

# BAHRAIN

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

## Bahrain-Qatar Dispute at The Hague: International arbitration encourages other Gulf countries to settle disputes

It has always been assumed that the border disputes in the Gulf are a time bomb. Ten years ago it exploded ferociously leading to a war that threatened the stability of the region. The repercussions of that war are still unfolding in the Gulf. Saddam Hussain is still feared by some of his neighbours especially Kuwait and Saudi Arabia. That is why when the International Court of Justice in the Hague (ICJ) started its proceedings last month, to resolve the border dispute between Bahrain and Qatar, a feeling of relief began to emerge in the political circles in the region. It was hoped that it would serve as a reminder that leaving unresolved disputes to drag on could only lead to more complications and deterioration of relations among the countries concerned.

The Government of Bahrain had opposed the idea of international arbitration but after decades of bickering there was no other conduit to pursue. The Saudi mediation had produced no results and the Government of Qatar was insistent on taking the issue beyond the regional circle. Having been reprimanded by the other Gulf Cooperation Council (GCC) countries for its military intervention in 1986 in a related incident at a coral reef known as Fasht Al Dibel, the Qataris chose to take up the issue all the way to The Hague. Following that incident the Saudis took the challenge of two GCC states going to war very seriously and put their weight behind a mediation initiative. When after three years the deadlock remained unresolved, Qatar insisted on international arbitration. During the 1990 GCC summit which was being held in Doha at the peak of the Gulf crisis following the Iraqi invasion of Kuwait, Qatar insisted on discussing the disputed with Bahrain as an item on the agenda. After strong Saudi intervention the two sides agreed to give mediation some more time after which the two sides would agree to go the ICJ. The Bahrainis were clearly cornered and were made to agree to the principle of international arbitration for the first time. Five years later, the Saudi mediations appeared to have faltered and the Qataris ceased the opportunity to take the case to the ICJ. The ICJ ruled that looking into the case was within its jurisdiction. The two

countries were given some time to prepare their cases. Finally when it appeared that the final proceedings at the ICJ were underway earlier this year, the two sides appeared surprisingly at ease and were exchanging ambassadors for the first time. They went as far as forming a joint High Committee comprising the two Crown Princes. Few months later it became clear that the Committee was not able to produce substantial results in terms of the border disputes. Bahrain decided unilaterally to suspend its activities until the verdict of the ICJ has been announced.

As the proceedings continued over the past month, tension persisted and threatened to destabilise the region. In fact, it sent shock waves throughout the Gulf and pushed the Saudis to reconsider their border disputes with their neighbours. In a surpassingly quick move, a Saudi-Yemeni border agreement was sealed last month, a step that was considered difficult to achieve due to the tense relations between the two neighbouring countries. Barely forty years ago the two neighbours were engaged in a war that claimed thousands of lives. Suspicions remained the main feature of the relations between Sanaa and Riyadh especially after the Gulf War in which Yemen was accused of siding with Iraq. Now that the agreement with Saudi Arabia has been achieved, there are speculations that Yemen could soon find itself a member of the GCC. Although this is unlikely to happen soon, the sudden improvement in relations between the Saudi Arabia and Yemen made the reconciliation of the two governments possible. Yemen stands to gain the most financially since its labour force could soon find itself heading to the Gulf from where they had been pushed out a decade ago. The Saudis did not want to be "humiliated" by appearing in an international court and were ready to give away something in return. Amidst these developments the Sultanate of Oman abruptly concluded a territorial agreement with Pakistan with regards to the sea borders.

The main outstanding and dangerous border dispute in the Gulf is the claim by the United Arab Emirates (UAE) against Iran for the sovereignty over the three small islands. The Shah had seized them on the

eve of the British withdrawal from the Gulf in 1971. For the past eight years the UAE has launched a media campaign on the issue and is threatening to take it to international arbitration. The recent rapprochement between the Gulf states and Iran was not received well by the UAE which has taken some steps to rehabilitate Iraq. Last month the Iraqi Embassy in Abu Dhabi was reopened after ten years following the Iraqi invasion of Kuwait. The GCC had set up a trilateral commission to play a mediating role between the two countries. But no progress has been made. The UAE has made the issue a national one and barely a day passes without reference to the three islands in the local media. Seminars and conferences are being organised to highlight the case. The UAE has not hidden its displeasure at the GCC-Iran rapprochement and used relations with Iraq to counter this move.

