

BAHRAIN

Issued by the "Bahrain Freedom Movement" for promoting Human and Constitutional Rights

24th anniversary of the dissolution of the National Assembly

An opportunity about to be missed

Despite the government's attempts to divert the attention from the real problems in the country, it is now clear to the observers and the people that the lack of political reforms are the main ingredients of the ongoing tension. Indeed the human rights crisis is an important dimension, but it is a direct result of the policies of repression adopted by the present prime minister, Sheikh Khalifa bin Salman Al Khalifa. He is adamant on forestalling any attempt to cause any change of the status quo.

When the new Amir came to power last March following the demise of his father, some hopes were expressed that the "new" era would herald substantial changes in the country. Indeed the ruler's circles seemed to be in a business mood and were spreading countless rumours that things would improve in a dramatic fashion. Columnists in local news papers were encouraged to involve themselves in heated discussions on vital matters such as the Constitution, elections and reforming the bureaucracy of the state. All have now gone with the wind. The Amir seems to have succumbed to the will of the prime minister who has won the day, once again. This reminded the people that the elderly prime minister would fight his battles to the end even with his immediate next of kin. Few leaders in the world would go that far.

The 51st session of the UN Sub-Commission on Human Rights has reaffirmed the impression that all was not going on well in Bahrain. Several human rights activists and organisations who took part in the session allocated a good deal of their prime time to the case of Bahrain. All of them emphasised that the situation in Bahrain was serious and that enormous efforts were needed to bring it to the international standards.

The government of Bahrain dispatched one of the largest delegations by any country. Its members were active in misinforming people that everything in the country was going to be changed. There is now a consensus among NGO's and observers that unless the core of the problem be tackled the situation will remain volatile.

The People of Bahrain have been lobbying for their constitutional and demo-

cratic rights for almost a quarter of a century, whilst the prime minister has adopted not reformist policy ever since the constitution was suspended and the National Assembly dissolved in 1975. The fact of the matter is that the political situation has remained stagnant for the whole of that period, and that the absence of the will to reform the old regime is at the heart of the problem.

On 25 August the people of Bahrain marked the 24th anniversary of the suspension of the Constitution and the dissolution of the National Assembly. The mood was grim and the morale of the people with regards to the promises offered by the Amir after his accession to the throne were low. Despite the initial optimism that Sheikh Hamad would initiate the reform process, the hopes of the people were dashed when they failed to materialise.

The lack of any legal framework for proper reference makes it difficult to deal with a political situation. The people of Bahrain aspire for a good governance through the Constitution. The prime minister believes that any dialogue or compromise with the people is a sign of weakness. This is the attitude of an illegitimate ruler whose position is not regulated by an accepted law.

The new Amir took up his post after his father's death on the basis of the Constitution and considers his position constitutional. However, he should have the courage to invoke the suspended articles of the constitution which were suspended during his father's rule. He will then reign over a country in a fully-constitutional framework and will conduct the affairs of the country without fear from others. His sudden capitulation to his uncle is a worrying factor. Bahrain needs a strong ruler. Sheikh Hamad can be that ruler only if he takes a historic decision to reinstate the constitutional rule. By this he will gain the confidence of people and the respect of others.

During the session in Geneva, the feelings among the activists and experts was that the Amir had been dwarfed by the prime minister who succeeded in staging a coup against him by obstructing his plans. Many people are still questioning whether

Sheikh Hamad will still fulfil his promises and initiate the process of reforms. The regional politics have moved in favour of a more representative government, and any step in that direction will strengthen the position of the country that takes it. Bahrain deserves a good government.

Sheikh Khalifa has proven himself to be incapable of upholding the rule of constitutional law, and that only under great pressure will he undertake some steps such as the release of some detainees.

