

# BAHRAIN

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

## Beyond Formula 1: be ware of the revolution of the dispossessed

It is difficult to assess the durability of the deception programme of the Al Khalifa family, especially with the enormous finances made available to this purpose from the national bursary. The Formula 1 motor race is the latest of such programmes whose main aim is to present to the outside world a rosy image of the internal situation. The reality is that the main figures of the new era are gradually mastering the art of deception beyond anyone's imagination. They have succeeded in presenting an outdated and ancient regime with absolute power as a beacon for democracy in the region. It is ironic that none of the main figures of the past era has been either brought to account for past crimes, removed from his/her position or censored for what he had done. On the contrary, they have all been promoted to higher positions. The reforms are thus nothing more than a window-dressing by the ruling family whose authoritarian rule is the most significant factor in keeping the situation in a volatile state.

As for the policies and programmes of deception, no effort or money has been spared to ensure their effectiveness. The ruler, Sheikh Hamad bin Salman Al Khalifa, who had crowned himself a king, chose to ignore the people's pleas for real reforms and engaged in superficial steps that have only affirmed the totalitarian nature of the system. Instead of repressing voices of dissent they sought either to contain them or render them ineffective through a process of ridicule and marginalisation. Today, voices are heard in many quarter calling for real reforms but with no teeth to enforce these calls or change them into an effective agenda for action. The Al Khalifa are still under the impression that they could continue their programmes without major hindrances. The people's reaction is however, causing major concerns to those who observe the situation closely. The past few weeks have witnessed an increase in the level of anti-government activities. Young people have taken to the streets to protest against the policies of the Al Khalifa, and the assassination of Sheikh Ahmad Yaseen has given them the opportunity to vent their anger at the regime. In addition, the anniversaries of the martyrs who had fallen during the uprising of the nineties,

have been celebrated with unprecedented emotions and at wider levels. Slogans have become very much against the existence of the hereditary rule of the Al Khalifa, and the prospect is that a new culture of anti-monarchism has now taken roots in the country.

For the Al Khalifa, Formula 1 race was an opportunity to portray a degree of political stability to the outside world. They aim at venting off the popular anger with programmes that are at grand scales such as this international race. In order to ensure that the finale proceeds with minimum political strife, the foreign minister, one of the pillars of the old guards, summoned the heads of the four political societies and requested that a public seminar scheduled to take place on 18 March be delayed. The societies reluctantly agreed partly because more preparations were needed. The people reacted angrily to the news of the delay. They have, however, gained more momentum to act in defiance of the Al Khalifa and collect as many signatures as possible to a proposed petition to be addressed to Sheikh Hamad himself. The ruler is gradually losing the respect of the people who view him as a person who did not honour his words and promises. The momentum for public action has never been greater. The enthusiasm for meaningful activities against the dictatorial rule has surpassed the imaginations of the rulers and their friends in Washington and London who are now closely re-assessing the situation. The policies of the UK and USA that have harboured these dictators over the past centuries have backfired tragically, and the mood of the people today is hostile to the family rule in Bahrain. To what extent those two governments can ignore the pleas by the people to stop sheltering these despots and tyrants is not clear. What is clear, however, is that the people are taking more serious initiatives to undermine the whole programme of Sheikh Hamad. The Constitutional Conference which was held in Bahrain last February, has declared Sheikh Hamad's constitution and councils null and void, arguing that he had acted outside the reimits of respectable behaviour by the head of government.

Each party has axes to grind. The Al Khalifa have never forgotten the fact they

are a minority government, and for this simple fact, they are ready to undertake the most daring inhumane programme in the history of the islands. Tens of thousands of non-Bahrainis have been naturalised while criminal acts against some institutions, such as banks, have been committed by naturalised non-Bahrainis. The people are aware that the government had been planning to impress the leaders of the industrial nations (G8) and encourage them to give the Al Khalifa a clean bill of health. The summit which will take place in June in Washington is expected to highlight the Greater Middle East initiative, and the Al Khalifa hope they will be blessed for their much acclaimed political programme. The opposition has appealed to the world to ignore the claims of the Al Khalifa and to send international observers or monitors to study the situation closely. In the next few weeks, the role of the people will be crucial. They aim to deny the rulers the praise from the industrialised nations they are hoping for. Unfortunately, both the US and UK are adamant in their support of these dictators despite their pro-democracy slogans. Instead of exerting more pressures on them, both Washington and London are praising the deception programme adopted by these rulers. The fear is that this approach may lead to more hostile feelings especially towards the West which is seen both as supportive of these dictatorship and against the wishes of the people.

