

# BAHRAIN

*Issued by the "Bahrain Freedom Movement" to promote human and constitutional rights*

## Constitutional changes by al-Khalifa; testimony of inability to rule

Imposing extra-constitutional changes on the 1973 Constitution has, once again, illustrated the inability of the Al-Khalifa ruling family to honour its pledges and commitments. The Constitution is the only source of legitimacy of the hereditary rule and is a binding contract between the people of Bahrain and the Al-Khalifas. Article 104 of the Constitution stipulates that "Notwithstanding the provision of Article (35) of this Constitution, for an amendment to be made to any provision of this Constitution, it is stipulated that it shall be passed by a majority vote of two-thirds of the members constituting the Assembly and ratified by the Amir". Thus the initiative adopted by Sheikh Hamad bin Isa Al-Khalifa to impose certain changes to that historical document outside its remit is a gross violation of its articles. The changes were prepared by the Al-Khalifa and presented to a 46-member committee handpicked by the ruling family to rubber-stamp them. When it became clear that the intention was to change the Constitution, several members of the committee withdrew in protest. The Al-Khalifa had already made up their mind and were not ready for any discussion of those changes. The committee held several meetings before announcing their endorsement of the changes, which was in clear violation of the tenets of the Constitution.

On 2 December, members of the committee were handed a document and were told that by 23 December, they would be required to undersign the so-called charter so that another appointed body, a "popular congress", appointed by the government will ratify the changes. Soon after, it became clear that the government had an ill-intentioned plan. All seminars were banned and no journalist was allowed to criticise the arrangement. In fact, the members of the committee were told to keep all papers confidential.

The opposition provided the people of Bahrain with details of the so-called charter. It became obvious to the people of Bahrain that the Al-Khalifa had decided to re-write the history of Bahrain and to change the constitution. The changes were to create a bicameral parliament with an upper appointed chamber and a lower house that will also contain the ministers as ex-officio members. The two houses will need to meet for any issue pertaining to critical matters. It will mean that the government will have some 60% of the two houses appointed with only 40% directly elected.

Moreover, the Al-Khalifa want to convert Bahrain into a kingdom and hence a new language started to surface. "The Amir and his loyal people", "the Amir and his ministers", etc. The source of legitimacy is not the people and there is no constitutional framework as the so-called charter states clearly that the 46 members are "presenting the draft changes" and they leave it "to the discretion of His Highness the Amir to decide the way forward". This statement is the kingpin of the so-called charter. It is up to the Amir's discretion to do what he sees fit in whatever shape he wants. It is a testifying statement for the entire exercise where the source of legitimacy is to be officially moved from the people to the Amir (or future "king") and where the constitutional framework is replaced with the "discretion of His Highness". The outcry of the public and the resistance mounted by the opposition to these flagrant moves have resulted in minor changes. These were the changing of the introduction of the so-called charter, which contained erroneous references to Bahrain's history, the cancellation of the popular congress on 23 December.

In societies, which had experienced political upheavals, the norm has always been to go through a national reconciliation process. This would include a serious dialogue between the government and the opposition, releasing political prisoners, allowing a degree of freedom and debate on all issues of contention and bringing the society back to a degree of normality. None of these conditions have yet been met. The prisons contain political detainees some of whom have been behind bars for more than five years because of their political opinion. Bahraini opposition figures are prevented from returning to their country from exile. The emergency laws are in force while public freedoms are curtailed. Any discussion of the future of the country is therefore a futile exercise. The ruling family has exploited the resources of the country to impose its will on the people, and attempted to rob them of their basic freedom and human rights. The so-called national charter only represents what the Al-Khalifa want while ignoring the aspirations of the people of Bahrain. To start the process of reconciliation with a serious unilateral breach of the only binding contract is certainly not a good start. The feelings of the people are

running emotionally high as they view these changes as a reflection of the evil intentions of the ruling Al-Khalifa ruling family.

Furthermore, the imposition of restrictions on the movement on former detainees and curtailing their liberties is a serious breach on individual freedoms. Almost all opposition figures that have been released since Sheikh Hamad came to power had to forfeit their natural rights. Accordingly, they are banned from engaging in political or religious activities of any kind. Those who attempted to exercise their constitutional rights have been summarily detained, tortured and made to sign on more stringent conditions. Last month several people were subjected to ill-treatment at the hands of the torturers and threatened with further abuse if they did not obey the orders. Restrictions on freedom of expression meant that no real debate took place on the main topics affecting the people. Open discussion of the charter was prohibited and all journalists were warned against taking up the issue. When the Amir delivered his speech on 16th December, it brought little comfort to the population that was waiting for courageous steps by a man whose media have exaggerated his "reform" programme. Independent analysts have argued that a bicameral parliament may suit large countries like the UK or the USA but not a small island with native inhabitants numbering less than half a million. Furthermore, the Amir wants to become a king. This tasteless move has infuriated not only the people of Bahrain but also others in the Gulf.

