

CHAPTER IV

THE ROLE OF HUMAN RIGHT WATCH (HRW)

In this chapter writer would like analyze about the role of Human Right Watch in Bahrain demonstration using the concept of INGO and Humanitarian Intervention. Human Right Watch is a international nongovernmental organization found by Helsinki Watch. Human Right Watch is investigates human right violations and advocates for policies to prevent such abuses. Founded in 1978 as Helsinki Watch to monitor the Soviet Union's adherence to Helsinki accords the group subsequently expanded in size and scope. It adopted its current name in 1988, its headquarters are in New York. Human Rights Watch conducts fact-finding investigations of human rights abuses and monitors various countries to ensure they are not in violation of the Universal Declaration Of Human rights (1948), which outlines fundamental civil, social, and political rights. An annual journal, *World Report*, presents a summary of the world's current human rights situation. The group uses the media coverage generated by its report to hold human rights abusers accountable for their actions and to pressure them to reform. Related causes taken up by the group have included abortion rights, child labor, war crimes, and human trafficking. The group has played a significant role in successful campaigns by other human rights organizations, including the Coalition to Stop the Use of Child Soldiers and the International Campaign to Ban Landmines.

A. Human Right Watch makes an annual report about the development of the human right violation in Bahrain

According to Teuku May Rudy INGO is a contain or a forum to maintain a cooperation intensity of the conflict between the fellow members, and also as a means of negotiations to made a beneficial decision. The independent agency to preserves such activities like aid for environmental preservation, restoration of historical monuments, and peacekeeping operation.

The role of Human Right Watch in Bahrain is making an annual report about the development of human right violation by Bahrain government, Human Right Watch is not also make a report in Bahrain but also in several states, such as Afghanistan, Iraq, and Syria. Actually, before the demonstrations cracked in 2011 Bahrain government detained 250 Bahrain citizen, included the nonviolent critics of the government and shutdown websites and publications of legal oppositions political societies. The authorities detained 25-opposition activist and accused many of them “spreading false information” and “meeting with outside organizations.” Some of the rights activist were held or allegedly tortured, authorities prevent them detainees meeting with their lawyers prior to the first session of their trial, and allowed only extremely brief meetings with some of the family members. The first activist who were arrested has just participating for public meeting in London where they criticized Bahrain human rights record.

Almost all of the 25 prominent activists-whose trial began on October 28-told the court, some in considerable detail, that they had been subjected to torture. Lawyers able to attend the public prosecutor's pretrial interrogations of clients said that in some cases they observed marks and wounds that appeared consistent with the allegations.

A Human Rights Watch report released in February 2010 concluded that in the 2007-2009 period, the authorities regularly resorted to torture and ill-treatment when interrogating security suspects. Officials denied these findings, but apparently conducted no criminal investigations and ordered no disciplinary measures against alleged perpetrators. On March 28 an appellate court convicted 19 men of the murder of a security officer, overturning their acquittal by a lower court in October 2009. The lower court judge determined that there was no evidence linking them to the crimes other than confessions that appeared to have been coerced. The government charged at least 23 of those detained in August and September under Law 58/2006, Protecting Society from Terrorist Acts, which allows for extended periods of detention without charge or judicial review.

The United Nations special rapporteur on human rights and counterterrorism has criticized the law's broad definitions of terrorism. In September the Information Affairs Authority blocked websites and blogs associated with the opposition. On state-run Bahrain TV on September 20 Abdullah Yateem, the general director of press and publications at the authority, said that websites and bloggers had committed 12 crimes, and he specifically mentioned: offending the person of King Hamad bin Isa Al Khalifa, incitement to overthrow the government, publishing information about bomb-making, and slander and defamation. Yateem also banned publication of the newsletters of several opposition political societies, which are political groups the government allows, unlike other opposition groups that have no legal status. On September 4 Ali Abdelemam, whose popular Bahrain online blog carried information about human rights developments, responded to a summons to appear at the headquarters of the National Security Agency, a body that operates outside the

criminal justice system and reports directly to King Hamad. Authorities refused his request to contact a lawyer, even at his formal interrogation.

