

BAHRAIN

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

Bahraini people call on G8 to ignore of Sheikh Hamad's deception

The past few months have been among the most tense in the country despite the restraints exercised by the people and the opposition not to aggravate the situation through various means. It now seems that the relations between the Al Khalifa ruling family and the people have been re-defined in new and dangerous directions. It is also worrying that the ruling family and their backers have continuously under-estimated the people's aspirations and resolve, and preferred to ignore their legitimate demands. It is clear that the ruler, Sheikh Hamad, is leaning on the support offered by the Washington and London for his cosmetic steps that have fallen far short of what is acceptable in this time and age. The recent developments have only served to deepen the mistrust between the two sides, and it is becoming increasingly clear that Sheikh Hamad's drugging techniques are no longer achieving great results.

First came the constitutional conference last February, which the Al Khalifa tried to sabotage. In addition to declaring their rejection of the 2002 document which Sheikh Hamad considers the cornerstone of his reform programme, the four political societies took the decision to present a popular petition calling on Sheikh Hamad to abandon his ill-fated constitution. The petition would be launched in a public seminar and would be made available to all citizens to sign. The first reaction from the Al Khalifa was to claim that it was illegal to ask non-members of the societies to sign, and that signing petition should be confined to the members of the societies. This is self-deception. If any society or group in the world needed to address their governments they would not need to sign their letters or petitions with the signatures of their members. It would suffice to be signed by the chairman of the group or society, and it would be taken to mean that it represents that group or society as a whole. The petition is for the people at large and there is no illegality in asking people to address the ruler in a respectable manner, and request him to listen to their grievances and demands.

The societies reacted by opening up their membership to whoever wants to join, a step that had circumvented the ploy of the ruling family. It infuriated them to the extent that when it became apparent that tens of thousands of citizens were rushing to join the societies, especially Al Wefaq, the Al Khalifa rushed to deploy their mercenaries to attack the villages, arrest those who were collecting memberships and signatures and issue warnings to others. More than forty young men and children were arrested, and the people were reminded that the old guards have assumed their role of repression and collective punishment. The former president of the Torture Committee and the Chairman of the notorious State Security Court were at the forefront of those who were mobilised to deal decisively with those who were collecting signatures to the petition. The situation became so pathetic and dangerous that international human rights organisations took immediate interest in the affairs of Bahrain, three years after they had thought the crisis had been resolved. Numerous statements were issued protesting the arbitrary arrest of innocent civilians, while the maltreatment of prisoners became a

source of concern to many such organisations.

It was clear that the ruler, Sheikh Hamad, had no alternative but to release the prisoners. This was made even more urgent since he was preparing to go to Washington to attend the G8 meeting of the industrial countries. He could not attend the summit while tens of his citizens languished behind bars for fictitious crimes. To many, it was the system who was put on trial. If a government cannot tolerate a peaceful petition calling for improvement of the political situation and addressed in the most moderate of languages to the head of the regime, how democratic is it then? The matter did not end here. The situation became even more sombre towards the end of the month. The religious leaders had called for a peaceful protest to urge the American forces not to attack the holy places in Najaf and Karbala in Iraq, and protesting against the continuous repression against the Palestinian people by the Israeli occupiers. The demonstration was mercilessly attacked and senior figures of the Shia religious hierarchy were injured in the unprovoked crime by the riot police. It could be claimed that that incident could prove the most crucial event that could break the truce between the people and the ruling family. Sheikh Hamad, realising the gravity of the situation, announced the appointment of a new minister of interior, which implied the sacking of the former minister. The people were suspicious of the move, and have declared their lack of appreciation for a move that had been awaited for a long time. In addition, the veteran minister of the interior, was a spent force and had been bed-stricken for a long time.