Certainly, the ruling family has been advised by their friends to heed the calls for reforms if they wanted to retain a degree of stability in the country and safeguard their hereditary rule. British officials have repeatedly stated their policy of "constructive engagement" with the Al-Khalifa, while offering political support. It is not yet known who has encouraged the Al-Khalifa to change the country into a kingdom, or to distort the country's Constitution to suit their agenda, but it is widely believed that the Al-Khalifa would not act beyond what their backers allow them to do. The hope is that these backers will act to stop the excesses of the Al-Khalifa, prevent them from mistreatment of the people of Bahrain, uphold the 1973 constitution and abandon their dream of turning Bahrain backward. Meanwhile, the Bahraini people and opposition will work to ensure that the country does not slide into more tyranny and despotism.

---

## First public seminar raises the voice of the people

The first public seminar to be allowed by the interior ministry following the decision of the government to change the Bahraini constitution must also be the biggest embarrassment for the regime. The seminar was held on the evening of 14 January at the Alumni Club. The interior ministry had rejected key speakers and imposed its own people. Yet, the seminar uncovered the true views of the people of Bahrain. These are the views that were banned by the government but surfaced at the first opening to be available.

The government-backed individuals presented weak and shy presentations. However, the interventions, questions and answers from the floor in front of a massive audience gave way to the voice of people.

Jasim Fakhro said there would not be a normalisation of political environment unless three conditions are met. These are the issuing of an amnesty for all political prisoners, return of political exiles and the repeal of the State Security Law. Without these conditions, Bahrain will not have a true democracy. Jasim Murad, Abbsa Helal and Ali Sayyar supported Mr. Fakhro. Mr. Sayyar said that attempts to change the history of Bahrain and to claim things that hadn't taken place will not serve well the country. The journalist, Aqil Swar reiterated the demand for the release of all political prisoners. He said that the Amir's amnesty has not been forthcoming and it seems that it had been frozen in the same way as the articles of the constitution had

been frozen (loud applause from the audience). He said that it is time to repeal the State Security Law that had stained the image of Bahrain all over the world (louder applause). He went on to say "we call on the Amir from this floor to listen to our demands".

Mr. Kamal-u-Din said "how could anybody claim that we have a democracy when there are political prisoners, political exiles and above all when we have the State Security Law?"

The prominent lawyer, Abdulla Hashim said, "without proper treatment of the suffering incurred in the past five years, there would be no democracy. I add to the demands mentioned earlier that the siege on our father Sheikh Al-Jamri must be ended (loud applause for a prolonged period)." He said that "Article 104 of the country's constitution does not allow anybody to change the constitution without the reconvening of the elected National Assembly. Any change without the due process is unconstitutional."

The pro-democracy personality, Dr. Monira Fakhro said, "all those who had been dismissed for political reasons, must be returned to their positions (loud applause)." She called for freedom of press and opinion to be guaranteed as stated by the constitution.

The prominent figure and member of the dissolved parliament, Mohammed Jaber Sabah detailed the reservations of the opposition vs. the changes that are to be imposed on the nation. He said that "to say Bahrain is a kingdom is an abuse of the constitution since no such change can take place without the convening of the elected national Assembly as stated by the constitution."

Other speakers from the floor called for an end to the ban on prayers in certain mosques, the opening of closed mosques, the return of all dismissed students and pupils to university and schools, the release of prisoners, return of exiles and the end of house arrest imposed on Sheikh Al-Jamri. Among the attendees were government's officials and the government's TV crew that filmed the event and recorded all the speeches. The opposition hopes that the Amir would listen to the voices of the people and would heed the rational call for a true political reform. The attendees presented a just case and if the government ignores these views and attempts to impose changes through a rigged referendum or unconstitutional process, then it would not achieve any stability for Bahrain.

**BFM, 15th January**



---

## Government media run a cheap campaign of misinformation

The Gulf State Newsletter covered in its latest issue (Vol 25, No. 652, 8 January 2001) the plan of the government to change Bahrain's constitution for the purpose of crippling the legislative power. The newsletter said that opponents feel that the Amir "lacked the self-confidence to challenge (his uncle and prime minister) Sheikh Khalifa, who has consolidated his power through the long years of authoritarian rule. Sheikh Khalifa's sons hold crucial positions including Sheikh Ali as Transport and Telecommunications Minister and Sheikh Salman as deputy chief executive of Bahrain Petroleum Company".