Kuwait and Saudi Arabia stand at the other end of the equilibrium. The UAE is encouraged by the Qatar-Bahrain case at the ICJ and is preparing the ground for a similar litigation. The Iranians have not yet agreed to the idea and the relations are not unexpectedly, at low ebbs. However, the Iranians are more flexible with regards to another border dispute involving both Kuwait and Saudi Arabia. The three countries are contesting the oil field of Al Dorra at the lower part of the Gulf and when Iran started oil exploration in the field last month, the Saudis used their good offices with Tehran to stop the process. Now the Kuwaitis have announced that the Saudis have agreed to discuss the issue and are encouraged by the signs coming from Riyadh. Once they settle with Saudi Arabia it will be an easier task to negotiate a settlement with Iran.

The international arbitration has led to a sudden movement to sort out the mess left behind by the British. The Saudis are trying to avert international arbitration and rushing to settle their disputes with their neighbours. Perhaps this single outcome is good enough to justify the whole judicial process. The Bahrainis hope the ICJ's imminent verdict will be in their favour. We hope the ICJ will soon announce an amicable solution that retains Bahrain's sovereignty over the islands of Howar.

## Calling on the Amir to listen to the people

The pro-democracy figure, Mr. Ali Rabea, wrote an important article in Al-Quds Al-Arabi on 28 June questioning why Bahrainis had enjoyed more political rights under British colonialism than during the period of independence.

Mr. Rabea said that Bahraini enjoyed local elections in 1926 and elections in 1950s for education and health councils, but since independence, Bahrainis began to lose all their rights. The process of de-franchising Bahrainis was further consolidated in 1975 when the Amir dissolved the National Assembly. Mr. Rabea said that the Shura Council (regardless whether it is elected or appointed) is unconstitutional and has been rejected by the people of Bahrain. He explained how the previous Amir rejected all attempts to submit the Popular Petition that was signed by some 25,000 citizens. He called on the present Amir to change such a policy and to start listening to the people.

Mr. Rabea reminded the rulers of Bahrain that the people demands are very clear and are centred around the restoration of the National Assembly, the release of political prisoners and detainees, freedom of expression and rule of just and constitutional law.

On the other hand, the Committee for the Defence of Human Rights in Bahrain (CDHRB) issued a statement on the announcement of the prime minister (30 May) that he will allow for an elected Shura Council in 2004 saying "this council is not a legitimate one and can never be a replacement for the National Assembly as specified in Bahrain's Constitution". CDHRB also said that the problem in Bahrain is remaining as it was with the unconstitutional State Security Law being deployed against the nation, the prisons are still filled with political detainees and emergency laws are strangling the political life everywhere.

A delegation representing the Committee for Defence of Human Rights in Bahrain participated in the UN meeting on development, which is being held in Geneva between 25 and 30 June. The government sent its envoy as well. Bahraini human rights activists exposed the false claims of the government and the extent of misery suffered by the citizens of Bahrain under a government that has yet to recognise the rights of citizens to live with dignity in their homeland.

On 31 May, Hani Al-Rayyes of the CDGRB wrote an article in the London-based Al-Arab newspaper detailing the concerns of human rights organisations about the situation in Bahrain. He said, "when all public freedoms are curtailed it is difficult to anticipate any improvement in the situation".

The pro-democracy personality, Mr. Abdul Rahman Al-Nuaimi wrote another article on 2 June in Al-Quds newspaper lambasting the foreign minister who stated

in a meeting with EU officials in Brussels last week that "all human rights organisations were fooled by a tiny group of extremists". Mr. Al-Nuaimi said if the foreign minister were saying that organisations like Amnesty International, Human Rights Watch, FIDH, the UN Human Rights Sub-Commission, the European Parliament, the ILO, and all other similar organisations were fooled, why doesn't he allow them to visit Bahrain and investigate for themselves?"

