

BAHRAIN

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

The opposition calls for a truth and reconciliation process Beyond the whitewashing exercise

The Amir of Bahrain has expressed a willingness to undertake political reforms in the country. A so-called "National Charter" was drawn by his aides and a referendum date was set for 14-15 February if it is approved by the people. The Charter has fallen short of the people's expectations and is seen as an attempt to impose changes in the Constitution outside the mechanisms prescribed by that Constitution.

The ruling family aims to secure a popular applause for the Amir. Beside being unconstitutional, the referendum is being imposed in a climate that is not suitable. The people have been prevented from discussing the imposed Charter; no independent seminars or meetings to discuss it are allowed, and the local media was not allowed to discuss it openly except in ways of endorsing and praising it. The interior ministry intervened and prevented two pro-democracy personalities from speaking during the forthcoming seminar in Alumni Club due on 5 February.

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, it is stipulated that it shall be passed by a majority vote of two-thirds of the members constituting the [National] Assembly and ratified by the Amir". The National Assembly was dissolved in 1975.

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 expressed serious concerns about the government's approach. Such concerns 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 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.

The opposition has called for the reinstatement of the Constitution, the release of political prisoners, unconditional return of exiles, repealing of the notorious emergency laws such as the State Security Law and the State Security Court. Up to now, the government has failed to launch a reconciliation process, knowing that such a process would require taking to task those responsible for the black era.

The country is therefore passing through a difficult time, having to struggle with what appears to be an attempt to introduce political reforms, but without facilitating a proper discourse that will help to formulate public opinion towards reconciliation. To build on the experiences of the fast decade the ruling family must make good the promises she had made prior to the referendum and not to renege on its undertaking to re-instate the country's legitimate constitution. Also the post-State Security Law must be different from those ugly years of repression, torture and collective punishment. The rule of law must be upheld in an atmosphere of freedom. Friendly countries to the Al-Khalifa are duty-bound to make it clear to them that the time has come to take serious steps to involve the opposition in the reconstruction of a new political era and eradicate dictatorship.



Early Day Motion at UK's parliament after referendum

The following Early Day Motion was presented at the UK Parliament in the second week of February. To mark the new era in Bahrain. It was initially sponsored by six MPs, but was eventually signed by 70.

That this House congratulates the Bahraini people on their overwhelming endorsement of the National Charter of Action in the referendum held on 14th and 15th February; welcomes the proposals contained within the National Charter for the establishment of a bicameral parliament with a lower house elected on the basis of universal suffrage, the creation of an independent judiciary and the establishment of public scrutiny committees to safeguard the state's transparency; welcomes the public debate that has accompanied the referendum; and congratulates the Emir, Sheikh Hamad bin Isa Al-Khalifa, on the steps he has taken since ascending to the throne in March 1999, including his decision to pardon all involved in political violence, the lifting of the State Security Law, the promotion of women and members of minority communities to key government posts and the decision to set up a committee to safeguard human rights.

Signatures (70)

The original sponsors:

Kumar, Dr Ashok, Labour

Amess, Mr David, Conservative

Austin, John, Labour

Barnes, Mr Harry, Labour

Beggs, Mr Roy, Ulster Unionist Party

Best, Mr Harold, Labour

95 percent of Bahrainis Vote for National Charter

More than 95 percent of voters gave a yes to a referendum on setting up democratic reforms in Bahrain, reports said.

Sources told Bahrain Tribune that 88 percent of eligible voters cast their ballots at the two-day referendum which started Wednesday.

More than 191,000 out of a total of 217,000 eligible voters cast their votes in the two-day referendum, the sources said, adding that there was a strong participation of women on the second day.

The percentage of the participation is among the highest in the world, the sources said, attributing the record figure to the "high level of awareness among the people of Bahrain." Official results are expected to be handed later Friday to the Emir, Shaikh Hamad Al Khalifa, by the Minister of Justice and Islamic Affairs.

Political debate has also been encouraged after years of oppression, which saw at least 38 people killed during anti-government unrest between 1994 and 1999.

On Thursday, the Bahraini government predicted a 100 percent "yes" vote as Bahrainis voted to restore democracy to the Gulf state 26 years after parliament was dissolved.

"We are expecting a 100 percent yes," information minister, Mohammad Ibrahim Mutawa, told reporters.

