnel receive human rights training, the agency later stated that “[t]he National Security Agency no longer has authority to enforce the law, detain or arrest. Therefore, the recommendation does not apply to the National Security Agency.”<sup>49</sup>

This statement raises serious concerns as to whether the GoB intends to completely fulfill this or other BICI recommendations, or whether it will unilaterally declare that such recommendations no longer apply and thence abandon its previously-stated commitment to reform.



**1722(d).** To avoid detention without prompt access to lawyers and without access to the outside world for more than two or three days. In any event, all detention should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant and no person should be held incommunicado. Arrested persons should have access to their legal counsel and family visits in the same way as any person detained under the Bahrain Code of Criminal Procedure.

**GOVERNMENT CLAIM: IMPLEMENTED**

In an order by the Minister of Interior on December 22, 2011, new procedures were established whereby “those arrested must co-sign (with the arresting/supervising officer) a document listing the arrestees’ rights. The checklist includes a box that reminds the officer that

- (a) an arrest warrant must be shown to the arrestee (with a copy also made available);
- (b) the arrestee must also be given the right to call their lawyer immediately; and
- (c) family visits should be recorded and allowed in accordance with Bahrain Code of Criminal Procedure. The checklist is electronic and saved on a central system; the files and the police stations will be the subject of random checks by senior officers.”

“[T]he External Legal Experts have advised that “effective monitoring by an independent body” of detention facilities could be carried out by the National Human Rights Institution, provided it is established in accordance with the Paris Principles. Cabinet has before it draft legislation for the establishment of the NHRI in accordance with the Paris Principles. This legislation expressly envisages, at Article 5(b), that the NHRI would monitor detention facilities.”<sup>50</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Despite the establishment of new arrest procedures, according to human rights organizations, police continue to detain civilians without providing an arrest warrant or allowing family members to visit. Amnesty International documented several such cases in a report released in April 2012.<sup>51</sup>

**1722(e).** The Commission recommends that the GoB establish urgently, and implement vigorously, a programme for the integration into the security forces of personnel from all the communities in Bahrain.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“The Minister of Interior signed an order on 22 December 2011 in which:

The Ministry was instructed that it should, as a matter of urgency, recruit 500 men and women into the police force from all communities in the five governorates.

Jobs will be open to members of all sects. A committee has been established and has already started interviewing candidates. Once candidates are hired they will be given six months of training and introduced to the police force, after which the process will begin anew in respect of a further 500 candidates.”<sup>52</sup>

As announced by the GoB in August of 2012, the “MoI continues to work on hiring 500 police personnel from all sects and governorates in all MoI departments. Numerous interviews were conducted with applicants, and medical tests required for employment were made. The process is still ongoing, taking into consideration that the training is conducted during specific seasons. The training for this year starts next September in accordance with applicable MoI regulations.”<sup>53</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Although the GoB is working to recruit police force candidates from all communities in Bahrain, these actions do not go far enough to also incorporate individuals from traditionally-marginalized communities into higher-level positions within the MoI. Similarly, efforts to integrate all sectors of society into the police force are hampered by the public’s perception that minorities in the police force will not be promoted.

As reported by Human Rights First in its May 2012 report, interviews with several Bahrainis revealed the overwhelming perception of the police force to be negative. One young man remarked that “[i]f you are Shia you won’t get promoted.” Another noted the discrimination that seems to be inherent in the force: “Shia policemen will be given impossible orders—look what happened to those policemen who refused [to join the crackdown and were prosecuted].”<sup>54</sup>

This perception was echoed in testimony by Tom Malinowsky of Human Rights Watch at a congressional hearing in August 2012, who noted that not only have Shias not been integrated into the police force, they are not likely to join “until progress on the political front restores at least some degree of trust between them and their government.”<sup>55</sup>

**1722(f).** To train the judiciary and prosecutorial personnel on the need to ensure that their activities contribute to the prevention and eradication of torture and ill-treatment.

**GOVERNMENT CLAIM: IMPLEMENTED**

“GoB has agreed to implement this recommendation through a training programme developed with the International Institute of Higher Studies in Criminal Sciences (ISISC) in Syracuse. ISISC enjoys special consultative status with the United Nations and the Council of Europe. ISISC has also a special cooperation agreement with the United Nations Office in Vienna (UNOV), and it is one of the eighteen organizations comprising the United Nations Crime Prevention and Criminal Justice Programme Network. The Network assists the United Nations Programme and interested Member States in strengthening international cooperation in crime prevention and criminal justice.