The opposition is disappointed that the government is rushing major changes to the constitution without proper debate or process. The government banned all types of discussions and seminars on the subject. When the Alumni Club applied to be allowed to organise a seminar for

the evening of 14 January, the interior ministry banned several key speakers from delivering talks. Moreover, the ministry imposed certain individuals on the panel of speakers to ensure that only its views are delivered. However, the opposition has called on people to attend the first ever public seminar on the subject and to present questions to those who speak on behalf of the government.

It is the view of the opposition that the majority of people reject the medieval changes to the constitution which aim at transferring all important powers to an executive and unaccountable monarch while at the same time crippling the elected National Assembly/

Furthermore, the government is refusing to abandon the state of emergency laws that were imposed on the country after the dissolution of the National Assembly in 1975. These emergency and repressive laws range from the State Security Law

and the State Security Court to the penal code, the exceptional laws of 1996 and restrictions on freedom of expression and association. The government is attempting to whitewash its dictatorship with cosmetics by repeating that it wants to emulate advanced democracies such as the UK. But the fact of the matter is that Bahrain is going in the reverse direction and even the elected National Assembly would be crippled. While in the UK the government is elected and political parties are allowed to function with independence of judiciary and freedom of press. Furthermore, the royal family in the UK does not occupy half the cabinet, does not occupy all important positions of the State and the economy and the Queen does not run the country through decrees. So, the talk of emulating the UK is nothing more than a cheap joke repeated by the government-controlled local Arabic dailies for public consumption purposes only.

# OMCT: Stop arbitrary detention in Bahrain

## URGENT INTERVENTIONS

Bahrain: continuing arbitrary detention  
Geneva, 18th January 2001

The International Secretariat of OMCT requests your URGENT intervention in the following situation in Bahrain. Brief description of the situation

The International Secretariat of OMCT and the Bahrain Human Rights Organization (BHRO) wish to express their grave concerns over the continuing arbitrary detention of a group of four political prisoners in Bahrain, held since January 1996 without charge or trial. They are: Abdul-Wahab Hussain, Shaikh Hassan Sultan, Hassan Musheima, and Sayyed Ibrahim Adnan al-Alawi. The four, all prominent figures, were arrested on 22 January 1996. Their arrest followed mass protests against the closure by security forces of a number of mosques where prominent opposition leaders, including the above-mentioned, had been peacefully calling on the government to restore the parliament and reinstate the 1973 constitution.

According to information from the BHRO, Abdul-Wahab Hussain, a member of the Committee for Popular Petition and opposition activist, was released on 17 March 2000 following an order by the State Security Court but was rearrested after spending an hour at home.

Other prominent leaders arrested at that time included Shaikh Abdul-Amir al-Jamri, Shaikh Ali Ashur, Shaikh Ali bin Ahmad al-Jeddhaifi, and Shaikh Hussain al-Daihi. Shaikh al-Jamri was pardoned and released in July 1999 after he had been sentenced to 10 years' imprisonment, but he has been under house arrest since then, and was prevented from attending a funeral commemoration session after the death of his sister on 19 December 2000. Shaikh Ali bin Ahmad al-Jeddhaifi was released on 26 July 1999, after three and a half years of detention without charge or trial. Shaikh Ali Ashur was released at the beginning of September 2000 after more than four and a half years of detention without trial. Whereas Shaikh Hussain al-Daihi was released on 15 December 2000, but since then he has been under a threat from the government not to take part in any political activities. All four were required to sign statements apologizing for their past political activities and committing themselves not to be involved in any political or social activities in the future.

Abdul-Wahab Hussain and the other three prisoners still in detention have reportedly been put under pressure to sign similar statements but have so far refused to do so. In the last few months they have been placed in solitary confinement as a means of punishment for

their rejection.

The International Secretariat of OMCT is gravely concerned by the prolonged detention of Abdul-Wahab Hussain, Shaikh Hassan Sultan, Hassan Musheima, and Sayyed Ibrahim Adnan al-Alawi.

According to the BHRO, Bahrain's government maintained its policy of providing no information concerning the numbers or identities of persons arrested, tried, convicted, acquitted, or released under the State Security Law. According to the BHRO, there are many Bahrainis still in detention under the State Security Measures, which has been in force since October 1974. These measures empowers the Minister of the Interior to detain individuals without charge or trial for up to three years. This practice clearly violates international human rights standards and Bahrain's constitution.