The 25th year of the crisis has now started. The people of Bahrain are serious about their demands and will leave no stone unturned in their endeavour to achieve them. It is obvious now that the despotism of the prime minister may be cracked under international pressure as has happened with regards to the ratification of the Convention Against Torture (CAT). He was forced to concede defeat in the face of the international outrage as expressed by the historic resolution passed by the UN Sub-Commission on Human Rights two years ago. The European Parliament's resolution that year further complicated the situation to the prime minister. It is now up to the international community to act once again with resolve to force him to abandon his despotism and accept the popular demand for political reforms.

The Amir will do well if he takes a more decisive stand on the issue. Failing that, more difficult times will lie ahead for both the people of Bahrain and the Al Khalifa family. This is what no one wishes to see. Friends of the Al Khalifa family can play a significant role in bringing home to the prime minister that his dictatorship is doomed and that he must give way to younger entrepreneurs.

The opposition whether inside or outside the country will not cease their peaceful campaign for democratising the country. They are supported worldwide by freedom-loving individuals, organisations and even official bodies. If the promises given in Geneva this year, for example, are seen as only a delaying tactic, more severe retribution will follow later. Everyone believes that reforms are a must and will prevent the domesday scenario.

Email: Bahrain@compuserve.com - Homepage: <http://www.vob.org>

BFM, BM BOX 6135, LONDON WC1N 3XX, UK. Tel/Fax: +(44) 171-278 9089

Succumbing to the will of the international community: Ratifying Article 20 of CAT

It was reported in the local press on 1 August that the cabinet (headed by the ancient prime minister) discussed the modification to Decree No. 4/1998 in relation to the ratification of the UN Convention Against Torture.

On 4 August the government's delegation at the UN in Geneva announced that Bahrain ratified Article 20 of CAT. The UN Human Rights Sub-Commission is starting its annual meeting in Geneva and will be reviewing whether or not the government of Bahrain has complied with the pledges it made last August.

Last February, the government spread a rumour that it was going to ratify Article 20. The rumour was aimed at testing the water. Now the government is speaking about its acceptance for the modification, but has not actually said that it has signed the modification.

When the Government of Bahrain ratifies Article 20 of the Convention Against Torture (CAT), the UN Committee for CAT will be empowered to receive and investigate complaints submitted by individuals and groups against the government of Bahrain in relation to torture cases.

Background:

February 1998:

In February 1998, the Bahraini government was forced to ratify the Convention Against Torture (CAT), a step that spared it the humiliation of facing an international condemnation. However, it placed a "reservation" on Article 20 of CAT, thus preventing victims of torture from presenting their cases to the UN Committee.

August 1998:

As reports of systematic use of torture persisted, the international community felt obliged to take these allegations more seriously. Professor Francoise Hampson, the British expert at the UN Human Rights Sub-Commission, sponsored a carefully-worded resolution condemning the Bahraini government's human rights records. Eight other experts (from the UN Human Rights Sub-Commission) joined her giving the resolution the necessary number of sponsors.

No sooner had the official Bahraini delegation to Geneva learnt of the proposed resolution than did they dispatch a team headed by the deputy foreign minister (Ghazi Al-Qusaibi) to Geneva. This time, however, the business was more serious and a resolution seemed certain.

The faces of the international experts were grim as they studied the reports of more serious crimes of torture. Nooh Khalil Al Nooh, the 22-years old young man had just been slaughtered by the torturers working for the interior ministry. Images of his tortured body were already circulating in the corridors of the Geneva UN Palace.

Ghazi Al-Qusaibi found himself unable to defend the bad records of his government. Ultimately he told his bosses that the only way to avert a public humiliation was to make substantial steps to satisfy the human rights experts. The prime minister immediately sanctioned his proposals.

19 August 1998:

Ambassador Ahmad Al-Haddad (Geneva) read a statement of surrender to the experts, thus saving the skin of his bosses. The surrender note read by the Ambassador stated:

"I am pleased to draw this Sub-Commission's attention to the following recent development:

(1) Having recently acceded to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government is actually studying the withdrawal of Bahrain's reservation regarding Article 20 of that Convention within one year, and,

(2) The Government has also agreed to extend an invitation to the Working Group on Arbitrary Detention for a preparatory visit to Bahrain- the date of which will be fixed in consultation with the Chairman of the Working Group".

