

BAHRAIN

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

A more serious opposition anticipated to counter ethnic cleansing

Following a year of dramatic developments in the country, a full circle has now been completed in political manoeuvring, the result of which is open to debate. What is certain, however, is that the Al Khalifa government has failed to deliver on a vast range of promises it had made two years earlier. Subsequently, most of the public relations it had achieved have now evaporated. One of the most ambitious plans of Sheikh Hamad was to normalise his relations between the people and his dynasty. After initial successes, largely due to his initial steps such as the release of political prisoners and allowing the return of the exiles, the wall of mistrust between the two parties is now thickening more than ever. His single most significant enterprise was the endorsement in February 2001 of his National Charter. To many people, that endorsement is now null and void. They argue that the public approval of the Charter was based on the guarantees and promises offered by the Amir, the Crown Prince and the Minister of Justice that the 1973 Constitution would be the main reference and would be respected, that any changes to its articles would be only be implemented through the mechanism specified by Article 104 of that Constitution, and that power to legislate would be confined to the elected council of the proposed bicameral legislature. Based on these written guarantees, the people went to the polls and endorsed the Charter. All this was overturned when, in February 2002, Sheikh Hamad abrogated the 1973 Constitution and imposed his own version of a new constitution.

In legal terms, there is a broad agreement among constitutional experts that the backtracking by Sheikh Hamad was a serious breach of trust and a unilateral betrayal of the people. Accordingly, these people turned against his political programme, boycotted the elections based on his constitution and vowed to revive the age-long struggle against the Al Khalifa dictatorship. Sheikh Hamad declared himself a king while denying the people their political and economic rights. What is more dangerous than the unilateral abrogation of the contractual constitution of 1973 has been Sheikh Hamad's programme to irreversibly change the demography of the country. Although the Al Khalifa is known for its reliance on foreigners to remain in power, Sheikh Hamad has introduced a programme of offering Bahraini citizenship to tens of thousands of non-Bahrainis in order to change the ethnic and religious balance of Bahrain. While the Bahransisation of non-Bahrainis continued in secret, Sheikh Hamad audaciously issued a royal decree enabling him to offer Bahraini citizenship to millions of other Gulf citizens. This is an unprecedented process of ethnocity that could lead to ethnic cleansing of natives of the islands. He is hoping to achieve his ultimate aim in few years while his programme of containment, deception and fear would enable him to complete this ethnic re-arrangement. The other parts of his programme are meant to shield this central process. It seems to be working well for him. He has presented a programme of deception that is capable of engaging the most

active elements of society in a futile political wrangling that have no bearing on the most dangerous element of his whole programme.

The New Year has thus presented Sheikh Hamad with an opportunity to celebrate the enormous achievements of his short reign that could change the shape of the country for centuries to come. Although the abrogation of the 1973 constitution is a serious crime, the ethnic cleansing process is one that is more criminal and less obvious to the people. He had already prepared the grounds for this eventuality. For the first time in the country and perhaps in the world, the overwhelming majority of the population has won less than half the seats in the municipality elections held in May of last year, despite the wholehearted participation of the population and the encouragement of the political societies and the religious establishment. The results in the October elections for the king's council were more polarised against the majority. The ethnic cleansing process has already produced the first of its results. The real agenda of the Al Khalifa is masked by various decrees and initiatives that appear innocent to most observers, but their hidden agendas could only be seen by those with deep insight. The people are engaged in what appears to be innocent activities in "civil society institutions" that deflect their attention from the real challenges of the new form of despotism and dictatorship. Faced with these new challenges, the opposition is yet to agree on a programme of action to counter this political and societal destruction. Sheikh Hamad, meanwhile, has continued to rule through royal decrees, sidelining the institutions he created. In the past few weeks he issued serious decrees to protect himself and his family from any future challenges from the people of Bahrain. He issued the press law that was criticised even by loyal journalists. He then issued the notorious decree No 56/2002 that protects human rights abusers such as Abdul Aziz Atiyyat Allah Al Khalifa, who was promoted to become the minister of security, and Adel Flaifel, the fugitive who fled to Australia and was threatened with international trial for crimes against humanity. Then he issues a new version of the State Security Law in a milder form. The press was prevented from discussing these laws which were put into action with immediate effect. Then came the new government headed by no other man than Sheikh Khalifa bin Salman Al Khalifa, the champion of the black era in the country since the independence in 1971. The situation has thus become worse with no prospect of improvement. The situation has worsened to such an extent that a new generation of opponents is now attempting to re-formulate their priorities. There is a growing conviction that the Al Khalifa dynasty is non-reformable, and the short experience with Sheikh Hamad has shown that it is adopting more serious plans including effecting a fundamental change in the demography of the country. It is now a time of a serious re-appraisal for the opposition. The anticipation is that the next two decades could see more serious conflicts with the Al Khalifa rulers who have refused to reform the situation. It is a historic