The ongoing saga in this small Gulf state is an indication of the complication of the political atmosphere in Bahrain. It is becoming clearer by the day that the Spring of Hamad's era may have already elapsed, and that his programme may have exhausted its natural life. There is nothing that could salvage Hamad's reputation, in the light of recent arrests and attacks against the formidable religious leadership, except a full recognition of people's needs and aspirations. This means that the first step should be the abandonment of the 2002 document and revert to the only legal and binding document between the two sides; the 1973 constitution. As long as the Al Khalifa continued to drag their feet, there would unlikely by a lull in the confrontations, challenges and bone-breaking exercises. The Al Khalifa are not guaranteed victory. No dictatorship could survive a serious challenge from the people under its hegemony. Democratic values have become universal and attempts to argue against political openness, pluralism and genuine democratic practices are doomed. The people of Bahrain have addressed the G8 summit requesting the participants not take Sheikh Hamad's utterances and sweet language as an unchallenged proof of democratisation. The events of recent weeks have confirmed the suspicion that the Al Khalifa have a long way to go towards democracy. In order to succeed the Al Khalifa have to abandon their dictatorial rule, open up the political life and start to modernise on the basis of the 1973 Constitution. Failing to do so could only aggravate the situation more and could lead to the end of the tight grip of the Al Khalifa over the country.

Most vicious attack against the religious leadership and the people

On Friday 21st May, the Al Khalifa family mobilised their centuries-old experience in repression and attacked a peaceful demonstration, injuring hundreds of innocent people. The demonstration had started from Karbabad roundabout (on the outskirts of Manama) to protest against the Israeli aggression against the Palestinian people and call on the Americans not to attack the holy cities of Karbala and Najaf in Iraq. Friday prayers leaders had called for the event, hoping to inform the world of the feelings of the people of Bahrain.

The Al Khalifa rulers gave orders to their mercenaries to attack the demonstration in a vicious way, causing a lot of injuries and faintings. The attack started about half an hour after the march started, with a barrage of tear gas and rubber bullets.

Senior clerics who were at the front of the march suffered direct hits and several of them had to be rushed to hospitals. The most senior religious scholar in the country, Sheikh Isa Qassim, who was also a member of the elected parliament in the seventies, and Sayyed Abdulla Al Ghuraif were among the victims.

Mr Jawad Fairouz, a member of the Executive Committee of Al Wefaq Islamic National Society was hit with a rubber bullet in his head. Eyewitnesses confirmed that he was intentionally targeted. He was negotiating with the senior officers when he was hit from the back. He has been taken to hospital and is undergoing treatment.

Many men, women and children were affected by the gas canisters which were fired in abundance, far beyond the need

to disperse a peaceful demonstration. Some youth directed their anger at a police car setting it on fire. The riot police reacted with more attacks against the unarmed civilians.

The Al Khalifa have recently given free hand to the most notorious among their members to act in accordance with the notorious State Security Law that had empowered them to leash their hatred against the people of Bahrain. Dr Abdul Azia Atiyyat Allah Al Khalifa, the former head of the Torture Committee and Abdul Rahman bin Jaber Al Khalifa, the president of the State Security Court, are among those who have been promoted by Sheikh Hamad and given free hand to make use of their experience in torture and repression.

Worldwide condemnation of arrests and repression

Following the recent arrests of pro-democracy activists by the Al Khalifa ruler in Bahrain, many international organisations issues statements condemning this barbaric actions and calling for the immediate release of the prisoners of conscience. Among them are:

Human Rights Watch

The International Federation of Human Rights

Front Line – Defenders of Human Rights Defenders

Habitat International Coalition

Arab Program For Human Rights Activists

The following is the text of the statement issued by the Washington-based Human Rights Watch, issued on 17th May 2004:

Pro-Democracy Activists Detained

The government of Bahrain should immediately release 20 individuals arrested for collecting signatures on a political petition, Human Rights Watch said today. The authorities should also end the criminal investigations against them.

The petition for constitutional amendments would give greater legislative authority to the kingdom's elected assembly. Addressed to King Hamad bin Isa al-Khalifa, the petition reportedly has tens of thousands of signatures.