The next few weeks will be crucial to the programme of deception. If the people continue their civil disobedience programme (including non-compliance with the orders of the Al Khalifa system) without compromising their principles, there will be a good chance of being able to push through some reforms. If, on the contrary, they give in to the enormous pressures from the Al Khalifa, their chances of improving their welfare is non-existent. The most likely scenario is that the situation has degenerated to a state that the Al Khalifa cannot salvage it without major concessions to the people including relinquishing their right to govern. If reason is followed, the Al Khalifa may have a chance for survival, otherwise they will eventually be swept away like other tyrants and despots.

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## Yo-yo parliamentary probe into misconduct of social security funds

Bahrain's controversial parliamentary committee has failed in the self-assigned job of fixing responsibility for mismanagement of pension funds at the social security services. This marked the first test before the so-called the Chamber of Deputies since the infamous elections in October 2004. Bahrain's "parliament" is a controversial body, as the majority of electorates shunned voting booths in October 2002.

The story relates to investigations into financial irregularities at the General Organisation for Social Insurance (GOSI) and Pension Fund Commission (PFC). GOSI handles private sector pensions while PFC looks after public sector employees. The story came to light in April 2003 when a top social security official publicly revealed the likelihood of both funds failing to meet financial commitments to pensioners in the not too distant future. It took several months before the Chamber of Deputies heeded the warning and launched investigations into possible wrongdoing. A 1,200-page report prepared by a committee served as a basis for grilling ministers associated with pension funds. The report detailed cases of mismanagement at both funds. For instance, GOSI wasted

millions of dinars setting up a shopping mall at the Exhibition Avenue in Manama, which proved a drain on its financial resources. Also, the PFC wrote off a multi-million dinar loan extended to the Bahrain International Exhibition Centre. The report uncovered frequent government interventions into the uses of funds at both bodies. However, members were not courageous enough to point the finger at the prime minister, Sheikh Khalifa bin Salman al-Khalifa, who effectively controlled GOSI and PFC. The report quoted a specialised examiner warning that the funds would possibly fail to honour their financial commitments towards the pensioners in the years ahead. The doomsday could be 2009 for GOSI. As to PFC, the civilian fund would face difficulties by 2020 while the military fund by 2043.

The ministers of finance and labour run GOSI and PFC, respectively. Accordingly, the supposed deputies quizzed the finance minister plus former and current labour ministers. Eventually, the Chamber of Deputies stipulated several conditions to end the fiasco including repaying lost funds, hiring qualified administrators, restructuring the funds' boards and setting up an independent audit body.

Amazingly, no auditors had been checking financial figures at GOSI and PFC. Members then went into a six-week recess and thereby left the issue unresolved (jokingly there are merely four sessions per month divided into two consecutive days every other week).

The government used the interval to announce (rather than introduce) changes into the boards of both bodies besides strengthening investment procedures. In return, the cabinet suggested that the issue does not deserve further investigations. On March 9th, the deputies agreed to allow the services committee to query the concerned officials privately, hence dropping a full-scale probe. Then on March 14th, the cabinet sweetened its offer by committing itself to return some BD16 million, which had earlier been written off loans extended to Bahrain Hotels Company and Bahrain International Exhibition Centre. But there is no proof of actual reimbursement.

The near conclusion of the probe is proving embarrassing to some deputies, who had presented themselves as champions and protectors of people's funds. At end, they only wasted more resources and achieved nothing.

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### Beyond the rhetoric: how they view Bahrain's Formula 1?

Excerpts from an article by Brad Spurgeon, published on 29 February 2004 by the New York Times under the title: Formula One Is Feeling Serious Growing Pains:

- Last month, less than three months before its inaugural race, Bahrain's track and facilities were so behind the construction schedule that the promoter called on a -Formula One insider to ensure that the work is done.

- Bahrain has spent \$150 million in its track near the capital, Manama

How will these new sites pay it all back? Bahrain, where the capital's population is only 175,000, is hoping for 100,000 people at the race over the full weekend. But with ticket prices starting at \$100, only 40,000 have been sold so far. The racecourse has said that it aims to attract 20,000 spectators from Europe. But the goal will not be helped by fears of terrorism — fueled by a statement from the British Consulate that the race might be the target of an attack. Furthermore, there are only 13,000 hotel rooms in Bahrain, at least 4,000 of which will be used by Formula One teams, sponsors and jour-

nalists.