## Mounting frustration

Frustrations are mounting inside the country following the series of trials conducted by the unconstitutional State Security Court and the news that Bahraini men and women are being ill-treated inside the jails by the mercenaries that had been imported by the ruling family for repressing the citizens of Bahrain. Loud gas-cylinder explosions were heard towards the end of June in Sitra and its surrounding. The residents are commemorating the martyrdom of Ali Taher who was shot dead in Sitra in July 1996. The ruling family has refused to bring the killers to justice and instead the senior security officers responsible for human rights abuses were promoted and commended.

## Lack of reforms exacerbates the situation

Karen Thomas of "The Middle East" wrote an article in Issue No. 302, June 2000, stating that "more than a year after Sheikh Hamad succeeded his late father Sheikh Isa to become emir of Bahrain, opposition groups have revived the pro-democracy campaign claiming that despite the new ruler's amnesty to political prisoners and overtures to international human rights groups, the prospects for political reform remain uncertain.....". Ms Thomas said: "After years of dogged lobbying from human rights groups, Scotland Yard agreed in January this year to examine allegations that Henderson had also perpetrated serious abuses of human rights in Bahrain."

It is worth noting that the Amir has honoured ten British officers last March for their inhuman services against the people of Bahrain. Moreover, on 31 May, Al-Ayyam newspaper published a picture of the interior minister together with Ian Henderson and another British officer during one of the ceremonies of the interior ministry.

These security officers never stopped abusing human rights. On 31 May, the security forces attacked several houses in Isa Town and arrested Mostafa Jaffer Al-Mukhtar, 22, Jalal Jaffer Zayed, 20, Jamal Mansoor Marhoon, 20, Ali Makki Al-Arnoot, 19, and Nayef Yousif, 19. All were detained during dawn raids at around 5.00 am.

On 25 May, the security forces attacked Iskan-Jedhafs and detained the

following children: Abdulla Saeed Jasim, 13, Seyyed Jaffer Hussain, 13, Mahmood Mansoor, 13. All were taken to Adleya torture centre. Also, the torturers summoned Ali Makki, 13, and Jawad Abdulla Salman, 22, from the same area. Earlier, Mosa Jaffer Al-Sheikh (child) was also detained and had only been released when his family paid an arbitrary fine to the torturers. Another child, Mohammed Jawad Makki, 14, had been detained and tortured. He was released and now he is using crutches because of the torture he was subjected to.

## Interrogation:

On 22 June, the interior ministry summoned Sheikh Ali bin Ahmad for further interrogation about his sermon in Al-Anwari Mosque in Daih. Sheikh Ali bin Ahmed was stopped by a group of security officers while driving his car last month and then beaten in public.

The security forces attacked Daih and arrested several people on 24 June, amongst them a 14-year Mohammed Ali Hassan. The child was released and summoned for further interrogation and ill treatment in the following days.

## Unfair trials

The unconstitutional State Security Court, presided by a member of the Al-Khalifa family and flanked by two Egyptian judges, convened its sessions in the militarised village of Jaw on 24 June to arbitrarily sentence more Bahrainis. The following citizens were sentenced as follows:

1. Ali Mahdi, 23, who had already been sentenced to 7 years last month, received a sentence of 5 years today, hence a total of 12 years.
2. Farid Abdul Jalil, 28, sentenced to 5 years
3. Radi Darwish, 30, sentenced to 3 years
4. Hussain Haider, 38, sentenced to 3 years
5. Hisham Ali Hasan, 19 (sentenced last month 2 years ) and today received another sentence for 1 year, hence a total of 3 years
6. Aqil Issa, who had been sentenced last month to 7 years in absentia, received a further 3-year sentence today, hence a total of 10 years.
7. Sayed Absas Jaffer Shubbar, 23 was sentenced to 1 year in absentia.
8. Yousif Folath, 23, 1-year imprisonment.
9. Yousif Ahmed, 23, 3-year imprisonment

The State Security Court, sentenced more Bahrainis on 10 June. The following information was leaked out from the iron-curtain:

1. Saeed Al-Sheikh, sentenced to three years. He was sentenced last month to 5 years, hence a total of 8 years.

2. Ali Al-Oreibi, 3 years imprisonment
3. Sadiq Al-Madhoob, 3 years imprisonment
4. Khalil Al-Halwachi, 3 years imprisonment
5. Hasan Al-Jabal, 3 years imprisonment.
6. Jaffer Al-Qatari, 37, who had been in detention since May 1996, was acquitted.
7. Gazi Mohammed Mohsin, 36, in detention since 1996, acquitted.
8. Hassen Mohammed Mohsin, acquitted.
9. Hassan Ali Abdul Rassol, acquitted

10. Jassim Al-Jabal, 38, acquitted

Two brothers of the jailed Sheikh Hussain Al-Deihi were also sentenced to 3 years imprisonment each. Both were already in detention for the past 18 months.