"This blatant suppression of freedom of speech and association flies in the face of the government's proclaimed commitment to democratic change," said

Sarah Leah Whitson, executive director of Human Rights Watch's Middle East and North Africa Division. "The right to petition peacefully is fundamental, and this petition addresses an issue that lies at the heart of democratic reforms."

On April 30, authorities arrested 17 Bahrainis at several public signature-collection stands. Deputy Public Prosecutor Ahmad Shinaishin stated then that they faced "charges of calling for change to the political system, provoking hatred and trying to destabilize public security." Three of the 17 were released on May 2 without charge.

On the morning of May 6, according to the independent Bahrain Center for Human Rights (BCHR), security forces raided the homes of five other petition activists, confiscated computers and documents and took the five into custody. Authorities also detained and charged the spokesman for a defense committee for the detainees. He and several others have been freed on bail, but 11 remain jailed, many of them now in their third week of detention.

On May 16, the BCHR received a letter from the Ministry of Labor and Social Affairs threatening to withdraw the center's license if it did not end unspecified "political activities." The center has been active in a campaign to secure the release of the arrested petitioners.

BCHR president Nabeel Rajab told Human Rights Watch that officials in the Public Prosecutor's office asked the organizers of the petition to pledge in writing that they have called off the pub-

lic effort to gather petitions and that only persons who were members of the societies prior to April 21, when the campaign started, would be eligible to sign. The officials said that would be necessary before the government would release and drop charges against those arrested.

Bahrain does not permit political parties, but the government has tolerated limited political activities by several "societies." Four of these, including Al-Wifaq, which has a substantial following among the country's majority Shi'a population, began the petition effort as part of a campaign to modify the constitution issued by royal decree in February 2002. Under the constitution, limited legislative authority is shared by an elected national assembly and an appointed consultative council of 40 members each.

Political liberalization efforts have not included reform of numerous laws restricting basic political freedoms. The government has threatened "legal action" against the offending societies—and now the Bahrain Center for Human Rights—on the grounds that they have violated the restrictive 1989 decree governing associations. Those arrested reportedly face charges of instigating hostility to the government, publishing false information and violating the prohibition against gatherings of five or more persons without authorization.

"The government's response to the peaceful efforts of citizens to petition their government highlights the pressing need to reform the old decrees that were issued precisely to suppress any exercise of basic civil and political rights," Whitson said.

The petition saga: threats, arrests and intimidation

The decision by the political societies to present a petition to the ruler asking him to repeal his illegitimate constitution and re-instate the 1973 constitution, led to spiralling of events leading to the unlawful arrest of dozens of citizens. Here is a chronology of events:

1st May 2004

The police authorities in Bahrain arrested 26 individuals on Friday May 30th while collecting signatures for a petition calling for a wider participation in political decision making in Bahrain. The detainees were in different adhoc centres (tents) placed by four opposition societies around Bahrain to collect signatures for the petition.

The police used excessive force to arrest these individual and confiscated all documents and petition sheets including the stationeries. They also throw all the tables and chair in an attempt to destroy the tents.

The police force did not have any search warrant or any written orders for arrest. The policemen were asked to show any official document for search or arrest, but they did not have any.

There are some indications that the detainees were beaten and maltreated in the police stations. Among detainees were minors, citizens under the age of full legal responsibility.

Al Wefaq National Islamic Society issued a statement today condemning the arrest of citizens engaged in peaceful acts such as collecting signatures. It appealed to the international organizations to protect the right of these detainees and the right of Bahraini people in expressing themselves in a peaceful manner. Al Wefaq called upon all human rights organizations to work toward immediate release of the detainees.

May 3 (Reuters)

Bahrain has arrested 14 opposition activists petitioning for democratic reforms in the pro-Western Gulf Arab state who face life in prison if convicted, a prosecutor said on Monday.

"They face charges of calling for change to the political system, provoking hatred and trying to destabilise public security," Deputy Public Prosecutor Ahmad Shinaishin said.

The men, mainly aged 18 to 25, were arrested on Friday and are being held without bail pending trial, Shinaishin said, adding that they could be kept in temporary detention for up to 45 days.