The surrender note went on to say:

"In the light of these developments, which clearly probe the willingness of the government of Bahrain to engage in and pursue constructive dialogue with the UN's human rights mechanisms, I hope that this Sub-Commission will lend its support to my Government and the draft resolution concerning Bahrain be withdrawn. I would also like to thank the co-sponsors of the draft resolution, and all members, for the useful exchange of views that has resulted and the positive dialogue achieved".

As a result of this surrender, the UN experts agreed to withdraw the draft resolution and to investigate the intentions and seriousness of the government's officials. A day later, the UN experts read what the government's press in Bahrain claimed to be a "victory for the government in the UN". The co-sponsors took note of all these manoeuvres and false claims and will use these propagandist articles against the officials of the government.

What is Article 20?

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) was adopted by the UN General Assembly on 10 December 1984 and went into force on 26 June 1987. By August 1998, 105 states ratified CAT, but 11 of them withheld recognition of Article 20. One of the eleven was Bahrain's government, which promised to recognise Article 20 within a year, following the surrender of 19 August 1998.

Article 1 defines what is meant by torture, and Article 2 prohibits torture and emphasises that no excuse is acceptable for torturing any person. Articles 4-16 and Article 19 describe the duties of the States in prohibiting torture, punishing torturers, educating, rehabilitating the victims of torture, controlling the system of interrogation and detention, and the method of report back to CAT.

Article 20 allows the States to withdraw recognition at the time of ratifying. However, once ratified, a State can not withdraw its recognition. Article 20 provides CAT experts (ten of them) the powers to receive information and to investigate the information received. Once a State ratifies Article 20, the experts can receive information about torture in that country. If the experts formulate an opinion that

1. Information received is reliable
2. Well-founded indications that torture is continuing in that country
3. Torture is systematically practised to inflict "severe pain or suffering, whether physical or mental", "inflicted intentionally", "for such purposes", "by a public official"

Then CAT can intervene "confidentially" with the State to investigate the information. CAT may also accept that the names of those submitting the cases of torture may not be divulged to the authorities of that country if the safety of a person is endangered.

CAT then invites the representative of that State to co-operate in the examination of the information and to submit observations with regard to the information received. Negotiation with the State may take a long time once a case is admitted for investigation. This is because CAT meets only twice a year. However, to speed matter, CAT may empower one of its experts to follow the cases submitted on a certain country. The investigation may result in a visit to that country to verify the situation.

The people of Bahrain hope that their government will be subjected to international monitoring so that they can live peacefully and honourably in their homeland. The acceptance of the prime minister to ratify Article 20 of ACT is another victory for the people of Bahrain in their long struggle against repression and dictatorship.

Another victory for the people is when the government of Bahrain is forced (next October) to allow a visit by the UN Working Group on Arbitrary Detention to visit Bahrain and to investigate cases of arbitrary detention.

Both, the ratification of Article 20 and allowing the visit, are the two conditions that had been specified by the UN experts last August in return for not issuing a condemnation resolution against the government of Bahrain.

Will the local authority be reformed?

"We shall continue to pursue the means of developing and firmly establishing our political institutions, with the aim of achieving further participation in decision-making and formulating the future for the coming generations," the prime minister was quoted as saying during a visit to the 'Central Municipality Authority' on 4 August. The opposition has always welcomed any positive development in the country that leads to the establishment of rule of constitutional law. The people have demanded the reinstatement of the constitution and believe that anything short of this will not end the political crisis that has engulfed the country since 1975.

Background:

The municipal "central" authority was named as a "provisional" one in the early seventies. This is because according to the "forgotten" laws of Bahrain, the "Central Municipal Authority" must be an elected one. All the years of the seventies and the early eighties the government was ashamed

of this fact and had to say that the authority was "provisional". Later on the word "provisional" was dropped and the authority was made an "appointed" department inside a ministry.