The UK minister responsible for the Middle East, Mr. Peter Hain, will be visiting Bahrain this week. The Bahrain-Qatar border dispute might overshadow the discussions with the Al-Khalifa officials. However, the BFM believes that, in addition to the border dispute, the continued violations of human rights and the insistence of the ruling family to continue denying Bahrainis their political and civil rights are part of the main threat to stability on the long term.

### Forcible deportation:

On 19 June, the Bahrain Airport security personnel prevented Mr. Abdul Jalil Al-Nuaimi, 55-year old, from returning to his homeland. He was forcibly deported to the UAE. The government of Bahrain is the only "national" government in the world that forcibly deports the indigenous population while at the same time it imports mercenaries from outside Bahrain and grants them citizenship.

### Human rights teams prevented from investigating abuses

Amnesty International issued its annual report covering 1999 and detailing the various types of abuses around the world. Bahrain remained to be one of the countries where human rights abuses continue. Amnesty confirmed that during its visit last year it was prevented from meeting with independent non-governmental organisations or individuals concerned with the ongoing violations of human rights in Bahrain. This testimony falsifies the claims of the government of Bahrain that it is now allowing human rights organisations to visit Bahrain and verify the situation.

There are three UN committees and rapporteurs who requested to be allowed to visit Bahrain and all were denied access. The UN Working Group on Arbitrary Detention was scheduled to visit Bahrain last October. However the government approached the UN Working Group stating they wanted more time to allow the new

Amir to reform the situation. The date was set for October 2000. However, the government changed its mind on this date and now wants the visit to be held after April 2001. The UN Working Group has rejected this tactic and announced during the UN Human Rights Commission meeting last April that the Bahraini government attitude was not acceptable. The Working Group wants to visit Bahrain and to present the results of its visit to the next UN session (in March-April 2001). If the UN team were to visit Bahrain after April 2001, a report will not be ready for the next UN session.

Similarly, the UN Rapporteurs on Torture and another working group have requested to visit Bahrain, but the government refused to allow any of them. As a way for deflecting the UN attention, the government requested some UN "technical" assistance. Such assistance will inspect the prisons and will not investigate the cases of human rights abuses. Following on from this, the government has requested that other visits be somehow sidelined and be considered secondary to the UN technical assistance.

This means that the government will not allow any UN team to investigate the abuses and will continue detaining the pro-democracy leaders, such Mr. Abdul Wahab Hussain, Mr. Hassan Mushaimaa and other. The government also demonstrated its lack of respect for human rights by continuing to bring groups of citizens before the State Security Court that violates all constitutional and international requirements.

The government is hoping that its PR activities will deflect international attention from its insistence to continue abusing the rights of Bahrainis and to deny them their right to live with dignity in their homeland. As part of these PR activities many firms and some cheap individuals have been recruited to whitewash the image of dictatorship, to no avail.

### Banned society's building burnt

Fire gutted the building of the Islamic Enlightenment Society on 14 June. The noticeable building is located on the Budaya Highway at the entrance of Duraz. The Islamic Enlightenment Society, together with a large library (with hundreds of valuable and rare books) and three schools run by the society, were closed down in February 1984. Since its closure sixteen years ago, the authorities have been attempting to destroy the building which stood as a remainder of the real nature of the government.

The society was established in 1972 at a time when Bahrain embarked on its constitutional experiment. Several members of the society, including Sheikh Isa Qassim and Sheikh Al-Jamri were elected as members of the parliament. Following the dissolution of the parliament in 1975, the gov-

ernment cracked down on all political activists. In the 1980s, the government adopted a flagrant sectarian policy and started a campaign against all Shia-oriented institutions and closed them down. The closure of the Islamic Enlightenment Society in 1984 marked one of the major sectarian actions taken by the government.

