

BAHRAIN

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14th February: the day democracy was dumped by Al Khalifa

As the third anniversary of the abrogation of the legal constitution approaches, the situation is becoming, once again, more polarized in political and social terms. The opposition is embarking on many activities inside and outside the country to highlight the tragic plight of the natives of Bahrain who are becoming victims to the treachery of the Al Khalifa. The next few weeks could be crucial for several reasons: First the anniversary will be a testing time for both the opposition and the ruling family; while the opposition views the anniversary (14th February) as a sad occasion, the Al Khalifa are more likely to transform it into an occasion to celebrate victory over the people. On another level, the Al Khalifa are doing their utmost to deceive the public opinion inside and outside the country with public events, announcements and soft approach to serious political demands. The intention is to delay any possible encounter between the pro-democracy tendencies and the despotic regime that is becoming more cunning and elusive. Furthermore, the anniversary had been used on previous occasions by the opposition to renew the determination to achieve democratic changes and obliterate personalized style political leadership. The showdown is becoming more a test of wills than an honorable political competition. It is a silent war which finds its roots in the long history of animosities between the two sides.

Last month, two significant developments occurred, and have shed light on the true nature of the Al Khalifa dictatorship. First came a cabinet reshuffle which proved to be far beyond anyone's expectations. Ten ministerial posts were given to the Al Khalifa members, including the Defence, Interior Foreign Affairs, Islamic affairs in addition to the premiership. This was a departure from three=decades tradition started by Sheikh Khalifa in the dark era which apportioned the 15 man cabinet equally between the Al Khalifa, the Shia and the Sunnis. Now Sheikh Hamad has allocated ten to the Al Khalifa, five to the Shia and six to the Sunnis. The implications are serious. First it ends the shaky

equilibrium established in the post-British era. Second it relays the impression that the Shia have been transformed into a minority as a result of Sheikh Hamad's policies. Third it pre-empted any talk of forming a cabinet from members elected to a legislature on the basis of one-man-one-vote system.

Then came a ruling by an ad hoc constitutional court which gave Sheikh Hamad the right to legislate by himself and that his legislation becomes a law without the need to present this legislation to his Shura council. This makes him a legislative power in his own right. The decrees issued by himself were invariably put into effect in many instances, with little questions from anyone. Such behaviour was considered dictatorial and undemocratic in the past. Now it is being presented as a legalized way to legislate for the country. The powers of the various bodies have been greatly reduced. These main functions of these bodies are to endorse what the Al Khalifa family proposes through the prime minister, while Sheikh Hamad's decrees have the power of law and do not need to be endorsed by these bodies. It is this form of "democracy" that is being promoted by the Al Khalifa media as well as its supporters in the West.

The Bush administration has given its unequivocal support to the Al Khalifa dictatorship, arguing that it was "a promising democracy" and calling on other dictators to follow suit. Both President Bush and Condoleza Rice have taken up this supportive stand in recent weeks. While they may be excused on the grounds that they may be ill-informed about the reality of the situation, it is time for them to get better acquaintance of the political reality in Bahrain and other dictatorships if they are serious about spreading freedom and democracy in the world. The recent elections in Iraq have given hope to many people in the region that democracy may soon come to the region, but the optimism is qualified by the US support of such dictatorial regimes like the Al Khalifa. There is absolutely no democratic value in a regime that promotes tor-

turers, retain in the highest offices those accused of extortion of public money and gives its ruler the power to legislate on his own, and gives him superior position over the rule of law. These features of the regime are enough to remove any false image of reform or democratization, regardless of what its media claims.

This month, the people of Bahrain are preparing themselves to challenge the Al Khalifa's anniversary of the coup against the contractual constitution, which is the only source of legitimacy to their rule. While they are planning to buy off more people as part of their programme of deception, the activists have realized the futility of any attempt to move within the official framework, laws and institutions. In recent weeks, they have decided to create their own umbrella organizations outside the draconian laws of the Al Khalifa, uphold the civil resistance principles and continue their struggle against the Al Khalifa dictatorship inside and outside the country. Many people have demonstrated outside the Government building and at the gates of the torture chambers at Al Qal'a to demand the prosecution of the torturers like Abdul Aziz Atiyyat Allah Al Khalifa, one of the most notorious torturers in recent history of Bahrain. The aim is to attract attention to the plight of the torture victims, highlight the ongoing struggle for democracy and the rule of law and undermine the authority of the draconian rules and laws imposed on the country by the ruling family. It is a struggle that is bound to continue for a long time to come, as the people have pledged themselves to persevere in their demands, wage a programme of civil disobedience and expose to the outside world the true nature of the Al Khalifa dictatorship. It is a new awakening after years of patience, resilience and misplaced hopes. Those who have declared their intention to promote democracy and freedom in the world must take a closer look at the situation in Bahrain, support the struggle of its people and challenge the authority of the Al Khalifa dictatorship.

10 Al Khalifa ministers in a 21-man cabinet

Ten out of 21 ministers in the latest government reshuffle are from the Al Khalifa family. The "sovereign" ministries have remained in their hands; the prime minister post, the Interior, Foreign and Defence. The remaining 11 ministries were given to the Sunnis (6) and Shia (5). This is in contrast to the norm that had been observed in the seventies by the prime minister. At that time he distributed the 15 ministerial posts equally among the three groups.

If anything the new cabinet only confirms the suspicion that Sheikh Hamad's programme is more dangerous than had been thought. Its composition have several indications. First, the Al Khalifa has retained absolute power in the country for two centuries and are unlikely to loosen their grip on the country.