"The government will not be able to solve the crisis through force and threats...even if it imprisons tens of thousands of people," four opposition groups behind the petition, led by the Shi'ite al-Wefaq Islamic Society, said in a statement.

Washington has called for reforms in the Arab world since the ousting of Iraq's

Saddam Hussein in a U.S.-led invasion last year.

6th May 2004 - Bahraini police forces raided 5 houses this morning and detained activists who were promoting the 'popular petition' calling for democracy in Bahrain through constitutional amendments by the King. On the other hand, around 350 families' members of the 15 detainees who were arrested few days back continued their second protest today morning in front of the Public Prosecutor Office in Manama. Meanwhile, the detainees went on a hunger strike this morning, protesting against their unlawful arrest and detention.

The police forces supported by anti-riot police raided houses of citizens, searched the rooms for an hour, and confiscated some of their belongings such as computers and other documents. 5 Bahrainis were arrested in these raids. They are:

1. Jaffer Salman Sulail (38) from Sitra
2. Abdul-Wahab Al-Hawaj (50) from Hamad Town
3. Jameel Al-Showaikh (25) from Sar
4. Sadeq Al Ghawas (35) from Sanabis
5. Towfiq Al-Rayash (36) from Zayed Town

The Committee of Families of Constitutional Petition Detainees has announced in a statement today that it will hold another protest on Friday 7th May 2004 at 4:30 pm near Al-Seef roundabout if the detainees are not released by today. The Committee vows that the families will continue using all peaceful means till the release of all the political detainees who are facing charges up to life term imprisonment.

8th May 2004 - Yesterday, hundreds of people protested near Seef Mall against the detention of 20 political activists calling for wider democratic reforms in Bahrain. This comes as one of series protests planned by families of detainees in days to come in order to create pressure on the authorities to release their children who are facing charges up to life term imprisonment if convicted. The families waved photos of their relatives in detention and banners demanding their release. Among the slogans in banners "Only in Bahrain: Detention for a Petition"; "Life Imprisonment for Signing A Petition! Where is Justice"; and "Free Prisoners of Conscience in Bahrain".

In its statement, the Committee for Families of Constitutional Petition Detainees (CFCPT) stated that it will continue its protests against the unlawful arrests and charges and that the next protest will be held near the Prime Ministers office on Sunday 9th May 2004.

Meanwhile the detainees are continuing their hunger strike for the third day in CID jail in Adliya. In a letter secretly sent to the public, the detainees vowed that they will continue their hunger strike

and struggle for more reforms and democracy in Bahrain, regardless of their detention. They urged the political society to carry-on their peaceful efforts to collect signatures for the petition and that their detention should not create pressure on the societies to step back in their demands for wider democratic reforms.

Al-Wefaq National Islamic Society stated that a group of 10 lawyers have so far volunteered to defend the detainees. Meanwhile, many religious, social and political figures are calling publicly upon the authorities to have a dialogue with the opposition and to slow down its unnecessary escalation which may lead into unrest. They urged the Bahraini authorities to solve the social and political issues by a dialogue rather than by an excessive force which may worsen the current tensed situation.

16th May 2004 - The authorities in Bahrain threatened the Bahrain Centre for Human Rights (BCHR) to revoke its permit (license) should they repeat their participation in any political activity. This threat came in an official letter addressed to BCHR's President, Nabeel Rajab; and signed on 12th May 2004 by Hind bint Salman Al Khalifa, the Assistant Undersecretary at the Ministry of Labour & Social Affairs. This is the second formal warning letter given to BCHR in six months.

The letter referred to BCHR's 'political activities' without specifying any particular activity. It stated that the 'political activities' which BCHR has conducted clearly contradicted with Article 18 of Associations Law that was issued by a Decree No. 21 - 1989 which prohibits associations conducting or getting involved in 'political activities'.

At the end of the letter, it stated that should BCHR violate these rules, their permit will be revoked in accordance with Article 50 of Associations Law.