At the opening session of the October 28 trial of 25 prominent activists, Abdulemam said he was subjected to torture and degrading treatment. Municipal officials ordered one Waad Party candidate in the National Assembly election scheduled for October 23 to remove billboards with the slogan "Enough to Corruption," saying it was "a breach of the law" but not indicating which law. A court ruled on October 4 that the banners did not violate the law, but the government appealed. The Ministry of Information suspended the satellite station Al Jazeera on May 18, the day after the channel broadcast a feature about poverty in Bahrain. On July 2, police summoned for questioning two volunteers with the Bahrain Women's Association who had spoken with Al Jazeera about challenges they face being married to non-Bahrainis. On August 16, 2010, *Al-Wasat*, Bahrain's one independent newspaper, reported that the minister of information suspended its online audio reports.

The suspension came after several of the reports featured persons alleging mistreatment of inmates in Jaw prison. In April the minister of social development denied the request of the Bahrain Human Rights Society to hold a monitoring workshop for human rights defenders in the Gulf region, saying it would violate the association law, which prohibits organizations from involvement in political activities. The ministry subsequently allowed the workshop to take place in late May. In August the ministry wrote to the Migrant Workers' Protection Society saying that the society's shelter was not legally registered and would have to close. This followed an incident in which a migrant domestic worker fled to the shelter from the home of a high ministry official, claiming she had been abused. The society responded by

providing a copy of the government's 2005 authorization of the shelter, noting that in previous years the ministry had donated funds to support the shelter.

The government continues to deny legal status to the Bahrain Center for Human Rights (BCHR), which it ordered dissolved in 2004 after the group's then-president criticized the prime minister for corruption and human rights violations. On April 5 Bahrain's Lower Criminal Court fined Mohammad al-Maskati, president of the Bahrain Youth Human Rights Society (BYHRS), BD500 (US\$ 1,325) for operating an unregistered NGO. The BYHRS attempted in 2005 to register with the Ministry of Social Development, as required by law, but received no response to its application. Those detained in the wave of arrests in August and September and allegedly tortured included Abd al-Ghani al-Khanjar, spokesperson for the National Committee for the Victims of Torture, and Muhammad Saeed al-Sahlawi, a BCHR board member. On September 1 the pro-government daily *Al Watan* featured a front-page article alleging that BCHR president Nabeel Rajab and former president Abd al-Hadi al-Khawaja were linked to a "terrorist network" responsible for arson attacks and plotting sabotage. A similar article appeared on the official Bahrain News Agency website on September 4, but was removed the following day.

On September 6 Salman Kamaledin resigned as the head of the newly established official National Institution for Human Rights to protest the institution's failure to criticize the recent arrests. On September 8-after the Bahrain Human Rights Society (BHRS) criticized the widespread arrests and alleged torture of detainees-the Ministry of Social Development dismissed Abdullah al-Dirazi, the group's secretary general, dissolved the group's board of directors, and appointed a ministry official as "interim director." The minister accused the organization of "only serving one segment of society," communicating with illegal organizations, and conducting

"secret training" of regional rights defenders, referring to the May workshops that the ministry expressly approved and that were well publicized at the time. The BHRS had been the main Bahraini organization permitted to monitor parliamentary elections scheduled for October 23; the government refused to allow international observers. (Watch H. R., Human Rights Watch, 2011)

Moreover, when the demonstration cracked harsh by the government of Bahrain increased. Seems from Human Rights Watch report that security forces attacked peaceful demonstrators at the pearl roundabout Manama, the capital. The assault left four protesters dead and hundreds of them are injured. On February 18, security forces and the Bahrain Defense Force (BDF) fired live ammunition and rubber bullets at the protesters march towards the Pearl Roundabout.