Protests against decree 56/2002

Hundreds of protesters crowded outside Bahrain's Cabinet Affairs ministry building today demanding the termination of law 56-2002 which grants interior officials amnesty for any human rights violations done before February 2001.

The demonstration comes in line with the return and arrest of former Security Intelligence Service (SIS) colonel Adel Jassim Flaifil to Bahrain on 23 November.

Meanwhile, Bahrain's ministers and Prime Minister were inside heading a weekly session of the cabinet.

Flaifil's arrest came pending the verdict from the Military Court on the accusations leveled against him that started an investigation by an Interior Ministry special committee. The statement stressed that necessary measures have been placed to ensure the use of the past judicial order banning him from leaving the country until courts decide on the civil cases brought against him.

Flaifil returned after disappearing six months ago amid allegations of involvement in fraud, embezzlement, issuing bad cheques and a number of human right violations.

He initially went to Brisbane, Australia, just as an investigation of his case was being opened by the ministry looking into complaints by nine businessmen claiming that Flaifil had blackmailed them into paying him over 56 million dollars when he was second-in-command in the now-disbanded State Security Service.

More than 1,500 protesters demonstrated in front of the Bahraini Justice Ministry last Sunday demanding a "trail for Flaifil". The demonstration was organized by

four political bodies - Al Wefaq Islamic Society, Action Democratic Society, Action Islamic Society and Nationalist Assembly Society. All had boycotted last month's parliamentary elections.

Head of Human Rights Committee at Al Wefaq Society, Adel Abbasi, told Deutsche Presse-Agentur dpa that the arrest is a positive step towards democracy. However the four bodies have set up a committee with victims and Human Rights Center officials in Bahrain to prepare and raise cases involving Human Rights violations against Flaifil. "We are going ahead with our cases. The voices of the victims need to be heard," he said. The committee so far has ten solid cases and more than 2,400 victims. It will meet tomorrow evening to plan the future steps to be taken by the committee members.

Flaifil's wife, Raja Mohammed Sharif, has raised a case in Bahraini courts against Bahraini reporter Hana Buhiji for publishing a 14 year old photograph of herself and Flaifil without her permission. The second session of the case will be held tomorrow. The photograph was published in Sharq Al Awsat newspaper which Hana corresponds to on May 22 2002. The picture was published 14 years ago in Bahraini newspaper Akbar Al Khaleej. The press and publication law in Bahrain gives a person a period of three months to raise a case against a reporter or a publication. Raja however is demanding US\$54,000 in damages.

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Day of the Martyrs

Tue Dec 17, 2002

By ADNAN MALIK,
Associated Press Writer

MANAMA, Bahrain - About 3,000 demonstrators marched in the capital Tuesday to mark the date when two Shiite Muslims became the first fatalities during political upheaval that shook the tiny Gulf kingdom in the mid-1990s.

The two-hour demonstration, which coincided with the second day of celebrations of Bahrain's national day, also targeted Col. Adel Jassim Flaifil, a former aide to Ian Henderson, the Briton who headed Bahrain's intelligence service from the 1960s to 1998. The protesters said he should be tried and executed. Bahrain became independent from Britain Dec. 16, 1971.

"Today is a day of mourning and remembering the martyrs and realizing the suffering and the pain of the people of Bahrain," said Shiite cleric Syed Ali Ahmed al-Jidhafs. He marched with the crowd that included women covered head-to-toe in black chador to mark the eight anniversary of the deaths of Hani al-Wasti and Hani Khamees, who were 25 and 26 respectively when they died.