The story of this authority is an example of the backwardness of the prime minister, who cancelled its election since assuming his position in 1971. The elections of the 1920s-1950s have all disappeared by a whim. The first municipality was established in the capital in 1919 with an appointed 8-member council. The eight were selected by the ruler to represent the cosmopolitan capital. Hence the members comprised a Sunni of an Iranian origin, a Shia of an Iranian origin, a Hindu, an Indian Muslim, two Sunni of Arab origin and two Shia of Arab origin. The system was reformed in 1926 with the establishment of a 20-member council, half-appointed by the ruler and half-elected by the residents of Manama. In 1945, the council was further developed to include other areas of the country.

Upon assuming his position in 1971 as a prime minister, this municipality authority was transformed into a "provisionally" appointed council, and then into a "permanently" appointed committee. In 1996, the prime minister announced that he was going to divide the country into four estates (provinces) and handed two of these estates to members of the Al-Khalifa family. The other two estates have not yet been established. He also announced that each estate governor will appoint thirty "mukhtars" (appointed individuals). This system is more or less the same as the one that existed in the feudal establishment that governed Bahrain between 1869 and 1923.

What does the prime minister mean by opening up is not yet clear, and the opposition has learnt lessons not to expect much from the "hot air balloons". In any case, the people would want to have their rights restored by electing the municipality council as existed before the era of the prime minister.

NGO's condemn the government's atrocities

Several non-governmental organisations (NGOs) condemned the government of Bahrain at the 51st session of the UN Sub-Commission on Human Rights. Interfaith International and Liberation delivered statements on 19 August condemning the abuses of human rights in Bahrain. Mr. Jeremy Corbin, the British MP, delivered the intervention for "Liberation" in which he drew the attention of the UN experts to the continuing violation of human rights in Bahrain. Dr. Charles Graves of "Interfaith International" exposed the atrocities of the government and called on the UN experts to monitor the situation in Bahrain so that the claims of the government's delegation can be verified.

The government's delegation is the largest one to attend the UN Sub-Commission this year. A leading member of the delegation is a Jordanian, Gassan Sheikh, who responded on 20 August on behalf of the Bahraini government, saying that his government has a "new strategy" for human rights. The opposition believes that this new strategy is based on a "charm offensive", where all the sweat sentences are stated, while at the same time continuing abuses of human rights inside the country.

"Interfaith International"

Interfaith delivered another intervention before the UN Human Rights Sub-Commission condemning the abuse of human rights in Bahrain. The intervention stated "Interfaith International welcomes the recent steps announced by the government of Bahrain. However, we are concerned about the siege imposed on the entire village of Bani Jamra and several mosques in the country. The house arrest imposed on Sheikh Al-Jamri since his re-

lease on 8 July and the subsequent collective punishment of Bani Jamra people, are deplorable. These acts do not go along with the spirit of the steps taken by the new Amir of Bahrain."

Interfaith International went on to say "While many governments have ratified human rights treaties we witness the continuation of abuses. Some governments have become sophisticated enough to ratify covenants of human right while at the same time continue to abuse human rights. This may be related to the increasing workload on the UN human rights capabilities and the knowledge of government of the deficits in monitoring all aspects and methods of human rights abuses."

OMCT Intervention

19 August: The World Organisation Against Torture (OMCT) delivered an intervention before the UN Human Rights Sub-Commission stating:

"Before the 55th session of the Commission on Human Rights, OMCT recalled that since December 1994, month that marked the beginning of demonstrations for the restoration of democracy in Bahrain, thousands of people have been arrested on the basis of the 1974 State security Measure Law. Article 1 of this law allows for administrative detention without charge or trial for up to three years. Of the thousands of people detained since then, only a few hundred have been brought to trial before the State Security Court. The conduct of these trials has moreover raised concerns over the respect of procedural rights of these people.