On February 19, authorities ordered security and military forces to withdraw and protesters reoccupied the Pearl Roundabout. For four weeks protesters gathered at the roundabout and other areas to voice opposition to the government and ruling Al Khalifa family. Crown Prince Salma bin Hamad bin Isa Al Khalifa appeared on national television and guaranteed that protesters would be free to demonstrate at the Pearl Roundabout without facing arrest or attack by government forces.

On March 16 a day after King Hamad declared a "state of national safety," akin to a state of emergency security and military forces forcibly cleared the Pearl Roundabout, the center of anti-government protests. The same day, forces dispersed protesters in villages outside Manama and surrounded the Salmaniya Medical Complex, the country's largest public hospital, preventing patients and medical staff from entering or leaving the hospital. At least six people were killed during clashes on March 16, including two police officers. After lifting the state of emergency on June 1, authorities permitted Al Wefaq, the largest opposition political society, to hold

several rallies, which remained peaceful, but clashes with security forces regularly broke out when protesters held demonstrations in Shia villages. At least eleven protesters and bystanders, including two children under age 18, had been killed as a result of protest-related injuries in June 1.

Since mid-March security forces have arrested over 1,600 people who participated in, or were suspected of supporting, the anti-government demonstrations. Some of those arrested and detained were children. In many cases armed masked men, some in uniforms and others in civilian clothes, pulled people out of their homes in pre-dawn raids and transferred them to unknown locations. Others were arrested at work or pulled out of cars at checkpoints. Authorities held most detainees in incommunicado detention for weeks, in some cases months. Detainees had little or no contact with lawyers or family except when they were presented before a special military court. Those held incommunicado included doctors, teachers, students, athletes, a prominent defense lawyer, and leaders of legally recognized opposition political societies. Ibrahim Sharif, a Sunni who heads the secularist National Democratic Action Society, was one of the first arrested, in a pre-dawn raid on March 17. Matar Ibrahim Matar and Jawad Fairouz who represented Al Wefaq, the largest opposition bloc in parliament before its members resigned in protest in February were seized on May 2. Authorities released Matar and Fairouz in August but they still face charges related to their political activities. Dozens remained in pre-trial detention as of October, in addition to the more than 250 who were convicted and sentenced by special military courts. The government provided little information about the number of people arrested and typically gave reasons for arrest only when detainees were charged before special military courts.

In April four people died in custody, apparently as a result of torture and medical neglect. The body of one—Ali Isa Ibrahim Saqer, arrested in connection with the deaths of two police officers—bore unmistakable signs of torture on his body. On April 28 Bahrain TV broadcast Saqer’s purported confession in connection with the trial of his co-defendants, although authorities notified Saqer’s family of his death on April 9. Abdulhadi al-Khawaja, a leading human rights and political activist, appeared before a special military court on May 8 with facial fractures and head injuries, apparently the result of severe beatings he sustained when authorities detained him on April 9. Several other co-defendants showed signs of possible abuse or ill-treatment. Since mid-February dozens of released detainees, including doctors, nurses, and paramedics arrested in March and April, have alleged they were abused or tortured during detention, often to coerce confessions.

On February 23, authorities released from prison 23 opposition leaders and activists arrested between mid-August and early September 2010 for alleged terrorist offenses. Several in the group described lengthy interrogation sessions during which they were blindfolded and subjected to both physical and psychological abuse, some of which amounted to torture. The abuse included threats, humiliation, solitary confinement, beatings to the head, chest, and other sensitive areas, beatings on the soles of feet with sticks or hoses, sleep deprivation, denying access to the bathroom, and electric shocks. Some said they were sexually harassed or assaulted. Most of the defendants have since been rearrested.

Authorities denied requests for visits to detention facilities by independent human rights and humanitarian organizations as well as United Nations human rights mechanisms.