The men were the first of more than 40 people killed in the political upheaval among the Shiites, a slight majority of the 400,000 Bahrainis who are ruled by the Al Khalifa family of the Sunni branch of Islam.

During the unrest, Shiite opposition leaders often claimed Bahrain's security services of using unnecessary force, illegal detention and torture against dissidents. The turbulence subsided when King Hamad bin Isa Al Khalifa took the throne in 1999 and began steering the country toward a constitutional monarchy. He pardoned more than 1,000 political prisoners and allowed exiles to return.

Torture is the main tool to crush democracy

When torture becomes part of a regime's culture, it is difficult to eradicate it from its practices. This has become evident in the approach the government has adopted in dealing with the notorious torturers of the past two decades and its attitude towards the recent attempt to file a legal case against Adel Flaifil, Bahrain's torturer and the most notorious violator of international human rights laws.

The policies of the government regarding the issue of torture and human rights abuses are incompatible with the constitution, international conventions and other international human rights instruments. While a number of articles of the constitution clearly prohibit torture or any degrading acts and incriminate the perpetrators of such acts, the legislations are in conflict with these values and principles.

Article 8 of the Universal Declaration of Human Rights states that 'everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law'. Yet, the current practices are in clear contradiction with this principle. Further, the current practice is institutionalized by decree 56 for the year 2002, which protects torturers and ignores the physical and psychological suf-

ferings of the torture victims. Bahrain has signed the Convention Against Torture (CAT), but it issues decrees that are in violation of its articles. The protection of torturers and the refusal of the office of the public prosecutor to receive solicitors of victims of torture is a dangerous sign. It shows that the government is not willing either to recognize the rights of its people or abide by the conventions it has signed.

It is the responsibility of both the government and all political and civil associations to promote and protect universally recognized human rights and fundamental freedoms. Since the government has practically worked contrary to this obligation, it becomes an even bigger responsibility on these associations to assume the important role of cooperation for, and contribution to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals. Individuals with major violations of human rights like Flaifil should be brought to justice as they smear the image of Bahrain with their acts.

Bahrain Freedom Movement

13 December 2002

The spectre of torture looms after Flaifel's unwelcome return

Following the return of Adel Flaifel to Bahrain from Australia, several international organisations sent a letter to the Government of Bahrain asking for the repeal of Decree No 56/2002. This decree is meant to shield the torturers from prosecution. Following is the text of the letter:

Ambassador Saeed Mohammed Al-Faihani
Permanent Mission of the Kingdom of Bahrain
to the United Nations in Geneva
Chemin William Barbey 51
Case postale 39, 1292 Chambsy
Geneva, Switzerland

17th December 2002

Your Excellency,
Re: RECENT DETENTION OF
ADEL FELAI FEL

We wish to express our support for the progress his Majesty, the King of Bah-

rain, Sheikh Hamad bin Isa Al-Khalifa and his government have made with the reforms to bring democracy to the Kingdom of Bahrain and for their decision to ratify the UN Convention against Torture in 1998. We also welcome your government's decision to detain Mr Adel Felaifel.

Numerous Bahraini citizens have stated that while they were detained at the Security and Intelligence Service Headquarters during the 1990's they were tortured and they name Mr Felaifel as either participating in brutal acts of torture or ordering others to carry out the torture. We also are aware that currently in Bahrain victims, politicians and citizens of Bahrain are calling on the government for an investigation into these grave allegations. We give our full support to their demands for justice and we urge your government to ensure that the Directorate for Public Prosecutions in Bahrain addresses the complaints of torture

against Mr Felaifel which have been recently presented by eight victims and to ensure that all other victims are able to take such course of action in accordance

with Bahrain's obligations under the UN Convention Against Torture.

The royal decree 56-2002 granting amnesty to members of the Security and Intelligence Services for acts that took place before the decree was passed should not apply to the crime of torture or ill treatment and therefore should not prevent claims from being investigated and prosecutions from taking place. This would be in clear contravention to Bahrain's obligations under international law and specifically under the UN Convention against Torture.