"Bahrainis are unanimous in wanting to reestablish parliament and restore democratic life after the failure of the first parliamentary experiment," Mutawa said.

"We have drawn conclusions from our previous experience and will avoid the errors of the past," he said –

Pro-reform demonstration calls for punishment of torturers

A mass demonstration took to the streets of Sanabiss on 20 February in support of the Amir's decision to abolish the State Security Law and State Security Court. The demonstrators marched to the main centre of Daih and returned back to Sanabiss during which slogans were raised expressing appreciation and support for the Amir and demanding the punishment of the torturers, especially Adel Flaifel, Khalid Al-Wazzan, and others. Several key opposition figures, such as Mr. Hassan Mushaima'a, Mr. Saeed Al-Asbool, Dr. Ali Al-Oreibi, and Mr. Abdulla Hashim led the demonstration and delivered speeches to confirm the principled position of the opposition. Mr. Abdulla Hashim, member of the Committee for Popular Petition (CPP) said in his speech "we wish to say to those who think that the State Security was abolished. It was not abolished, but rather it was brought down by the sacrifices of the people, es-

pecially the martyrs"

The Bahraini community in the United Kingdom is organizing several seminars and celebrations on the abolishing of emergency laws. A seminar will take place on 24 February and key speakers will include Sheikh Rashid Al-Ghanoushi (of Tunisia), Sheikh Tawfik Al-Sheikh (of Saudi Arabia) and Dr. Mansoor Al-Jamri. A celebration will also be organized on 10 March during which poems as well as talks will be delivered to honour the martyrs who have paved the way for the victory of the nation.

The happiness of the nation started on 18 February when the Amir issued two decrees abolishing the draconian State Security Law and the State Security Court. The lawyer Mohsin Marhoon commented to the local media that the "introduction of State Security Laws was the biggest reason for the Parliament's dissolution in 1975,". The ex-MP said "the decrees is-

sued by HH the Amir abolishing the State Security Law and the State Security Court has brought great happiness to the people of Bahrain and represents a great step forward in building a life of democracy".

The CPP issued a statement on 21 February regarding the formation of a committee headed by the Crown Prince to activate the national charter. Another committee was also formed to amend the constitution. The CPP said "we welcome and congratulate the Amir for his courageous steps following the issuance of Law by Decree No.

for 2001 abolishing the State Security Law and State Security Court." The CPP commented on the formation of a committee to amend the constitution saying that the amendments must be processed according to Article 104 of the Constitution.

BFM, 21 February 2001

The BFM calls for a "no" vote on 14 February

Days before the referendum on the National Charter the Bahrain Freedom Movement had called for a boycott. The Amir's court called the scholars and gave them assurances that the regime would honour its commitment to reinstate the 1973 constitution and that the appointed chamber envisaged by the charter would only give advice. The elected chamber would be the main legislature. Subsequently the BFM told the people to vote in a way that they felt appropriate. Here is the original statement:

"The Bahrain Freedom Movement has called on the people to vote "no" on 14-15 February referendum on the so-called national charter. The BFM regretted that it had to take this position as the government refused to clarify the vagueness shrouding the remits of the national charter. The BFM said "we had hoped to join the Amir in his drive for political reforms, especially as he seems to be determined to wrap-up the ugly episode of the past 25 years. He made people happy by releasing most of the political prisoners and detainees and he ordered the interior ministry in the past few days to stop intimidating the people why they express their happiness while reuniting with their freed relatives and friends."

The BFM called on the Amir to order the interior ministry to release the remaining 25 political prisoners whose families are feeling extra pain as they see other families enjoying the reunions with their loved ones. The release of the remaining 25 prisoners will send a clearer message about the long-term intentions of the Amir.

The prime minister is staying out of the country and is spending his time in Thailand while Bahrain is going through its most critical period for the past quarter

of a century. His absence is not missed by the people who had suffered most from his draconian policies.

In its statement, the BFM noted the positive gestures and measures taken by the Amir in the past few days since 5 February and hoped that this attitude will continue after this month which is witnessing two major events. The first one is the referendum on 14-15 February on the charter proposed by the Amir and the second one is the visit of the UN Working Group on Arbitrary Detention in the period between 24 February to 3 March. The UN team's visit is the first of its kind and it had been scheduled to take place since August 1998 for investigating cases of arbitrary detentions in Bahrain.