This not-for-profit institute has developed a programme with Professor Bassiouni and features internationally recognised experts from the Arab world and Arabic language materials on human rights law and international criminal law. The curricula will also contain real case studies from BICI.

A particular feature of the programme is that it takes an integrated approach so all relevant actors involved in the investigation and prosecution of torture and ill-treatment are exposed to each other, which encourages better coordination. Accordingly, training will be in small groups comprising members from the judiciary, public prosecution and police.”<sup>56</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Although it appears that implementation of this recommendation has begun, the trainings do not appear to have been completed. The GoB provided a copy of the training program—which were prepared with the assistance of several organizations, including German Society for International Cooperation, American Bar Association (ABA), International Institute of Higher Studies in Criminal Sciences at Syracuse, Italy (ISISC), and Nottingham University, U.K.—to the National Commission.<sup>57</sup> According to a proposal submitted by the ISISC, trainings are to take place over a period of 12 months, indicating that fulfillment of this recommendation has not yet been completed.<sup>58</sup>

Even upon completion of these trainings for judges and prosecutors, an additional concern remains to be addressed, which is whether Bahrain’s judiciary can remain independent of any political influence—an issue that has been of concern for many years.<sup>59</sup> Cases involving protesters, human rights defenders, and political opposition leaders in recent months have led some organizations to call into question Bahrain’s judicial independence.<sup>60</sup>

Additional concerns arise as to the effectiveness of such trainings—a recent court decision serving as a case-in-point. In late January 2013, a civilian court reduced the sentence of Mohammed Ali Ahmed Mushaima, a protester who had died in October 2012 while serving a 7-year prison sentence for participating in protests. The court’s decision came after Mohammed’s lawyer had already informed the court, multiple times, of Mohammed’s death, requesting that the case be dismissed.<sup>61</sup> Instances such as this raise questions as to whether trainings such as those performed by the ABA and ISISC can adequately address systemic due process problems in Bahrain’s judicial system.

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

**GOVERNMENT CLAIM: IMPLEMENTED**

On January 5, 2011, the MoI approved detailed plans for the installation of audiovisual equipment. Cameras were expected to be installed in all interrogation rooms within eight months. With respect to interrogations conducted with Public Prosecutors, equipment has been purchased for 60 interrogation rooms. It was estimated that that the 60 rooms would be fully fitted with the equipment within two months.<sup>62</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Although the installation of audiovisual equipment is an important component of this recommendation, the steps taken by the GoB do not account for situations where arrestees are interrogated in places other than an interrogation room, which is reportedly occurring with greater frequency.<sup>63</sup>

Even assuming interrogation rooms are used, as Amnesty International reported in its April 2012 report, detainees were still being interrogated without the use of audiovisual equipment in late March 2012.<sup>64</sup>

**1722(h).** To review convictions and commute sentences of all persons charged with offences involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“On 24 December 2011, the Attorney General confirmed that all charges relating to free speech will be dropped, with cases only being pursued against those persons accused of violent crimes. This decision benefits 334 people.

On 2 January 2012, the Supreme Judicial Council announced that a committee of civilian judges will review all convictions with a view to commute sentences of all persons charged with offences involving political expression, not consisting of advocacy of violence.”<sup>65</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

A very small number of individuals charged with crimes related to freedom of speech and expression have had their charges dropped and have been released. However, many other people who participated in protests were charged with multiple offenses, and as a result, have not been released.<sup>66</sup>

Moreover, according to Human Rights Watch, a number of leading activists who were charged with free speech-related offenses—including Ibrahim Sharif, Abd al-Wahab Hussain, Abd al-Hadi al-Khawaja, Hassan Mushaima, and Abd al-Jalil Singace, among others—have not benefitted from judicial review of their cases, as ought to have been done in fulfillment of this recommendation.<sup>67</sup>

In addition, people continue to be charged with participating in peaceful protests, in violation of their rights to freedom of assembly and association—which are protected by Article 22 of the International Covenant on Civil and Political Rights (ICCPR).<sup>68</sup>

As has been widely acknowledged by outside groups, people continue to be arrested and charged (as in the case of Nabeel Rajab, for instance) with offenses related to their exercise of freedom speech and expression.<sup>69</sup>

This continued repression of free speech in Bahrain has prompted an outcry by the human rights community, the UN, and foreign governments. For instance, US State Department spokesperson Victoria Nuland said, in a statement in August in which she referenced charges of “illegal gathering” against a human rights defender, that “[i]t’s critical for all governments, including Bahrain, to respect freedom of express, freedom of assembly.”<sup>70</sup>

That same month, a group of UN human rights experts said in a statement that “It is time for the Bahraini authorities to comply with the rights to peaceful assembly and expression and immediately release those arbitrarily detained for exercising their legitimate freedoms.”<sup>71</sup>

Given the ongoing attacks against free speech and expression in Bahrain, fulfillment of this recommendation cannot be said to have been completed.