Thus, Sheikh Abd al-Amir al Jamri. A judge and member of the dissolved Parliament, was convicted, on 7 July 1999, to ten

years of imprisonment and to US\$15 million fine, alleged for spying to a foreign state and inciting a sabotage. This trial, which took place more than three years after the arrest of Sheikh al-Jamri, was held under most doubtful conditions. Moreover, the sentences ended in a real bargaining: Sheikh al-Jamri was offered the following alternative: to remain in isolation for the rest of his life or to be freed after having read a letter prepared by the Ministry of Interior asking the ruling family for forgiveness.

Having accepted this option, Sheikh al-Jamri was released on 8 July 1999 and is now under house arrest. This case, Mr. Chairman, illustrates up to caricature the infestation of the Judiciary"

FIDH Intervention

FIDH intervention on item 2 at the 51st Sub-Commission for promoting and protection of human rights.

The FIDH and its member organisation, the Committee for the Defense of Human Rights in Bahrain are still deeply concerned by the situation of human rights in Bahrain.

During the 50th session of the Sub-Commission last August, the government of Bahrain took 2 decisions (promises).

a) To invite on its territory the Working Group on Arbitrary Detention.

b) To remove the reservation it had on article 20 of the Convention Against Torture.

The FIDH and CDHR are happy that the visit of the Working Group will occur, even if it did come late, in next November, but they regret the fact that the government hasn't removed its reserve on article 20 of the Convention Against Torture.

Press Conference in the British Parliament on Bahrain

A press conference was organised in the British Parliament on 25 August to commemorate the 24th anniversary of the dissolution of parliament and suspension of key articles of the constitution in Bahrain. The conference was addressed by Lord Avebury, the Vice-Chair of the Parliamentary Human Rights Group (PHRG); Mr. Michael Ellman, Lawyer and the Vice-Chair of the International Federation of Human Rights (FIDH); and Dr. Mansoor Al-Jamri, Spokesperson for the Bahrain Freedom Movement (BFM).

Lord Avebury:

"Here we are yet again to observe the passing of a year without any form of democracy in Bahrain, the 24th since the late Amir abolished the Parliament, tore up the constitution and resumed the old custom of government by the al-Khalifas, of the al-Khalifas and for the al-Khalifas.

The hereditary dictatorship has continued ever since, and the accession of a new Amir this year has not produced the changes that were hoped for, even expected by some optimists. When the Amir announced his first cabinet on May 31, the eight members of the royal family who occupied all the most important posts in the government were kept on, and one extra royal made it as Minister of Electricity and Water.

The Amir's uncle Sheikh Khalifa bin Salman al-Khalifa is still Prime Minister, and he is seen to be responsible for the hard line taken over the last five years against the democracy movement and its leaders, represented by the Committee for Popular Petition. If there was going to be any genuine reform, Sheikh Khalifa would have had to be moved, provoking disagreement amongst the leading members of the family. The new Ruler, Sheikh Hamad, may have judged that he could not carry them with him if he embarked on a course which would inevitably deprive them of some of their privileges, and the sidelining of Sheikh Khalifa would have been seen as a first move in that direction.

What we have seen over the last 12 months, however, is that international pressure can produce small improvements in human rights. The visit by Amnesty International, and the forthcoming visit by the UN Working Group on Arbitrary Detention, led to the release of some prisoners who had spent months and in some cases years in custody without being charged or tried. Some of these detainees were under 18, and the authorities continue to arrest minors without allowing their parents or guardians access to them, violating the Convention on the Rights of the Child, which Bahrain has signed.

Amongst those detained in July whose ages are known, there are 7 "17-year-olds", and earlier in the year there were children of 13, 14 and 15 in the lists. When Amnesty

visited Bahrain, I understand they were not allowed to enter any of the places of detention, or to speak to relatives who could have given them information about the conditions, including those of children. We have heard of one young person arrested on July 22, who was reported to have been so badly tortured that he had to be hospitalised. Many of the family and friends of this boy were also arrested and interrogated, to find out how the information about his condition had reached the outside world.