## New campaign of intimidation by interior ministry

On 16 January, the pro-democracy leaders detained since January 1996 completed their fifth year without charges or trial. The mass gathering that attended the seminar organised by the Alumni Club on 14 January called for the release of these people, particularly Mr. Abdul Wahab Hussain, Mr. Hassan Mushaimaa, Sheikh Hassan Sultan, Seyyed Ibrahim Adnan. Security personnel belonging to the interior ministry started a new campaign of intimidation and terror against pro-democracy leaders. The aim of this campaign is to punish opposition personalities and to silence them. One such personality is the lawyer Abdullah Hashim. On 14 January, he heroically stood in front of the torturer Abdul Aziz Atteyat Allah Al-Khalifa and demanded the abrogation of the State Security Law, the ending of the house arrest imposed on Sheikh Al-Jamri and the redressing of the government's wrongdoings since 1994. Hence, on 16 December, a group of security officers operating on orders from their seniors poured a hazardous acid inside the car of the lawyer. Few days earlier, the terror group smashed all the windows of the lawyer's car.

Intimidation of different kinds is also being implemented against other personalities. Sheikh Hussain Al-Deihi, who had been released recently, was threatened that he will be put back in jail if he meets with people. Few days ago, a group of intelligence officers raided the houses of four (married) sisters of Sheikh Hussain Al-Deihi. The intelligence officers confiscated the passports of Al-Delhi's sisters. The sisters were interrogated about the movements of their brother, Sheikh Hussain Al-Deihi, and whether he uses their houses for meeting people secretly.

Sheikh Ali Ashor, also recently released,

OMCT and BHRO have repeatedly called for the unconditional release of all political prisoners held in Bahrain, including the four men mentioned above.

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 and order their immediate unconditional release;
- ii. put an immediate end to the use of arbitrary detention and abrogate 1974 State Security Law and all national laws which are not in compliance with international human rights standards;
- iii. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

is under 24-hour surveillance. Three to four cars filled with intelligence officers pursue the scholar wherever he goes. They park their cars in front of the house of Sheikh Ali Ashor and intimidate him and his family. On 14 January, security officers, led by the torturer Nader Al-Dowseri, stormed the house of Ahmed Muftah in Tobli and ransacked its contents. They then arrested the 17-year Sami Ahmed Muftah and nothing is known about the whereabouts of the teenager. He had been arrested on 16 June 1996 when he was only 13 years old. He had then been tortured at the Dry Dock Prison for one year and eleven months. He was later released without charges or trial. Then on 10 January 1998 he was again arrested and taken to detention and tortured by Abdullah (Abo Rashid) for eleven months. He was again released without charges on 18 December 1999. In January 2000, the security forces re-attacked his parent's house, but the young man was not there. Since then he had been in hiding until the crackdown on his parent's house on 14 January 2001. This case is a manifestation of the "reform" programme being talked about by the new Amir!

On 14 January, one further session was held with regard to the case brought by the advisor to the information minister, Seyed Abdul Adhim Al-Babli, against the journalist Hafedh Al-Sheikh. Al-Babli considers himself above criticism and would not accept that a Bahraini citizen could ever criticise his mishandling of the Gulf Air disaster last year, during which he stained the image of Bahrain by his unprofessional behaviour.

**BFM, 18th January**

## The regime goes ahead with a vague referendum under a State of

The interior ministry intervened and prevented two pro-democracy personalities from speaking during the forthcoming seminar in Alumni Club due on 5 February. The organizers were told on 14 February that the interior ministry would allow pro-democracy personalities to speak if the government's individuals were allowed first. Many of those who speak on behalf of the government were allowed to speak during the first two seminars. When the organizers invited Ali Rabea and Mohsen Marhoon to speak during the forthcoming seminar, the interior minister intervened to prevent them.

The government set the dates of 14-15 February for a referendum on turning the State of Bahrain into a monarchy and on changing the structure of the legislative power. The government also set 12 February for those outside the country to cast their votes at the compounds of Bahraini embassies abroad. Official said that the result would be announced 24 hours after voting ends. Voters will be asked to cast a "yes" or "no" vote on a so-called "national charter" under which a bicameral parliament will be created. The upper chamber is to be an all-appointed body while the lower one will have two-thirds elected members (there will be 20 ex-officio ministers).

The so-called "national charter" was pre-drafted and handed to an appointed 46-strong body on 2 December 2000. On 23 December, the appointed committee returned the charter back to the Amir without affecting any change to the two principal changes that had been pre-drafted. The process adopted for changing the constitution contravenes Article 104 of Bahrain's Constitution which states that if "an amendment to be made to any provision of this Constitution,

The government was initially going to hold a convention of some 1000 appointed people on 23 December to proclaim acceptance of the government-drafted national charter. The opposition protested that this was an undemocratic way of changing the country's constitution and challenged the government to allow free debate without the existence of emergency laws that prevent freedom of expression.