**1722(i).** To commute the death sentence imposed for murder arising out of the events of February/March 2011, in the light of the preference of Article 6 of the ICCPR for the abolition of the death penalty and the concerns regarding the fairness of trials conducted by the National Safety Court.

**GOVERNMENT CLAIM: N/A**

“A final death sentence has not been passed in any case arising out of the unrest. If such a sentence is confirmed by a final judgment, the Government will consider this recommendation.”<sup>72</sup>

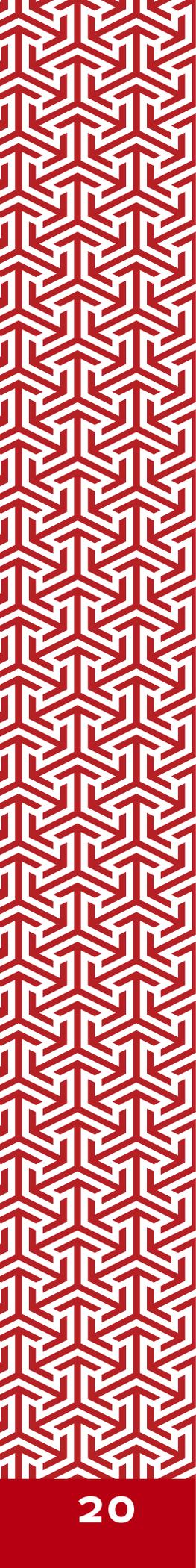
**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Although the GoB states that no “final” death sentence has been issued in any case arising out of the protests, appeals are ongoing in the case of three men who were sentenced to death by the National Safety Court (NSC) in 2011.

Five death sentences were issued by the NSC in the spring of 2011, two of which were upheld on appeal in the cases of Ali Abdullah Hassan al-Sankis and Abdulaziz Abdulridha Ibrahim Hussain. Upon review by the Court of Cassation in January 2012, the two death sentences were quashed and then transferred to a civilian court of appeal. An appellate trial was postponed until April 25, 2012. To date, it appears as though that trial continues to be postponed.<sup>73</sup>

Another man, Ali al-Taweel, was sentenced to death in September 2011. His appeal in civilian court is ongoing.<sup>74</sup>

The BICI recommendation does not require that the sentences be made final before the GoB commutes them. Therefore, although no *final* death sentence has been issued in these cases, the GoB has as yet failed to commute the death sentence in the remaining cases involving sentences issued for incidents arising from the 2011 protests.



**1722(j).** To compensate and provide remedies for the families of the deceased victims in a manner that is commensurate with the gravity of their loss. In this connection, the Commission welcomes the Royal Decree Law N0. 30 of 2011 for the establishment of the National Fund for the Reparation of Victims on 22 September 2011.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“There are three mechanisms in place:

(1) Decree 13 of 2012 was issued on 26 January 2012. It creates a national victims’ compensation fund which will be managed by a new committee which will be composed of five individuals appointed by the Supreme Judicial Council. This committee will receive and consider all requests for compensation. It is empowered to award whatever form of compensation it sees fit. It may therefore award financial compensation, or order that an apology be given to the victim, or require that steps are taken by the relevant body to ensure that the abuse does not occur again.

The Decree is modelled on international best practices for victims funds around the world and the UN Basic Principles and Guidelines on the Right to Redress and Reparation for Victims of Gross Violations of International Human Rights and Serious Violations of International Humanitarian Law.

Two further mechanisms have been established in response to the recommendation of the National Commission to expedite access to compensation:

(2) The Supreme Judicial Council announced on 27 February 2012 the establishment of Special Compensation Courts (SCC). The compensation fund requires a criminal judgment against an individual before compensation can be sought. But for complaints against the state (where no one individual is identified) a civil judgment would be required against the relevant agency, which could take considerable time. The SCC will expedite such claims against the state.