As Bahrain entered the 21st century, the ruling family moved further to confiscate the residual rights of the society. A new building is being constructed for the Al-Khalifa security officer, Abdul Rahman bin Sagr Al-Khalifa, who was appointed as governor of the Northern Region. The new building will be near to the banned Society and one of the aims of the security officer is to ensure full domination of all social functions. The building of the Islamic Enlightenment Society is certainly standing as a damning reminder of the nature of the government and therefore something was needed to start the process of destroying it all together.

### OMCT: Child Concern

16 June: The International Secretariat of OMCT requests your URGENT intervention in the following situation in Bahrain.

According to the information received, on 25 May 2000, during dawn raids, security forces attacked Iskan-Jedhafs and detained Abdulla Saeed Jasim Azbeel, 13, Seyyed Jaffer Seyyed Hussain, 13 and Mahmood Mansoor Al-Asmakh, 13. It is reported that they were taken to Adleya detention centre.

On the same day, it is reported that the security police summoned Ali Makki, 13. Also, earlier, it was noted that Mosa Jaffer Al-Sheikh (child) was also detained and had only been released when his family paid an arbitrary fine.

According to BHRO, Mohammed Jawad Makki, 14, from the same area, had been detained and tortured. He was released and now he is using crutches because of the torture he was subjected to.

The International Secretariat of OMCT recalls that Bahrain is a state party to the Convention on the Rights of the Child, Article 37b) which states that "The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time." Furthermore, that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."

#### Action requested

Please write to the authorities in Bahrain urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the above-mentioned persons;
- ii. order their immediate release in the absence of valid legal charges or, if such charges exist, bring them before an impartial and competent tribunal and guarantee their procedural rights at all times;

iii. guarantee an immediate investigation into these allegations of torture and these alleged arbitrary arrests, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law;

iv. put an immediate end to the use of arbitrary detention of people by the police and abrogate 1974 State Security Law and all national laws which are not in compliance with international human rights standards;

v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

## PM's Shura Council is a baseless institution

The government's controlled newspapers said that the British Minister of State at the Foreign and Commonwealth Office Mr. Peter Hain praised (during his visit to Bahrain on 13 June) the Bahraini Prime Minister over his plans to allow elections for the powerless Shura Council in 2004. The papers also quoted Mr. Hain saying "I would like to see Bahrain moving forward to become a model for democracy and human rights, not just in the region and the Arab world but internationally as well".

Human rights organisations and activists urged the British Minister to raise the issues of democracy and human rights in Bahrain, especially the continued detention and jailing of citizens through the unconstitutional State Secret Law and Court. Jeremy Corbyn, MP, Lord Avebury and the Bar Human Rights Committee of England and Wales were amongst those who wrote to Mr. Hain raising their concern about the lack of democracy in human rights in Bahrain.

The Bahraini journalist, Ali Saleh, wrote an article on 12 June requesting political activists to express their opinions about the Shura Council and the proposed election of this council in 2004. Mr. Saleh quoted a statement by an activist saying that "if the election meant the return of the National Assembly then we would agree it is a good step".

On 13 June, Mr. Saleh stated that he received a message from a governmental source confirming that "the Shura Council will not be a parliament as in the case of the National Assembly". Mr. Saleh said that such statement dashed the hopes of achieving the demand for restoration of the National Assembly".

A spokesperson for the BFM said "the statements expressed by Mr. Ali Saleh reflected the legitimate demand of the people of Bahrain and there is no escape for the government. The Shura Council is a baseless and illegitimate institution. It is no more than a governmental committee that will be used a rubber-stamp."

## Bahrain is a Nation-State, not a Tribal-Estate

The Amir, Sheikh Hamad Al-Khalifa, met with the UAE President Sheikh Zayed Al-Nahyan and Egyptian President Hosni Mubarak in Geneva on 7 June and telephoned the Jordanian King Abdullah. These high-level contacts came one day before the start of Bahrain's defence on 8 June before the International Court of Justice in the Hague. Bahrain's legal team is expected to present the case for affirming the sovereignty of the State of Bahrain over Hawar islands, which is being disputed by the State of Qatar.