On March 15 King Hamad established by decree special military courts, called the “Courts of National Safety,” to try protesters and people perceived as supporting the street protests. BDF Commander-in-Chief Field Marshal Khalifa bin Ahmed Al Khalifa appointed the military judge who presides over the court, along with two civilian judges, and the military public prosecutor who prosecuted the cases. Since March, authorities have tried several hundred defendants before military courts and have convicted and sentenced more than 300 persons.

Among those the special military court sentenced to prison terms ranging from five years to life were Sharif al-Khawaja, and 19 other protest leaders, seven of them in absentia, on June 22. The charges against them ranged from calling for a change of government, leading “illegal” demonstrations, “spreading false news,” and “harming the reputation” of the country. The trial record cited no evidence linking any of the accused to acts of violence or other recognizable criminal offenses. An appeals court upheld their convictions and sentences on September 28.

On April 28 the special military court sentenced four defendants to death and three others to life in prison for their alleged involvement in the murder of two police officers. Two of the death sentences were upheld by the Appeals Court of National Safety, while the other two were changed to life imprisonment. On September 29 the special military court sentenced another defendant to death for the alleged murder of a third police officer.

Lawyers defending suspects before the special military court had extremely limited access to their clients and were unable to adequately prepare their clients’ defenses. In many cases convictions were based solely on secret evidence that the military prosecution provided, the testimony of interrogators, and confessions that defendants claimed were coerced. The special military courts ended their operation on

October 7, more than four months after a June 29 decree by King Hamad that supposedly transferred all protest-related cases to civilian courts.

Since the outbreak of anti-government protests in mid-February, Human Rights Watch documented restrictions on provision of emergency care at temporary health posts, sieges at hospitals and clinics by security forces, arrests and beatings of people with protest-related injuries, and arrests of doctors and other health care staff who had criticized these actions. Police attacked a volunteer medical tent in the February 17 raid on Pearl Roundabout, beating and arresting nurses and doctors as well as protesters. In response to this attack and to allegations that authorities prevented the dispatch of ambulances to attend to wounded protesters, demonstrators gathered outside the emergency facilities of Salmaniya hospital, with the support of some of the health care staff. For several weeks the grounds outside the complex became a staging ground for anti-government demonstrations, with posters, tents, photos of wounded protesters, and speeches by opposition leaders.

The BDF took over Salmaniya hospital on March 16 and restricted entry to and exit from the complex. Hospital staff and protesters being treated for injuries inside the hospital were subjected to harassment, beatings that sometimes rose to the level of torture, and arrest. Security forces also raided health care facilities elsewhere, where they interrogated and arrested medical staff.

On September 29 the special military court sentenced 20 doctors and other health care staff charged with serious crimes, including kidnapping and storing weapons at Salmaniya hospital, and terms of imprisonment ranging from 5 to 15 years. The court denied the doctors and other health care staff a fair trial by relying on tainted or questionable evidence including coerced confessions, hearsay, and “secret evidence” submitted by interrogators, who often served as the prosecutor’s main

witness. Judges also prevented the doctors and other health care staff from testifying in their own defense. At this writing a civilian court was scheduled to hear the doctors and health care staff's appeal on November 28. Twenty-eight other doctors and health care staff faced misdemeanor charges before a civil court. (Watch H. R., hrw.org, 2012)

In 2012 Human Right Watch documented serious and systematic progress violation in trials of opposition leaders and activist before Bahrain special military courts in 2011. The violation also included rejecting the right to counsel and failure to investigate credible allegations of torture and bad treatment during the interrogations. The Bahrain Independent commission of inquiry (BICI) reached a similar conclusion, said that military courts convicted around 300 people personally for exercising their right to freedom of expression and assembly

Despite authorities promise to review military courts sentences for speech crimes and to void convictions to enforce after highly unfair trials, the protest leaders and many other remained still behind bars.

On August 2, authorities arrested right activist Zainab Al-Khawaja for allegedly destroy a picture of the king and participate illegal demonstrations. On September 25, court sentenced her two months imprisonment for destroying government property.