(3) In a further sign to expedite claims outside the court by way of a quick settlement, the Ministry of Justice and Islamic Affairs launched the “Civil Settlement Initiative”. Under this initiative applicants can settle their claims quickly and in a consensual manner. The initiative is aimed at families of deceased victims and those who were injured last year and who would otherwise have to rely on civil court judgment against the state to obtain any sort of relief. The aim is to settle such claims as quickly as possible within months. Compensation will be awarded in accordance with amounts set within the law for deaths and injuries.”<sup>75</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

According to a report released by Amnesty International in April 2012, “none of the victims of human rights violations committed in connection with the 2011 anti-government protests have been compensated.”<sup>76</sup>

A “National Victims Compensation Fund” was established on September 21, 2011. In early 2012, the GoB established two mechanisms to allow victims to seek compensation: the Special Compensation Court (SCC), which is designed to expedite civil claims against the state, and the Civil Settlement Initiative (SCI), where a panel of the Justice Ministry will be established to receive claims and offer out-of-court settlements.

According to the GoB, the SCC claims process “could take considerable time.”<sup>77</sup> Royal Decree No. 13 of 2012, issued January 26, 2012, severely restricts eligibility for compensation. When applying for compensation, victims must submit “an official copy of a final court verdict issued from a competent court convicting the committer of the act which resulted in the damage . . .”<sup>78</sup>

In cases involving complaints against individuals, a criminal judgment is required. In cases involving complaints against the state, “a civil judgment is required against the relevant agency.” Given how long the appeals process takes, particularly in protest-related cases, and given the few number of cases currently being investigated and prosecuted relative to the number of victims, it is likely that very few victims will actually receive compensation, and even if they do, the process will be an exceptionally lengthy one.

If individuals opt to pursue a claim via the SCI, they must give up their right to seek civil compensation, but maintain their right to pursue criminal charges. According to the GoB, “a number of compensation claimants applied to the Civil Settlement Office, including 36 compensation claims for deaths. The Civil Settlement Office decided on 17 of those cases as a first phase. Civil settlements awarded to the 17 cases totaled BD 1,020,000 (One Million Twenty Thousand Bahraini Dinars), or US \$2,600,000 (Two Million Six Hundred Thousand United States Dollars).”<sup>79</sup>

Only ten million Bahraini dinars have apparently been set aside for compensation victims, raising questions as to how many victims will actually be able to receive compensation.<sup>80</sup>

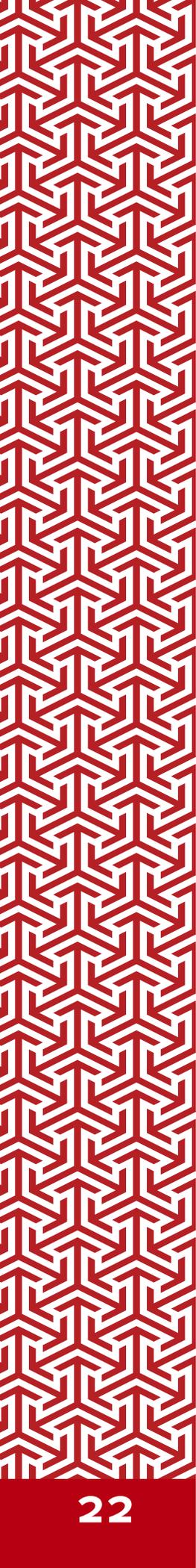
**1722(k).** To compensate and provide remedies for all victims of torture, ill-treatment or prolonged incommunicado detention. In this connection, the Commission welcomes the Royal Decree Law N0. 30 of 2011 for the establishment of the National Fund for the Reparation of Victims on 22 September 2011.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

Same as 1722(j).

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Same as 1722(j).



**1723(a).** To ensure that the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly.

**GOVERNMENT CLAIM: IMPLEMENTED**



“In the public sector, all employees dismissed for free speech activity have been reinstated.”<sup>81</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**



According to reports from human rights organizations and workers’ unions in Bahrain, not all public-sector workers have been reinstated, meaning that this recommendation has not been fully implemented, as acknowledged by Bahrain’s Information Affairs Authority as recently as October 31, 2012.<sup>82</sup>

According to the General Federation of Bahrain Trade Unions (GFBTU), a total of 1722 employees across the public and private sectors had not returned to work as of March 5, 2012. Of those, 1,444 are from the private sector, and 278 are from the public sector. Moreover, Amnesty International reported in April 2012 that it had received reports that over 200 people from both the public and private sectors had yet to be reinstated.<sup>83</sup>

In addition, other terminated workers were offered their jobs back without back pay, and many were forced to agree to drop their lawsuits regarding their termination. In other cases, reinstated workers have been demoted, and their salaries have been reduced.<sup>84</sup>