The BFM provided the following justifications for calling for a "no" vote:

1. The charter proposed by the Amir contradicts the country's constitution and falls short of the demands raised by the people for the past 25 years. Article 32B of the constitution states that the Amir shares the legislative and executive powers, while the charter states that the Amir is over and above the legislative, the executive and the judicial powers. This means that the Amir will have an unlimited mandate that is contrary to the spirit of the Islamic jurisdictions and modern mankind experiences.

2. The charter contradicts Article 104 of the Constitution, which states that any changes must be processed through the elected National Assembly. Bypassing and disrespecting the constitutional law will not be a good start for establishing the rule of law.

3. The charter specifies the creation of an appointed council that will share and is bound to restrict the constitutional powers of the elected national Assembly.

4. The referendum is being processed while all the laws of emergency are still in place. The State Security Law has not been revoked and the government-run media has been advertising a "yes" campaign while banning anyone to explain the various reservations and to present a non-official view.

5. While the BFM values the recent gestures by the Amir, it is evident that the political environment is still suffering from the lack of confidence between the ruler and the ruled as a result of prolonged period of repression. It is therefore necessary to include international and neutral observers to monitor the voting and counting of votes. This demand was ignored by the government. Due to all the above facts, the BFM called on the people of Bahrain to cast a "no" vote during the referendum of 14-15 February.

Bahrain Freedom Movement
8 February 2001

BFM statement on 9th February 2001 declaring its neutral stand on the referendum

Thursday, 8 February, 2001, 19:21 GMT
Human rights activists have welcomed Bahrain's announcement of a general amnesty for political prisoners and detainees held on security charges.

Amnesty International said the authorities had now released 289 political prisoners and detainees held in connection with civil unrest that erupted in the mid-1990s.

"We welcome the release of political prisoners and detainees in Bahrain," Amnesty said in a statement carried on its website.

"We hope this will be followed by more positive steps, such as the amendment of the country's legislation to bring it into harmony with international human rights standards," it added.

Exiles included

A Bahraini Interior Ministry statement released on Monday said the amnesty covered 289 people in the Gulf state and 108 exiles who had already requested a pardon.

The announcement came ahead of a referendum on reforms next week, which include the restoration of a partly-elected parliament. The exiled opposition is urging people to vote against the proposals.

Amnesty International has campaigned for

years for the repeal of certain laws in Bahrain, including state security legislation dating from 1974.

Those benefiting from the amnesty include four prisoners of conscience - Abd al-Wahab Hussain, Sayyid Ibrahim Adnan al-Alawi, Al-Sheikh Hassan Sultan and Hassan Msheima - who have been held without charge or trial for five years.

Royal pardons

Amnesty International says more than 1,100 political prisoners and detainees have now been released following pardons from the Emir of Bahrain, Sheikh Hamad bin Issa al-Khalifa. He assumed power in 1999, following the death of his father.

Amnesty International says it has requested talks with government officials in Bahrain in March.

Anti-government unrest erupted in Bahrain in 1994, when members of the island's majority Shi'ite Muslim community pressed for political and economic reforms. Hundreds of Shi'ites were detained in the disturbances, which subsided in 1998.

BFM, 9th February 2001

human rights NGO formed

In a positive development, the Bahraini government authorized the establishment of the Bahraini Society for Human Rights (BSHR) on 27 February. Only few months ago, 18 citizens who submitted an application for the formation of the non-governmental organization, were told Bahrain "did not need such a society". The reversal of the decision is another victory for the people of Bahrain who have been celebrating the abolishing of the State Security Law and Court. The opposition hopes that the government will not restrict the activities of the newly formed NGO. The BSHR had said that its aims include the promotion of human rights values and the investigation of cases of human rights violations.

Celebrations proliferate following release of the remaining prisoners

The Amir issued a new decree on 4th February ordering the release of the remaining political prisoners. The released prisoners were received by the people as heroes who have suffered injustice and ill treatment. The release is a realisation of the pledge made by the Amir to the four opposition personalities who met with him on 8 February. The steps taken by the Amir were unexpected, and are being warmly received by the people of Bahrain. The opposition expressed appreciation for the courageous decisions taken by the Amir. The opposition has also called on the Amir to use his good relations with the Kuwaiti authorities to release Mr. Adel Al-Hayki, who is in a Kuwaiti jail because of the events in Bahrain. A spokesperson for the opposition said "it would be unfair that Mr. Al-Hayki spends another 18 months in jail while prisoners in Bahrain have been freed. The Amir visited Muharraq and Sitra as part of a campaign ahead of the referendum to be held on 14-15 February on the national charter. He was warmly received by the people who had not been accustomed to such practices.