Torture is one of the most serious crimes prohibited under international law and every allegation of torture should be subject to a prompt, impartial and independent investigation in accordance with Bahrain's unequivocal obligation under article 12 of the UN Convention Against Torture. This is the right of every victim. It is a requirement that all perpetrators of torture be made accountable and therefore where there is sufficient evidence to bring the accused to justice, alleged perpetrators should be tried in accordance with international human rights standards.

We urge his Majesty, the King of Bahrain, Sheikh Hamad bin Isa Al-Khalifa and his government to ensure that an effective investigation into the allegations of torture against Mr Felaifel is conducted immediately with a view to bringing a prosecution in accordance with international standards. This will go along way in providing redress for the victims..

We look forward to receiving your response.

Yours faithfully,

Keith Carmichael, Executive Director, REDRESS

Jens Modvig, Secretary General, International Rehabilitation, Council for Torture Victims

Patrick Byrne, President, International Federation of Action by Christians for the Abolition of Torture

Eric Sottas, Director, World Organisation against Torture

Mark Thomson, Secretary General, Association for the Prevention of Torture

In pursuit of torturers

An estimated 1,500 protesters thronged outside Bahrain's justice ministry building Sunday demanding punishment of a former top Security Intelligence Service (SIS) official, Adel Jasim Flaifil.

Flaifil returned to Bahrain Saturday after disappearing six months ago amid allegations of involvement in fraud, embezzlement, issuing bad cheques and a number of human right violations. Flaifil initially went to Brisbane, Australia, just as an investigation of his case was being opened by the ministry.

Sunday's demonstration was organized by four political bodies - Al Wefaq Islamic Society, Action Democratic Society, Action Islamic Society and Nationalist Assembly Society. All had boycotted last month's parliamentary elections.

"This is a test for democracy in Bahrain", the head of Human Rights Committee at Al Wefaq Society, Adel Abbasi, told Deutsche Presse-Agentur dpa. "Flaifil and others like him have received amnesty without a trial. We want him to be punished."

The four societies have been gathering evidence from alleged victims to bring cases in the Bahraini court against Flaifil.

"We have ten solid cases and more

than 2,400 victims that have come up and detailed their tale", said Abbassi.

An investigation committee, commissioned by the royal court, was looking into complaints by nine businessmen claiming that Flaifil had blackmailed them into paying him over 56 million dollars when he was second-in-command in the now-disbanded State Security Service.

Flaifil fell from grace when King Hamad bin Isa Al Khalifa freed political detainees, invited exiles back to Bahrain and abolished Flaifil's SIS as part of a democratic process he began since he came to power following the death of his father in 1998. Flaifil also faces torture allegations widely documented in international human rights reports. Flaifil studied security law in Saudi Arabia and Britain before joining the Bahraini police in 1976.

Lord Avebury's visti

The visit by Lord Avebury, the human rights activist to Bahrain last at the beginning of January has led to renewed calls to for action against torturers. Lord Avebury was invited by the main political societies as a gesture of appreciation for his stands in support of democracy and human rights in Bahrain. He held several meetings with societies and torture victims and was given a warm welcome by the people. The government attempted to hijack the visit but failed

Bahrain's budget for 2003 and 2004

The government has released the budget figures for 2003 and 2004. Bahrain is unique as it publishes budget figures for two years consecutively. Key advantage of the practice is that it provides investors direction of government plans. However, a major disadvantage of this procedure is that volatility of oil prices affects revenue projections—currently petroleum sector contributes nearly 60 per cent of treasury income. Bahrain is a minor oil producer, as it is not even a member of Opec. Oil prices are at the mercy of international developments. Accordingly, the practice of releasing budget statistics for two years together may not fit Bahrain's situation. And if history is any guide, the government does not stick to its published financing figures.

The budget for fiscal years 2003 and 2004 suggests strong spending, which sets the government agenda for the two years. Government expenditure in Bahrain is essential for achieving satisfactory economic growth. So is the case because the private sector takes the lead from the public sector. Despite all the talks of economic liberalisation, the government remains the key force in the economy.

For 2003, revenue is projected at BD797m and spending at BD1,114m, leaving behind a deficit of BD317m (US\$843m). For 2004, revenue is projected at 806 million Bahraini dinar and spending of BD1,137m, showing a shortage of BD331m.