While believing in the sovereignty of people and generally pleased about the concept of referendum, the opposition demands that any popular referendum must meet acceptable international standards of fairness and transparency. The government has not given enough details of how it will be held. The Bahrain Freedom Movement expresses serious concerns about the government's approach. That include:

1- The government has said that only those men and women "over 21 who have not had criminal convictions and (...) will be allowed to vote." Who these people are and how many? Has the government set the age

of 21 years in order to exclude a very large number of people at the between the ages of 18-21? The only ones to be excluded should be the recently-imported mercenaries

2- Government sources said that 217,000 citizens would be entitled to participate in the referendum process, that the citizens will be asked to present their identity cards for registration and that the passports of the citizens will be stamped in the last page to indicate who had voted. The BFM believes that this is not a good way for dealing with citizens. In advanced countries, citizens would receive special voting papers that have been pre-registered. Moreover, the stamping of

### House arrest of Sheikh Al-Jamri lifted

The house arrest imposed on Sheikh Al-Jamri since July 1999 was ended this morning (23 January 2001). The police cars that used to besiege the house disappeared in the morning and only one car belonging to the intelligence department remained in the surrounding area.

The end of house arrest followed the demands raised by the citizens who attended the seminar organised by Alumni Club on 14 January. Some news spoke about the release of Mr. Abdul Wahab Hussain and his senior colleagues. However, until the morning of 23 January, neither Mr. Hussain nor his colleagues had been released.

The government is keen to clear several key issues before the arrival of the UN Working Group on Arbitrary Detention on 24 February. The UN team will spend one week (until 2 March) to investigate cases of arbitrarily detained people. There are several hundreds of citizens who had also been sentenced by the unconstitutional State Security Court. These citizens are considered as arbitrarily detained people, since the court has no legitimacy according to both Bahrain's constitution and international conventions.

It is to be noted that the visit by the UN team was imposed on the government of Bahrain in August 1998 by the UN Human Rights Sub-commission. The visit was supposed to take place in 1999. But the government of Bahrain played with time and delayed the visit to 2000 and then to February 2001.

It is also expected that a delegation of Amnesty International may be visiting Bahrain during the month of February. The remit if Amnesty International (AI) is different from that of the UN team. AI has demanded that it must be allowed to meet with lawyers and civil society organisations to investigate cases of human rights violations.

passports may be used by the government to single out people who may have objected to participating in a process that essentially violates the country's constitution.

3- How will the referendum question be phrased out? The government has refused to provide any details about the nature of the changes and is concentrating on other aspects that are already guaranteed by the constitution. The main vague points are the extent of discretionary powers to be granted to the position of the "king" and the nature of relationship between the appointed and elected members of the two chambers of the proposed parliament.

4- Who will observe the referendum to ensure that the government does not cheat in the votes? Will the government allow independent international observers to attend and witness the process?

5- What if the people of Bahrain want the constitution without changes? Is the offer of the government (so-called national charter) the only option?

6- Will the State of Emergency (State Security Law, etc) be repealed before the referendum to allow people to freely express themselves?

7- Will the Amir embark on an initiative for national reconciliation before such a critical step?

Due to all the above reservations, the opposition would call for the rejection of the so-called charter unless the Amir takes remedial steps to ensure that the will of the people will be properly represented through the agreed constitutional framework.

While the regime speaks about a referendum, more arrests were made. On 21 January, several dawn raids were conducted against scores of houses. At 1.00 am units belonging to the interior ministry attacked Karbabad and raided the houses of Mahmood Abdul Nabi Ahmed, 18 years old and is physically ill, Ibrahim Radhi Abdul Abbas, 20 years, Ali Jasim Ali, 20 years, Isa Abdul Nabi Al-Daqqaq, 20, and Samir Jaffer Habib, 22 years. These were accused of taking part in the peaceful demonstration that took to the streets on 18 January. The security forces had deployed tear gas and rubber bullets against the demonstrators who demanded the restoration of Bahrain's constitution without defacing. On the night of 18 January, at least eight people were arrested on the spot, including two 12-year old boys, Mohammed Abdullah Juma (from Karbabad), and Abdul Shahid Khamis (from Sanabis). Other detainees included Baqir Ibrahim Khamis and several others that had already been reported by the last BFM press release.

**BFM, 27th January 2001**