Another problem is that race day, which is always a Sunday, is a workday in Bahrain, where the weekend is Thursday and Friday.

Building the track and facilities was so behind schedule last month that Shaikh Fawaz bin Mohammed al Khalifa, Bahrain's youth and sports minister and chief executive of the racecourse, called on Philippe Gurdjian, a Frenchman who organized the first three Malaysian Grand Prix, to ensure that everything will be ready by race day, April 4.

#### Bahrain Denies Entry to British Subject

Briton Richard Mehan, who was due to fly out to Bahrain this evening to mount a legal case against the Bahrain Government for denial of due process has been informed by the Bahrain Ambassador that he will not be allowed into Bahrain to take up a case against the Bahrain Government.

This is a complete denial of rights and shows the Bahrain Government in its true light.

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### An Impotent Democracy

Many months have passed since the commencement of the so-called democracy in Bahrain. Although the parliament was designed to function within predetermined framework rendering it ineffective, the Government of Bahrain has always said that the democratic system offered for the people of Bahrain is not less than that of any other famous democracies around the world. Many have closely observed the performance of this unique form of "democracy" in search for manifestations of possible similarities between what is claimed by the government and what is practiced.

The curtailed ability of the elected parliament members came has proved once again what the opposition has repeatedly said, that the present situation is a significant retreat in the acquired rights of the 1973 constitution.

A democratic system gives power to the people to highlight deficiencies of the government, question its performance, contribute in decision-making and take the leading role in the legislations. Considering these rights, the freedom of the opposition has been curtailed by the new constitution in highlighting various issues of concern and debating them within the parliament and progressing them to conclusive results.

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## Discrimination In Granting Citizenship In Bahrain

The Bahraini leadership's policy regarding the naturalization process reveals wide practice of discrimination, abuse of power, defect in the rule of law, absence of transparency, manipulation of the democratic process and weakness in scrutinizing the executive authority.

The huge increase in naturalized citizens worsened the already deteriorating economic situation in Bahrain. The result was escalation of unemployment, poverty and housing problems, thus affecting the rights of women, children and weaker segments of society. The process of exceptional naturalization, employment of these naturalized persons in security departments and providing them with privileges, have psychological and social impacts on the social structure, provocation of racial and sectarian conflicts, hatred towards foreigners (xenophobia). Although the motives behind discrimination are political, the form it takes is sectarian and racial.

The BCHR fears that social and economic impacts of this issue will further damage the citizens' confidence in the government and intensify public resentment, resulting in the re-occurrence of political and security unrest.

### **This report sheds light on the issue, analyzes its motives and put forth suggested recommendations:**

The law in Bahrain allows granting citizenship with conditions. Among these conditions are residing in Bahrain for 15 years if the applicant is Arab; and 25 years for non Arab. However, in reality, the authorities in Bahrain followed discriminatory policy, by secretly and exceptionally granting citizenship in the last ten years to thousands of individuals and families of Sunni tribal origins, though they already hold citizenships of other countries and residential conditions do not apply to them. On the other hand, thousands of eligible people were denied citizenship although most of them had no other citizenship and did not live in any other country besides Bahrain. This denial created difficulties for 'stateless' people especially in owning properties, having jobs, and traveling or mobility.

Granting citizenship with exceptions and secretly without adherence to the law is still a worrying matter regardless of the political openness that was introduced by Sheikh Hamad bin Isa Al Khalifa who came to power after years of internal political unrest and international pressure – this resulted in granting citizenship to many eligible people – a move that was endorsed by human rights organizations and by the public. Most

people are reluctant. that the authorities have no transparency and make no effort to resolve the issue.

The Council of Representatives formed a committee to investigate the issue, but the 'law on the Consultative Council and the Council of Representatives' issued by a decree before the formation of the later, prevents the Representatives from questioning the government on matters preceding its formation in December 2002. The Committee is also restricted from reviewing the process of naturalization, which was granted by the King's exceptional authority.