From its side, BCHR considered the letter as vague and that it was not clear what the authorities meant by 'political activities'; it stated that 'promoting civil and political rights...' is one of its general objectives and mandates clearly written in its constitution and literatures. BCHR is now considering opening offices abroad such as in Washington DC and London.

This threat came after several other threats by Minister of Labour & Social Affairs, to suspend civil societies' activities if they collect signatures for a petition calling for political reforms in the Kingdom of Bahrain.

It also came after the announcement of the Public Prosecutor that civil societies must not participate in any political activity and can legally be held responsible for such an act. Subsequently, around 15 members of civil societies were detained and charged with life term imprisonment for promoting a petition demanding a wider participation in political life.

The Bahrain Centre For Human Rights threatened with closure

The authorities in Bahrain threatened the Bahrain Centre for Human Rights (BCHR) to withdraw its permit (license) should it conduct any political activity. This threat came in the form of an official letter addressed to BCHR's President, Nabeel Rajab; and signed on 12th May 2004 by Hind bint Salman Al Khalifa, the Assistant Undersecretary at the Ministry of Labour & Social Affairs, was sent by fax to the BCHR on 16th May, 2004.

This is the second formal warning given to BCHR in seven months. A previous letter was sent by the ministry on 20th October, 2003, threatening to close the BCHR, after it had held a public symposium on 'Discrimination and Privileges, the Unwritten Law,' on 16th October, 2003.

The BCHR calls for urgent action to:
Defend the BCHR's rights to operate freely
Safeguard the freedom of societies in Bahrain

Amend the Societies Law No.21 of 1989

Attachments:

1. The text of the letter sent by the ministry
2. The BCHR General Objectives
3. Notes by the BCHR
4. Excerpts of the Societies Law No.21 of 1989 (including articles 18 and 50)

Attachment (1):

Text of the letter sent by the ministry:

Mr. Nabeel Rajab,
President,

The Bahrain Centre for Human Rights,
" In reference to the political activities conducted by the Bahrain Centre for Human Rights (BCHR), we would like to bring to your notice the following:

Firstly, the BCHR's political activities explicitly contradicted with Article 18 of the Law on Societies issued by Decree No. 21 - 1989 which without any doubt prohibits conducting 'political activities'.

Secondly, the BCHR's practice of political activities contradicts with the objectives mentioned in the BCHR's constitution.

For the above mentioned two reasons, the Ministry of Labour and Social Affairs stresses the necessity for the BCHR to abide by the said law on societies, in addition to the objectives mentioned in the BCHR's constitution. In case these rules are violated, the ministry regrettably will withdraw the BCHR's license, in compliance with article 50 of the law on societies."

Thank you for your cooperation,

Signed by:

Hind bint Salman Al Khalifa
the Assistant Undersecretary for Social Affairs

Attachment (2):

The BCHR General Objectives:

1. Familiarisation with national and international principles, legislation and laws related to human rights.
2. Researching and easing difficulties regarding the implementation of international laws related to human rights and participating in improving laws, at the international level.
3. Promoting of civil and political rights and development of the abilities of civil society organization.
4. Combating all forms of discrimination.
5. Promoting economic, social and cultural rights.
6. Encouraging scientific research and developing usage of modern technologies to spread knowledge, document and exchange

information related to human rights.

Attachment (3):

Notes by the BCHR:

The current letter referred to BCHR's 'political activities' without specifying any particular activity. From its side, the BCHR considered the letter as vague and that it was not clear what the authorities meant by political activities

Promoting civil and political rights... is one of the main objectives of the BCHR, which is stated clearly in its constitution and literatures.

The letter came after a campaign organized by the BCHR to release 15 persons detained, on 30th April, 2004, for petitioning for changes in Bahrain's constitution. The campaign was in the form of peaceful protests organised by the committee of the families of the constitutional petition detainees, demanding immediate release of the detainees and dropping off all charges which were based on the restricted 1976 Penal Code.