The implacable determination of the régime to silence dissent is epitomised by the treatment of Sheikh al-Jamri since he was released from prison in July. After a show trial and a ten-year sentence passed by three judges headed by the obligatory al-Khalifa, Sheikh al-Jamri was freed, only to be imprisoned in his own village. When a delegation from the Committee for Popular Petition tried to visit him a month ago, they were stopped at a check point in the village and taken to the Budaya Police Station, where they were interrogated for an hour and a half.

The blockade of the village was then stepped up, not only making normal life impossible for Sheikh al-Jamri and his family, but grossly inconveniencing everybody else in the village and their relatives elsewhere who want to see them. Sheikh al-Jamri's telephone is tapped, and reports of his conversations are given to Mr Adel Flaifel, the security official who has been actively involved in torturing prisoners. His boss Henderson is still around and is said to be active appearing in local press (Al-Ayyam) side-by-side with the interior minister on 15 July. Probably he has thought again about returning to Britain, knowing that he might be charged with torture as Pinochet has been.

There are no foreign journalists in Bahrain, the last one having been expelled in July 1997 after being threatened with prosecution for 'insulting the royal family'. The editors of the two British and two Arabic newspapers are appointed by the Government. Nothing critical of the régime can be published locally, and people have to depend on the Qatari satellite TV station al-Jazeera for any genuine discussion of Bahrain issues".

Michael Ellman:

"We, at FIDH, have been very concerned about human rights in Bahrain for many years. During our General Meeting in the Senegal 18 months ago, the FIDH delegates adopted a resolution stating our concern on violations in Bahrain and we cited that the Bahraini government's violation of political and civil rights of its citizens. And although Bahrain has not ratified the two covenants for political, civil, cultural, social and economic rights, these have become international customary laws and all states are bound to respect the mini-

mum requirements for basic rights stated in these international covenants. In any case, torture and arbitrary detentions can never be justified under any circumstances.

The government of Bahrain denies its citizens all basic political rights and frequently deports them to the outside. We are pleased that Bahrain has ratified the Convention Against Torture (CAT) but sad to know that torture has not stopped. In fact CAT is clear in that it requires all countries that ratified it to bring torturers to court even if they committed the offences outside their countries and even if they were citizens of other countries.

This means that those who torture in Bahrain, like Ian Henderson and Adel Flaifel, must be pursued when they come to this country and be brought to justice. We should have folders for each one of them ready to be handed to the legal authorities when they step in this country. Torture and tortures will have no impunity and when the International Criminal Court is established they will certainly find the net is getting tighter".

Mansoor Al-Jamri:

"Samih Saeed, the human rights advocate wrote an article yesterday in Al-Quds eloquently describing the situation in Bahrain. He said that the Bahraini authorities have lost another opportunity for national reconciliation. This is an accurate description of what is going on in Bahrain nowadays. When the new Amir assumed power on 6 March, many people had hoped for the turning of a new page in Bahraini history. Indeed, the new Amir went on to state that he does not intend to discriminate amongst the citizens, something that added to the optimism that prevailed the country. The people waited for the three months of mourning to finish, only to realise that nothing has changed.

During this period at least 37 people have been forcibly exiled; Women who attempted to hand in a letter to the Amir were beaten, arrested and the couch owner who took them to the palace was arrested and had his office closed down for a month; Dr. Sabeeka Al-Najjar was prevented from delivering a speech in Al-Oroba Club on 9 June; the offices of the Bahraini Workers Committee were raided by security forces two weeks ago; and the show-trial and subsequent house-arrest of Sheikh al-Jamri provided the full picture of the policy. In a nutshell, nothing has changed.

The prime minister who adopts an iron-fist policy has resumed his ancient attitude and the government went ahead with its programme of deploying mercenaries for repressing the nation. What has happened was nothing more than a cosmetic dressing to divert international pressure. It is for this reason that pressure from human rights organisation must continue until the attainment of basic demands".