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

**GOVERNMENT CLAIM: IMPLEMENTED**

“On its self-imposed deadline of 29 February 2012, GoB completed an intensive and multi-agency process to advance national reconciliation through the reinstatement of private sector workers in Bahrain. The efforts by the government have resolved over 76 percent of the cases in the private sector overall, and 93% for state invested enterprises, with the remaining cases being transferred to the courts. A detailed breakdown can be found in the statement by published in by the Ministry of Labour.”<sup>85</sup>

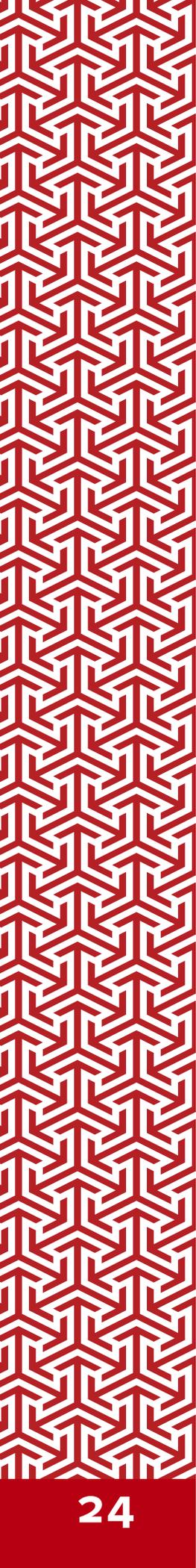
The GoB stated, in June 2012, that it had directed all private companies to reinstate 2,462 workers, 92% of whom have been reinstated. 1,765 private sector workers are employed by private companies partially owned by the GoB; most of those workers have been reinstated, and the reinstatement of 12 of them was rejected by employers. Those individuals have filed legal challenges in court. The remaining 697 workers are employed by private, independently-owned companies; 160 of these workers have been reinstated to their previous jobs, and 370 have been hired by other companies. The reinstatement of 42 workers was declined by some companies. Those employees filed labor claims against their employers, which are currently being reviewed by the courts.<sup>86</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

According to reports from human rights organizations and workers’ unions in Bahrain, not all private-sector workers have been reinstated, meaning that this recommendation has not been fully implemented, as acknowledged by Bahrain’s Information Affairs Authority as recently as October 31, 2012.<sup>87</sup>

According to the General Federation of Bahrain Trade Unions (GFBTU), a total of 1722 employees across the public and private sectors had not returned to work as of March 5, 2012. Of those, 1,444 are from the private sector, and 278 are from the public sector. Moreover, Amnesty International reported in April 2012 that it had received reports that over 200 people from both the public and private sectors had yet to be reinstated.<sup>88</sup>

In addition, other terminated workers were offered their jobs back without back pay, and many were forced to agree to drop their lawsuits regarding their termination. In other cases, reinstated workers have been demoted, and their salaries have been reduced.<sup>89</sup>



**1723(c).** To reinstate all students who have not been criminally charged with an act of violence and to put in place a procedure whereby students who were expelled on legitimate grounds may apply for reinstatement after a reasonable period of time, and to adopt clear and fair standards for disciplinary measures against students and to ensure that they are applied in a fair and impartial manner.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“All students that have not been convicted with acts of violence have been reinstated. Student charged but not convicted have also been reinstated. On (b), if students are convicted, both the University and the Polytechnic will have procedures in place to readmit students after a reasonable period of time.

On (c), Bahrain university is in the process of amending its bye-laws (including rules and procedures for investigation) to bring them into line with international standards. The bye-laws will be further reviewed by experts from UNESCO (see the MoU signed by the Ministry of Education below). Once approved, the bye-laws will be copied by other private institutions.”<sup>90</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Most, if not all, of the students who were dismissed from their universities for their participation in protests have been reinstated, but reinstatements often came months after the school year began.<sup>91</sup>

Upon returning, students were forced to sign “codes of conduct” requiring their “complete loyalty” to the king. Some students have chosen not to sign such statements, opting instead to remain involved in the pro-democracy movement.<sup>92</sup>

According to a piece written by Human Rights First in June 2012, the practice of censoring students “appears to be returning.” In at least one case, a student was suspended from school for ostensibly making a statement offensive to the King—a charge the student denies.<sup>93</sup>

More recent information published by the Bahrain Center for Human Rights (BCHR) appears to confirm that the practice of censoring or punishing students does, in fact, appear to be returning.<sup>94</sup>