On August 16, Nabeel Rajab, president of the Bahrain Center for Human Rights, was sentenced to three years' imprisonment for calling for and participating in peaceful demonstrations without permits between January and March 2012. Earlier, Rajab received a three-month sentence for "tweets" that called for the prime minister to step down. On August 23, an appeals court overturned the twitter conviction, but at this writing he remained in prison pending appeal on the illegal assembly convictions.

The court's verdict gave no indication that Rajab had called for, or participated in, violence.

On September 4, 2012, a civilian appeals court upheld the military court's convictions and long sentences of 20 protest leaders. On November 6, 2012, the Interior Ministry revoked the citizenship of the 31 people, including opposition political activists, lawyers, and rights activists, accusing them of "damaging the security of the state." The order left most of those affected stateless. (Watch H. R., hrw.org, 2012) Furthermore the an annual report of the Human Right Watch make an influence to Bahrain government to held a dialogue between oppositions and the ruling family. Therefore the opposition leader refuse to join the dialogue because some of the opposition member and human right defenders remain in jail. (Watch H. R., hrw.org, 2013)

B. Establish alliance with United Nations

In the case of Bahrain, Human Rights Watch and Al-Wifaq established alliance with United Nations Human Right Council (UNHRC), this alliance would make the Human Right Watch have more power to resolve the Conflict in Bahrain and depressed government Bahrain to accepting demand from Al-Wifaq party. Human right Watch also worked with the Bahrain Human right to document and to suspect all the violation by the Bahrain government. Actually, on 2012 the Human right abuse has done by the Bahrain Government entered on the UN Human Right Council debates and 28 member state were agreed with Switzerland to condemned the violations in Bahrain and create the joint collective declaration to resolve the violations. Furthermore the declarations is to implementing all the recommendations including the release of political prisoners of the Bahrain Independent Commission of

Inquiry and the groups of state also called upon Bahrain to ensure accountability for those in government who have committed abuse. Deputy of the Middle East Director at Human Right Watch stated “ This joint action is an important step as it put the government of Bahrain on notice that the UN Human Right Council will keep a close watch on the situation in the country” (Watch H. R., 2012).

Moreover, the effort by Human Right Watch continued by sent the letter called joint NGO letter to the UN Human Right Council. This latter sent to asking the significant progress of UN Human Right Council in case of Bahrain violations, and the Human Right Watch believe that since the joint statement by the 28 state member, there no significant progress of the Human Right Abuse by Bahrain.

Later on, this latter consist of several recommendation to the council about the resolution for the Bahrain government, several resolution are:

1. Release protesters, activist and human right defenders detained or convicted solely for having exercised their rights to peaceful assembly, associations or expression
2. Ensure independent, thorough, and impartial investigations into all allegations of torture and ill-treatment
3. Demonstrate the effectiveness, impartiality and independence of new established human rights institutions, including the National Human Rights Institutions, the Ombudsman, the Special Investigations Unit and the Prisoners and Detainees Rights Commission
4. Revise or repeal laws that unduly restrict freedom of expression and freedom of peaceful assembly and association
5. Engage in comprehensive reform of the legal system to ensure effective independence of the judiciary

6. Ensure accountability for the serious human rights violation that took place during and after the 2011 protests, including but not limited to those documented in the BICI report
7. Cooperate with Special Producers of the Human Rights Council, including by swiftly providing access to Special Rapporteur on torture
8. Authorize the opening of a country office of the OHCHR with a full mandate to oversee implementation of the afore-mentioned recommendations and monitor the human rights situation on the ground, with periodic reporting to the Human Rights Council. (Watch H. R., hrw.org, 2015)

With the send of this letter Human Rights Watch hope that United Nations Human Right Council can deliver this resolution on the upcoming 30th UN Human Right Council meeting and 28 of the supporting states can adopt all of the resolution that offer by the Human Right Council. It seems by sending the letter to the UN Human Right Council is the most effective effort to resolve the violations in Bahrain.