(Other notes are to be sent later)

Attachment (4):

Societies Law No.21 of 1989: A Sword Threatening Societies

It is noted that the Law covers organisations with different objectives and nature including political, human rights, professional, cultural and social societies. They also include such categories as women, youth and foreign community societies as well as the sports clubs. Encompassing all these societies in a single law complicates the drafting and enforcement of this Law.

Restricting the Right to Set up Societies:

The Bahrain Societies Law prohibits the activities of any unlicensed society. The provisions of the Law and Model Form of the Constitution contain detailed standards and specifications so that it becomes difficult to obtain a licence without complying with it. At the same time, the law lays down flexible conditions allowing the Government to reject applications for setting up any society, if it wants to.

Article 3 states that every society that is established contrary to the public order, or for an illegal purpose, or for prejudicing the security or form of the government or its social system shall be invalid.

Article 11 gives the concerned administrative authority the right to reject registration of the society where the society does not need of its services, where there is another society that meets such need, if its establishment is contrary to the State security and its interest or if it is established with a view to reviving a society that was previously dissolved. This Article sets forth procedures for filing complaints with the same administrative authority for a length of time that extends to 4 months before it becomes possible to refer the matter to the law courts, which are in turn bound by the same law and falling under the government influence.

Restricting the Right to Amend the Constitution and to Control:

According to Article 14, every amendment of the society's constitution follows the same procedures for chartering the society. The administrative authority has the right to reject the proposed amendment. According to Article 15, societies shall be subject to strict control as the concerned department has the right to have access to records, documents and correspondence.

Restricting the Right to Engage in Politics:

According to Article 18, a society shall not engage in politics. Of course, this applies to political societies and human rights societies.

Restricting the Right to have Links with Overseas Entities:

According to Article 20, a society shall not without prior permission (from the concerned department) be affiliated with, join or participate in a society or organization based outside Bahrain. The lapse of 45 days without adopting a decision with respect to the application shall be deemed as a rejection thereof. The Law does not contain the right to file a complaint rendering the department's decision final.

Restricting Domestic and Overseas Finance:

For finance, a society shall not without prior permission obtain funds from a foreign organization nor send any of the above to overseas persons or organisations. For the raising of funds locally, a licence shall be issued from the Minister (Article 21). The Minister's right to adopting the decision shall be absolute as there is no possibility to file a complaint.

Minister's Right to Merge Societies, Appointing Management and Suspending its Resolutions:

Article 23 allows the concerned minister to appoint the society's manager or executive committee if the society commits any violations that necessitate such action and where the minister does not wish to dissolve them. The Minister shall be empowered to decide the merger of more than one society where they seek to achieve similar objectives, consolidating their management or amending their objects for the reasons that he feels ensure the proper realization of the objectives for which they are established (Article 24).

Also the Minister is empowered to suspend the execution of any resolution adopted by the society in breach of the law, society's constitution, public order or ethics. Such decision may be challenged before the law court (Article 28). In other words, the Minister adopts the decision and enforces it against the society which will be prosecuted not the contrary.

Control and Supervision at Meetings:

According to Article 30, the concerned government directorate has the right to convene a general meeting.

Article 33 requires societies to notify the administrative authority of every general meeting 15 days before its convention in addition to forwarding copies of the letter of invitation, agenda and enclosed documents. The administrative authority shall be empowered to designate the officer it deems fit to attend the meeting. According to Article 38, the Ministry must be provided with copies of the minutes of the meeting and resolutions adopted thereat.

Intervention in the Specifications of Candidates for Management and its Meetings:

According to Article 43, the minister may add conditions to be fulfilled by anyone who has the right to be nominated for membership of the executive committee of any society.

According to Article 45, the administrative authority is entitled to request the convention of any meeting of the executive committee of any society if this is deemed necessary.

Minister's Right to Temporarily Close the Society:

According to Article 50, the minister has the right to dissolve or close any society for a period of 45 days if it proves unable to realize its objectives or disposes of its funds in areas other than the specified ones, if it fails to convene its general meeting for two successive years or if it violates public order.