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

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“As the [BICI] Report recorded, a committee has been formed to review the question of reconstruction of religious places (paragraph 1681). On 12 January 2012, the government announced that 12 mosques would be rebuilt. Construction work had already begun on five which had both a Royal decree and a building permit. Construction on the remaining seven will begin very shortly.”<sup>95</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

On January 12, 2012, the GoB stated that reconstruction had already begun on five mosques, and that construction on the remaining seven would “begin shortly.” However, not much progress seems to have been made. According to a report released by Amnesty International in April 2012, as of April 10, 2012, only five mosques have begun to be rebuilt.<sup>96</sup>

Progress seemed equally dim in June, when reports indicated that little more had been done by the government to rebuild the destroyed mosques. Indeed, the Court of Cassation—Bahrain’s highest court—issued a stay in the rebuilding of the mosques, ruling that rebuilding without proper permits is illegal.<sup>97</sup>

The lack of progress on the reconstruction of the destroyed mosques throws into doubt the GoB’s commitment to soon begin reconstruction of the seven mosques identified for repair.

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

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“GoB, with the Information Affairs Authority taking the lead, accepted the proposals of the Independent French media experts regarding this recommendation. Please see the IAA’s detailed public plan on how this recommendation will be implemented. The highlights include the IAA’s plans on relaxing censorship and commissioning programmes designed to increase participation of all political groups. One of the key developments will be the establishment of a new Higher Media Board, which will be independent of the Government, to regulate content; this follows the French and Moroccan model. The HMB will be entrusted with the responsibility to ensure the respect of pluralistic expression of ideas and opinions in radio and TV programmes, particularly regarding political information programmes.

The experts are drawn from globally recognised media consultancy IMCA and are being led by Pascal Josephé, a highly experienced regulator who has occupied senior positions, including executive vice-president and programme director, at TF1, Radio France and France Télévisions. Josephé will be supported by Didier Sapaut, the former Vice Director of the French Ministry of Communications and Secretary General of France Télévisions. The team included regulatory specialists in new digital technologies, radio broadcasting and audience measurement and analysis.

IMCA has assisted a number of countries transition their media regimes to an open access framework. In particular, IMCA worked with eleven Eastern and Central European Governments to reform their laws and administrative schemes to bring them in accord with the best international standards, which was a prerequisite to these countries joining the European Union.”<sup>98</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

According to a report released by Amnesty International in April 2012, “[a]s of 10 April 2012, political opposition groups still have no access to the media. For example, the al-Wefaq Society wanted to set up its own satellite television channel and submitted an application to do so in early January 2012, but at the time of writing no authorization had yet been granted. Its website has been banned for more than 18 months.”<sup>99</sup>

In addition, the GoB continues to block access to websites, and continues to restrict free speech and expression online, as demonstrated by its arrest of four Twitter users in late 2012 for allegedly “defaming” the king.<sup>100</sup>

Despite the GoB’s claims of progress on the relaxation of censorship, little *actual* progress appears to have been made.

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

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“The IAA, in consultation with the French Experts, has set out its detailed plans on implementing this recommendation in its public plan. The highlights include the creation of a professional journalist card. Furthermore, one of the major tasks of the newly created HMB will be to monitor and sanction (through warnings and fines) content that incites hatred etc.

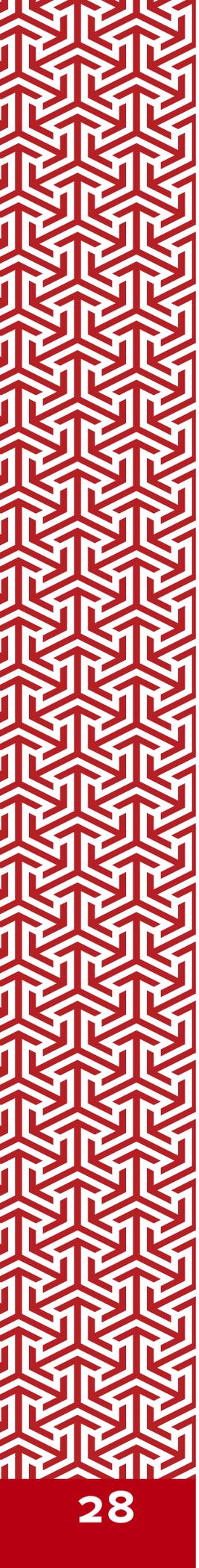
An ethical code was promulgated by the Bahrain Journalists’ Association (BJA) on January 2012.