The Bahrain Society of Human Rights (BSHR), which is in the process of re-applying for permission to function as a non-governmental organization inside the country, issued a statement on 10 February stating its positive response to the steps taken by the Amir. The BSHR (whose electronic mail is bahrainhrs@lycos.com) emphasised that it considers "the charter to be an initial step for consolidating the constitutional elements." The BSHR welcomed the informal freezing of the State Security Law and called for its abolition through the issuance

of a decree in the Official Gazette. It also called for reviewing all other laws and unwritten practices that are based on discriminatory policies.

The London-based Arab News Network (ANN) Satellite channel hosted a 2-hour programme on Bahrain on 10 February. Participants in the debate included Dr. Saeed Shehabi, Sheikh Ali Salman, and Dr. Mansoor Al-Jamri. The main participants were joined by callers who contributed to the debate from various an-

gles. Mr. Ali Rabea and Mr. Abdulla Hashim, both from the Committee for Popular Petition inside Bahrain, explained the position of the opposition with regard to the recent developments. Sheikh Mohammed Ali Al-Mahfoodh, Dr. Alaa Al-Yousif and Ms. Ramlah Jawad explained the various views on the on-going debate. Ms. Jawad, a political activist, who had been jailed and tortured together with her father, spoke heroically about the struggle of the Bahraini women and their preparedness to meet the challenges of participating in the future parliamentary elections as candidates and as voters.

The Qatar-based Al-Jazeera TV will be hosting a special programme on the referendum in Bahrain. The programme (Opposite Direction) will be aired on the evening of 13 February (one night before the referendum on 14-15 February). Two persons, one representing the government and another representing the opposition will be in the debate.

BFM, 12 February 2001

Developments linked to referendum

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Amnesty International says it has requested talks with government officials in Bahrain in March.

* The Amir issued two decrees on 24 February, one for activating the national charter and the other for drafting amendments to the 1973 constitution. The composition of the committee for amending the constitution is not a fair one and the process by which the amendments would be processed

is not clear. A spokesperson for the Bahrain Freedom Movement said "we hope that the Amir would stick to his promise that any serious decision will be delayed so that the elected National Assembly could debate the proposals before being implemented."

* In Kuwait, Brigadier Abdul Al-Faris of the Kuwaiti intelligence department denied that he or the Kuwaiti authorities had received any request from their Bahraini counterparts for the release of the detained Bahrainis in Kuwaiti jail. The Kuwaiti authorities had persecuted and repressed members of the Bahraini community in Kuwait and several of these were jailed for distributing leaflets demanding the restoration of constitutional rights in Bahrain.

* In one of the positive developments, around 15,000 people living in Bahrain, are hoping that they would be granted Bahraini citizenship. The government promised to end its discriminatory practice against a section of Bahrain society (so-called Bedoon) and to grant their members the Bahraini citizenship.

Mr. Hassan Mushaima'a, one of the recently freed political leaders, stated that the Mr. Abdul Wahab Hussain was re-elected as an official spokesperson for the Islamist opposition group inside the country. Sheikh Abdul Amir Al-Jamri,



said that the Islamist opposition group is re-assessing the situation and will declare its plan in the coming period. He said that the group is committed to the national political process and for that purpose three of its members will effectively participate in the Committee for Popular Petition. These are Mr. Abdul Wahab Hussain, Mr. Hassan Mushaima'a and Dr. Ali Al-Oreibi.

* On 8 March, Dr. Alaa Al-Yousif will present his views in the Gulf Cultural Club (45 Chalton Street, London NW1), at 6.00 pm. On 10 March, members of the Bahraini community in London will celebrate the abolishing of the State Security Law and Court. On 13 March, the Project on Democracy in the Muslim World of Westminster University will organize a seminar at 6.00 pm. And on 14 March, at 12.00 pm, Lord Avebury will host a special seminar on Bahrain in the Annex to the UK Parliament (1 Abbey Gardens, Westminster, SW1).