Despite, the political limitations and restricted information obtained by the committee, its members were able to reveal serious breach in granting citizenship. The committee's report also pointed out that the increase in the number of naturalized citizens had a negative impact on security, social, economic and living standards. It recommended that the law on citizenship should be amended, citizenship granted outside the scope of law be reviewed, the directorate of citizenship be re-organized, and criteria for exceptional residence conditions be put forth. The report held the Minister of Interior Sheikh Mohammed bin Khalifa Al Khalifa responsible. The discussion on the report was postponed to next month. Many doubt the representatives' ability to disclose political facts, let alone taking measures in this regard.

Six political societies held conferences, and visual-taped samples of granted passports. These societies also issued detailed reports on breaching of the law, and sent questions to the undersecretary of immigration and passports, but no response was received until now

### **It is possible to conclude motives behind the discrimination in granting citizenship through the following points:**

- Most of those granted exceptional citizenship are of Sunni tribal origins, of which the 'Al Khalifa' ruling family belong to. They are a minority in the country, though they dominate the political and economic life, as well as the military and security institutions.

- Persons who were utmostly denied the citizenship for a long period of time belong to Shia sect of Islam who form the majority of population. Shia are discriminated against in government, army and security jobs and in educational and housing services. Thus, they are the unemployed majority with wide-spread poverty, opposition tendencies and protest activities.

- All those granted citizenship with exception were employed in the Defense Forces, National Guard and security forces. They and their families reside in semi-remote areas. They were actively engaged in suppressing protests. These institutions marginally employ a few Shias. During the 90s unrest, tens were killed and injured due to excessive use of forces, to crush down demonstrations. While, approximately 7,000 citizens (mostly Shias)<sup>1</sup> were detained and tortured.

- The authorities took initiatives to grant the citizenship to a large number of individuals from the Saudi Al Dawaser tribe, who had never resided in Bahrain. These people were brought to Bahrain only to participate in the elections of the Council of Representatives. The authorities also issued orders to army and police associates to take part in the elections<sup>[14]</sup>. The authorities amended the law just before the election to allow the newly-naturalized citizens to participate in the elections, rather than wait for 10 years to be eligible to vote, according to the previous law.

### **Recommendations:**

The Bahrain Centre for Human Rights calls on the authorities and concerned human rights bodies to intervene to push for transparency, whereby the authority reveals all information related to naturalization, mainly in the period of the 90s.

To hold open dialogue to discuss and resolve this issue.

To carry out administrative reforms in all concerned departments and to prosecute officials who violated the law.

To amend the naturalization law, which would clearly specify conditions for citizenship, restrict the authority from abusing this power and achieve transparency by officially disclosing granting citizenship.

To introduce procedures that will stop any discrimination in granting citizenship and any newly-naturalized citizen from being given preferences in employment, housing and other privileges.

To give priority to the citizens, without discriminating among them, in employment and promotions in the army and security institutions.

To give priority to those who are being denied citizenship, to women who have Bahraini children and to children of Bahraini women.

To speed up the process of granting citizenship to those who deserve it, and to issue passports to denied Bahrainis, such as the descendants of Mr. Saleh Al-Setrawi, who until now are barred from returning to Bahrain.

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## Final Communiqué of the Constitutional Conference

To consolidate the constitutional grounds governing the contractual relations between the ruling and the ruled; to affirm the principles of the National Action Charter; and to assert popular sovereignty as the source of all powers; and that rule of law and institutionalization are guaranteed by Bahrain 1973 contractual constitution, four political associations namely (Alwafaq National Islamic, National Democratic Action, Patriotic Democratic Rally and Islamic Action) in collaboration with independent lawyers and political activists held the Constitutional Conference 2004 (CC2004) at Al Oruba Club on February 14th-15th, 2004. The conference aims at addressing the constitutional crisis and to call for political dialogue to end the predicament that ensued after the unilateral enactment of the 2002 constitution.

The conference was inaugurated at 9 a.m. with recites from the holly Quran followed by the speech of the four political associations delivered by Sheikh Ali Sulman. The chairperson of the Preparatory Committee of the CC2004, Jalila Alsayed (Lawyer) commenced the procedural session, in which the agenda was passed and the conference bureau was elected. Dr. Hassan Radhi (lawyer) was elected as chairman, Mr. Hameed Murad as vice-chairman, Mr. Sanad Mohammed, Ms. Loolwa Rabia and Ms. Zahra Muradi as rapporteurs. The conference by-law was deliberated and passed and conference continued its sessions as per its agenda.