The IAA has signed a memorandum of understanding with the Management Consulting Center of Excellence to prepare a Media code of honour for Bahrain Radio and TV, to ensure the respect of a media code of conduct, within a framework of pluralism, neutrality, credibility, rule of law, and preserving national unity.

The IAA has already signed training contracts with international media outlets.”<sup>101</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

Although Bahrain’s Information Affairs Authority issued a “Professional Code of Conduct for Audio-Visual Media” earlier this year, and the Bahrain Journalists Association prepared a draft Professional Ethics Charter, details regarding the ethics codes do not appear to be available, so it is impossible to assess the status of implementation of this recommendation.<sup>102</sup>



**1724(c).** To undertake appropriate measures including legislative measures to prevent incitement to violence, hatred, sectarianism and other forms of incitement which lead to the violation of internationally protected human rights, irrespective of whether the source is public or private.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

The Higher Media Board (HMB) may police content that may incite hatred, sectarianism and violence. As well as the HMB, the GoB is considering with international experts proposals for a new law, based on Article 20 of the ICCPR, on preventing incitement to violence, hatred and sectarianism.<sup>103</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED/UNCLEAR**

Although it appears that the High Media Board (HMB) has not yet been created, it is supposed to be established by law as an “independent entity.” However, the fact that the seven board members are to be appointed by the king to a four-year term tends to suggest that the board will be anything but independent.<sup>104</sup>

This board will have the authority to grant licenses to media groups, assess compliance with the journalistic code of ethics, and issue sanctions against individuals or media entities. The king’s authority to appoint members of this semi-autonomous board raise serious concerns as to whether the HMB will be able to protect freedom of speech and expression in its fulfillment of its obligations, or whether it will serve as an arm of the government to impose greater and greater restrictions on free speech and access to media in Bahrain.

**1725(a).** To develop educational programs at the primary, secondary, high school and university levels to promote religious, political and other forms of tolerance, as well as to promote human rights and the rule of law.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

“The Ministry of Education, beginning in November 2011, has been coordinating efforts with several national, regional and international organisations and specialised agencies to both update its curriculum and introduce new training for teachers and students. To this end, a memorandum of understanding was signed between UNESCO International Board of Education and the Ministry of Education on 17 January 2012 allowing the Ministry to receive help and advice on its reforms to school curriculums from UNESCO. UNESCO will help develop programmes for governments schools, private schools, religious institutes and universities. The process has already begun and the first UNESCO delegation will arrive in Bahrain on 8 March.

The MoE has already held various workshops on human rights for children in December and January 2012 including:

- a workshop entitled “A Games Package for Human Rights”, administered by the Arab Network for Citizenship and Human Rights, held from 26 to 29 December 2011.
- Beginning in February 2012, the MoE plans to cooperate with UNDP in order to introduce an intensive training program for teachers on education for human rights.

The MoE is planning further training programmes in February and March 2012, including programmes for children. These include:

- A workshop entitled “A Games Package for Human Rights” for 200 girl-scouts from 25th to 29th January 2012.
- Four training workshops on “differences” during February 2012.
- Two workshops on “dealing with each other” and “the value of dialogue” for in March 2012.

Furthermore, the University of Bahrain has approval from the National Curriculum Council to introduce a compulsory human rights and rule of law module for all students. The unit is being developed in conjunction with the University law school.”<sup>105</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

The government claims to have held several workshops on human rights from December 2011 through May 2012. However, scant details are available regarding the events, the types of participants who attended the events, or whether the events were successful by objective standards.

Moreover, while the GoB has stated its commitment to preparing a curriculum on human rights and tolerance, it plans to implement this aspect of the recommendation between now and 2017, so only time will tell whether the GoB has fully complied with this recommendation.<sup>106</sup>

**1725(b).** In general, the Commission recommends to the GoB the development of a national reconciliation programme that addresses the grievances of groups which are, or perceive themselves, to be deprived of equal political, social and economic rights and benefits across all segments of Bahrain's population.