The Bahrain Freedom Movement holds the view that Bahrain is a territorially-based nation-state and that these territories include the islands of Hawar. This is based on the fact that the modern formation of Gulf states, which started after the First World War, recognised the boundaries between Bahrain and Qatar. Bahraini jurisdiction has covered the islands of Hawar since then.

However, the BFM is not in agreement with some of the views aired in the local media that present Bahrain as if it were a "tribally-based estate" that belongs to a certain tribe. The notion that Zabara is part of Bahrain is part of such a concept, being advocated by government-controlled media.

In May 1970, the UN team that visited Bahrain prepared the grounds for the formation of a modern "State of Bahrain" that is based on a modern constitution and that recognises the political rights of Bahraini citizens. Unfortunately, the dominant branch of the Al-Khalifa family has stripped all political and nearly all civil, cultural, and economic rights of Bahrainis.

If there is a lesson to learn from the present crisis, it is that the ruling family ought to review its attitude towards Bahrain and Bahrainis and ought to start abiding by the Constitution of the State of Bahrain. National solidarity is the feature of a nation-state, not a tribal estate. Unfortunately, the indications are that the ruling family is not signalling any change in attitude. Press coverage of the border dispute with Qatar speaks of Bahraini lands in terms of Al-Khalifa history with total disregard to the history of Bahrain.

## Glimpses from The Hague

THE HAGUE, June 8 (Reuters) - Bahrain told the International Court of Justice on Thursday it was on alert over the disputed Hawar islands for fear Qatar would try to occupy them.

Jawad Salem al-Arrayed, representing Bahrain at the World Court hearings into Bahrain's territorial dispute with its neighbour Qatar, also accused Qatar of trying to usurp one-third of Bahrain's territory by claiming its rights to the Hawar islands.

The World Court on May 29 began

public hearings into the territorial dispute between the Gulf Arab states, the last phase of the longest case in the court's history.

The row is over the small but potentially oil- and gas-rich Hawar islands controlled by Bahrain since the 1930s but claimed by Qatar. Bahrain also claims the town of Zubarah, which is on the mainland of Qatar.

"If we did not strengthen our (presence) on the Hawar islands, there is no doubt Qatar would have occupied them," Arrayed said.

"Until today, our readiness on the Hawar islands is high," he said, though he did not elaborate.

In 1986, Qatar and Bahrain went to the brink of war over the islands. Conflict was averted by the intervention of regional power Saudi Arabia.

Qatar unilaterally took the case to the World Court in 1991, angering Bahrain which had favoured a Gulf Arab mediation.

The hearings at the World Court at the Hague are expected to last five weeks from start to finish. Qatar presented its case until June 6, whereupon Bahrain started arguing its case.

From June 20 to 22, Qatar will make a second round of oral arguments, followed by Bahrain from June 27 to 29. Four to six months after the hearings end the court will issue a judgment, which will be final, without appeal and binding on the parties.

DUBAI, May 30 (Reuters) - Bahrain said on Tuesday it would not cede an inch of land in a territorial dispute with neighbouring Qatar.

Bahraini Prime Minister Sheikh Khalifa bin Sulman al-Khalifa also warned that the dispute threatened to create a rift among Gulf Arab states, Bahrain's official Gulf News Agency reported.

Sheikh Khalifa "stressed the unwavering stand of the emir of Bahrain, its people and government not to cede an inch of the homeland's territory," the agency said.

"The dispute threatens to create a deep rift in the Gulf and the Arab family and cause unnecessary tensions and instability in the area," he added.

The prime minister said he still hoped that the International Court of Justice, which is hearing the dispute over the potentially oil- and gas-rich Hawar islands, would rule in Bahrain's favour.

The Gulf islands have been controlled by Bahrain since the 1930s but are also claimed by Qatar.

Qatar unilaterally took the dispute to the Hague-based court in 1991, angering Bahrain which had wanted the dispute to be resolved through regional mediation.

The hearings began on Monday and are expected to last five weeks.

"We will look into what comes out of the court, whose judgment we hope will help establish amicable and peaceful relations between the two brotherly countries," Sheikh Khalifa said.