In this context the conference salutes all the supportive stances extended to the people of Bahrain in defense of their constitutional rights; in particular its right to consent to the constitution that governs its affairs and interests, and of the coming generations; and sustain political stability and economic and social development, that the people of Bahrain have strived for since the beginning of the 20th century.

The conference also expresses its appreciation for the support of free Arab and foreign MPs, political and academic dignitaries who accepted the invitation of the four political associations to attend the conference. The conference conveys its sincere apology to all of them for being barred from entering the country, and deplores such uncivilized act by the authorities. It also salutes Al Oruba Club and its members for hosting the conference and their continued support for the just causes of the people of Bahrain.

The conference thanks the preparatory and executive committees, members of the four societies and those unknown soldiers who speared no effort to make the conference a success despite all the difficulties and forms

of pressure they faced to sway them from achieving their objectives. It also remembers the country's martyrs and all those who struggled and scarified for their people's freedom, dignity and equality.

In an atmosphere of a serious and responsible discussion of the presented papers covering the legal, political and constitutional matters, the CC2004 passed the following resolutions:

1. Asserts the contractual nature of arrangement between people of Bahrain and the late Amir Sheikh Isa bin Sulman Alkhalifa since independence, enshrined in Article 1 of 1973 constitution that the reign is hereditary and transmits from HH Sheikh Isa bin Sulman Alkhalifa to his descendants, generation after another, and that the government system is democratic and that popular sovereignty is the source of all powers.

2. Is committed to what is enshrined in the NAC approved by the people of Bahrain on 14-15 of February 2001, that con-

stitutional monarchy is the form of political system in Bahrain, and that the constitutional amendment is limited to what is stated in the "outlooks" of NAC which relates only to two issues: the name of the state and the bicameral parliament the appointed chamber of which is for consultation only.

3. Holds as binding, the official pledges made by HM the King, HH the Crown Prince and HE the Head of Supreme Committee of the NAC, at the eve of the referendum; which were the basis on which the people approved the NAC.

4. Affirms the illegitimacy of the new 2002 constitution, as it has not been consented to by the people, neither directly nor via their representatives.

5. Affirms that dialogue is the means to political compromise, and calls upon the regime to hold a constructive dialogue with the opposition to resolve the constitutional crisis, and legitimize the state's institutions based on popular sovereignty as the source of all powers.

6. Holds that any amendment to the valid constitution since December 1973 should be progressive to substantiate people's political participation and widen it, in compliance with the NAC, to realize the principles of constitutional monarchies with regards to political pluralism, multi-party system and alternation of executive office.

7. Rejects any non-contractual amendment to the 1973 constitution, and affirms that any amendments must be consensual and in accordance with the legitimate constitutional mechanism.

8. Authorizes the organizing the political associations to form a follow-up committee to pursue the constitutional dossier and prepare for the next constitutional conference, which must include independent personalities.

9. Authorizes organizing political associations to form a follow-up committee to execute its resolutions and pursue the constitutional dossier via all possible peaceful political and legal channels locally, regionally and internationally. The conference also authorizes the follow-up committee to complete the proposed preview of the constitutional amendments discussed in the conference as a proposal.

10. Decides to launch in a public gathering, a petition to reflect the views of people of Bahrain in the conference resolutions, and the future they aspire for their generations,

11. To translate the documents presented to the conference to English.

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### The Impotent Democracy

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A number of cases were raised and debated amongst elected and appointed members of the National Assembly. Examples of these cases are the Political naturalization, unemployment, the social Insurance and Pension Funds organizations. Despite the sensitivity of the cases, and the irrefutable nature of the evidence incriminating many individuals in the public sector, or proving that the Government was behaving outside the law, the Government took no action in response to these cases except to say that there are no violations of the law.

All the cases that have been highlighted have shown that there is some room to ask some questions regarding issues of concern in the country. However, none of these cases went far enough to address the real issues. Political naturalization continues until this day, unemployment is on the rise with more news of dismissals in the private sector (Al Seef Security Team), and the mismanagement of the Social Insurance and Pension Fund Organizations remains unresolved.

Observers are now more convinced than ever that the present conditions emphasize an impotent democracy where the opposition has no influence over major issues in the country, while the Government has an absolute control over the economy, politics and press.