**GOVERNMENT CLAIM: PARTIALLY IMPLEMENTED**

"The Ministry of Human Rights and Social Development (MoHRSD) has prepared a National Social and Economic Reconciliation (NSER) program. The highlights include:

- Establishing a cross-ministerial committee that will oversee all the social and economic reconciliation initiatives;
- Making available \$500,000 to NGOs working on social reconciliation programmes;
- As a result of the recommendation of the World Bank, amending the cash transfer programmes so that they target most deserving families to increase social impact; and
- Various other social reconciliation initiatives that have already been launched such as the "wi7da wa7da" ("One Unity") campaign. A four phase campaign that encompasses social and cultural events, psychological support, and programmes aimed at engaging Bahrainis in society."<sup>107</sup>

**ACTUAL STATUS: PARTIALLY IMPLEMENTED**

The GoB's development of a national reconciliation program has not yet been demonstrated. Despite apparent plans to create such a program, as pointed out by Assistant Secretary of State Michael Posner in August of this year, the foundations of reconciliation have yet to be laid.<sup>108</sup>

Likewise, Matar Matar, a former leader of Al Wefaq, Bahrain's largest opposition party, declared at a Tom Lantos Human Rights Commission hearing on August 1, 2012 his and his party's willingness to negotiate with the GoB.<sup>109</sup> The GoB has begun to initiate a renewed dialogue with members of the opposition—slated to begin February 10, 2013—but reports regarding the terms of the dialogue indicate that the government will only serve as "interlocutor," but will not actually participate in the dialogue.<sup>110</sup> Such statements seem to indicate a lack of willingness by the government to meaningfully engage in dialogue.

Moreover, as previously stated, opposition political leaders continue to be targeted for expressing their political views, and police continue to use force and violence against civilians, leaving open the question of whether the GoB will be able to successfully implement this recommendation.

# Endnotes

- 1 Government of the Kingdom of Bahrain, Implementing the Bahrain Independent Commission of Inquiry (BICI), *available at* <http://www.govactions.bh> (Progress & Actions Taken, Recommendation 1715) (last accessed October 23, 2012) [hereinafter Implementing the Bahrain Independent Commission of Inquiry (BICI)].
- 2 *Bahrain's main opposition party withdraws from 'national dialogue'*, CNN (July 18, 2011), *available at* <http://www.cnn.com/2011/WORLD/meast/07/18/bahrain.unrest/index.html> (last accessed February 7, 2013).
- 3 Press Statement, Government and National Commission accomplished their mission, BAHRAIN NEWS AGENCY (March 20, 2012), *available at* <http://www.bna.bh/portal/en/news/499813>; AMNESTY INTERNATIONAL, *FLAWED REFORMS: BAHRAIN FAILS TO ACHIEVE JUSTICE FOR PROTESTERS* (April 2012), MDE 11/014/2012, p. 14, *available at* [http://files.amnesty.org/archives/3858\\_Bahrain\\_REPORT\\_web.pdf](http://files.amnesty.org/archives/3858_Bahrain_REPORT_web.pdf) (last accessed October 23, 2012) [hereinafter *FLAWED REFORMS*].
- 4 Implementing the Bahrain Independent Commission of Inquiry (BICI) (Progress & Actions Taken, Recommendation 1716), *supra* note 1.
- 5 Press Statement, Bahrain News Agency, Prosecution takes over investigations from Ministry of Interior and the National Security Agency (April 2, 2012), *available at* <http://www.bna.bh/portal/en/news/501803> (last accessed October 23, 2012).
- 6 Implementing the Bahrain Independent Commission of Inquiry (BICI) (Progress & Actions Taken, Recommendation 1716), *supra* note 1.
- 7 Fahad A. AlBinali, Letter to the Editor: *Bahrain: We Take Human Rights Violations Seriously*, FOREIGNPOLICY.COM (September 25, 2012), *available at* [http://www.foreignpolicy.com/articles/2012/09/25/bahrain\\_we\\_take\\_human\\_rights\\_violations\\_seriously](http://www.foreignpolicy.com/articles/2012/09/25/bahrain_we_take_human_rights_violations_seriously) (last accessed October 23, 2012) [hereinafter *Bahrain: We Take Human Rights Violations Seriously*].
- 8 *Bahrain charges 15 policemen with abuse of prisoners*, REUTERS (July 3, 2012), *available at* <http://af.reuters.com/article/worldNews/idAFBRE8620ED20120703> (last accessed October 23, 2012); Bahrain Ambassador to the United States Houda Nonoo, *My Statement to the Tom Lantos Human Rights Commission*, THE OFFICIAL BLOG OF BAHRAIN'S AMBASSADOR TO THE UNITED STATES (July 31, 2012), *available at* <https://houdanonoo.wordpress.com/?s=21+different> (last accessed October 23, 2012).
- 9 Press Statement, Human Rights Watch, Bahrain: Reject Confessions Linked to Torture (June 21, 2012), *available at* <http://www.hrw.org/news/2012/06/21/bahrain-reject-confessions-linked-torture> (last accessed February 7, 2013).
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