The budget forecasts spending of BD330m per each of 2003 and 2004 for development projects, double the amount originally planned for each of 2001 and 2002. Certainly, this is good news and ostensibly reflects the government's realisation that a great deal must be done to ensure economic development. Strong economic growth level is necessary for generating sufficient number of jobs for Bahrainis. Unemployment is a major challenge facing the economy. High jobless rate, which stands at 18 per cent in the cities and 30 per cent in villages, is blamed to be cause for other problems in the country, including thefts. The government is generally blamed for not doing enough to solve the economic problem. Sheikh Khalifa bin Salman al-Khalifa has presided over the cabinet ever since Bahrain's independence from the UK in 1971.

The government has an ambitious pro-

gramme of capital projects worth BD1bn for the period 2001-04. Of this, some BD300m is allocated for electricity and water projects to meet growing demand. Also, BD140m is set aside for housing schemes—the government has promised decent living conditions for the citizens as part of sweeping socio-economic reforms. Other projects are related to the country's infrastructure such as the construction and maintenance of roads and causeways and expansion of the sewerage network. Fortunately, the authorities have realised that in the past they have not been making serious efforts to achieve satisfactory economic development levels.

The above-mentioned projects are essential. Starting with electricity, Bahrain experienced interruption of power supply during the long summer months. We have learned that some international firms decided to call off planned projects in Bahrain due to lack of spare electricity. As to housing schemes, the government has finally moved to address a serious issue concerning hundreds of families. Also, road development is badly needed to address serious traffic congestion.

Hefty deficit

Strong oil prices would contain the actual deficit. Oil income traditionally accounts between 50-70 per cent of total revenue. Accordingly Bahrain financing is at the mercy of oil prices, which fluctuate in the international markets. For 2003 and 2004, the government has calculated oil price of US\$18 per barrel. However, analysts are forecasting oil price above US\$20 barrel in both years, partly reflecting tensions in the Middle East region.

Financing the deficit can be covered via several means. For one, the government can rely on the surplus put aside in 2001 and 2000. In 2001, budget deficit was projected at BD242m, but the year ended with a surplus of BD148m. This was achieved through stronger income together with restrictive expendi-

ture. Trouble is that the government has a tendency of spending less than planned. The same could happen in 2003 and 2004. Thus, the regime takes credit for planned spending at one point and at another takes credit for achieving surplus by spending less. We think this is a nasty practice aimed at deceiving the general public.

Additionally, Bahrain can rely on support from friendly governments such as Saudi Arabia, Kuwait and the UAE. Also, Bahrain can get soft loans from Gulf-based funds notably those of Kuwait and Saudi Arabia. Bahrain's ruler, Sheikh Hamad bin Isa al-Khalifa, makes frequent trips to the UAE and Saudi Arabia in particular with the aim of receiving donations.

The government has ruled out the introduction of taxes for personal or corporate income to augment budget revenue, fearing that this would adversely affect Bahrain's competitive position in a region where taxes are not common. Abdullah Saif, minister of finance & national economy, has publicly stated that the government has no plans for imposing taxes, at least not in the foreseeable future. Certainly, this is a wrong policy—the government should have all options on the table. The policy reflects an inherent weakness in the economy, which depends on providing goodies to investors. Most countries in the world including generate revenues partly through taxes applied on businesses.

Moreover, the government has recently approved a plan for raising US\$500m long-term bond. BNP Paribas and Schroder Salomon Smith Barney (part of Citibank group) have been selected as lead-arranging agents. Also, in the summer of 2002, the Bahraini government had mandated several banks to help raise a loan for US\$600m. Problem is that the two measures would add to Bahrain's debt level, thereby complicating another issue. We certainly hope that the debt and loan would be used for productive projects and not end up in the private accounts of senior officials.

Financing for 2001-04 (BD million)

| | Budgeted 2001 | Actual 2001 | Budgeted 2002 | Budgeted 2003 | Budgeted 2004 |
|-------------|------------------|----------------|------------------|------------------|------------------|
| Revenue | 669 | 981 | 675 | 797 | 806 |
| Expenditure | 911 | 833 | 1,045 | 1,114 | 1,137 |
| Balance | -242 | +148 | -370 | -317 | -331 |

Source: Official publications