Secondly, they are using sectarianism as a means of wooing supporters. Third, they have continued their programme of serious discrimination on religious grounds. In a country where the indigenous Shia make 70 percent of the population, their share in the cabinet is less than 25 percent. The ministries they hold are marginal ones.

It is not yet possible to affirm the extent of the political naturalization process, and how much damage has been done to the delicate religious balance in the country. What is clear, however, is that the Sheikh Hamad has adopted policies that are nothing less than religious and cultural ethnocide against the native Ba-

harna. To cushion the impact of his destructive programme, he has allowed a degree of freedom of expression, while maintaining his grip on the country. The Al Khalifa have subjugated the government system to serve their interests, even if that meant taking outrageous steps.

Last week, the Al Khalifa-controlled constitutional court issued a verdict condoning the role played by Sheikh Hamad in legislation. It has ruled that he is empowered to legislate on his own, that his legislation has the power of law, and that he does not have to present this legislation to his bi-cameral legislature. It was a stunning verdict that has left legal experts dumbfounded.

It has now become the norm for the Al Khalifa to legislate as they wish, through Sheikh Hamad, protected by the laws and procedures they have imposed on the country. The verdict given by the Al Khalifa-controlled constitutional court will be used to justify the imposition of the 2002 constitution that had replaced the only contractual agreement enshrined in the 1973 constitution.

Many Bahraini people are now asking: Is this the democracy that is being propped up by Washington? Is this the long-awaited reforms in the Gulf? The people of Bahrain have long ago rejected the absolute dictatorship of the Al Khalifa. The Western powers are well-advised to distance themselves from this pseudo-democracy, stop supporting these dictators and support the people's struggle for democracy, justice and the rule of law.

Rugs R Us

Sheikh Khalifa bin Salman Al khalifa, has been the prime minister to Bahrain for 30 years, before his nephew, sheikh Hamad bin Isa Al khalifa, changed it to a kingdom after unilaterally abolishing the 1973 socially binding state constitution and issuing the 2002 one. The Al khalifas hold 25 out of 48 posts in the rank of ministers (52%). Al khalifa, Al-Saud and Al-Sabah, are called Otoob and are three branches of Anza, a large tribe in the Arabian Peninsula. Al-khalifa, occupied Bahrain in 1783 and since then, have subjected the indigenous people, to all sorts of maltreatments which included forced exile.

Shia citizens represent over 70% of the Bahraini population, yet they have been minoritized and well under-represented. In the government, they represent about 20% of the higher ranking posts (from director up to minister) as per the "Discrimination in Bahrain: unwritten law" report launched by the Bahrain Center for Human Rights. Out of 32 establishments and bureaus covered by the report, there are seven governmental establishments where the Shia citizens do not hold any key posts, among which are Ministry of Defense, and Ministry of Information. In the General Prosecution Office, out of 64 jobs Shia occupy only four jobs (6%). In the Shura Council are there are 64 posts, Shia hold 13 jobs, six of them are drivers. Shia hold no position in the eight key posts (director of directorate, secretary general and assistant secretary general). In the Council of Representatives (Chamber of Deputies) the number of jobs is 108, of which the Shia hold only 39 jobs mainly drivers, office boys, administrative technicians, secretary of a committee and committee technicians. The appointed members of the Shura council are 19 out of 40. In the municipality as well as the parliamentary elections, whose constituencies are sectarian drawn, Shia could not score more than 46% of the seats in the first and 30% in the second. Sheikh Khalifa, a tycoon and a billionaire, has always been commenting on issues related to Shia that they are "Persian rugs, the more you step on them, the better". Such comments, humorously uttered, have been adopted even by those considered young and enlightened. To the surprise, such statement is said before many Western diplomats, including many US officials, who have not shown any rebuke.

Sheikh Hamad refuses to listen to people's demands

The political situation in the country has, once again, been plunged into more confusion after the ruler, Sheikh Hamad bin Isa Al Khalifa, refused to receive the popular petition calling for the reinstatement of the country's only binding constitution of 1973. The petition had been signed by more than 70,000 people and was intended to show the Al Khalifa ruling family their displeasure at the unilateral decision by the ruler to annule the legitimate document and impose his own tailor-made set of rules on the people.

On 17th January 2005, the four political societies which had sponsored the petition last year wrote to Sheikh Hamad asking him for a meeting to hand over the petition. They posted the letter to him and waited for a positive response. Unfortunately, he asked his secretary to write back and inform the societies that Sheikh Hamad did not want to see them. The letter from the palace was received at the end of January and was circulated on the internet. In the letter, the minister

of the palace insisted that the societies had to go through Sheikh Hamad's Shura Council to put their views, and that was the only way to propose any changes to the Al Khalifa constitution. He declined to give a date for the petition to be handed to Sheikh Hamad. The letter was humiliating and derogatory of the societies which represent the majority of the people of Bahrain.

In response, the four political societies decided to post the petition, together with the more than 70,000 signatures to the palace. On 31st January, a box containing the signatures was sent by ordinary post to Sheikh Hamad, together with a letter expressing disgust at the refusal by the ruler to meet them.

The petition was signed last year following the Constitutional conference which was held in February 2004 to commemorate the day when the people's constitution was unlawfully abrogated by the Al Khalifa. As the societies began to collect signatures, the Al Khalifa ordered the arrest of the people collecting the signatures. More than 40 were

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Nested Circles of Absolute Powers

Introduction:

There are many questions as to why the regime has failed to attract the main political forces to its political program. Absolutism in power, the fact the regime doesn't believe in people's role and the need for their true participation in the decision making and running of the state, are among reasons for the failure of the regime and the deadlock of the political situation in Bahrain. In addition, there has been a realization that the ruling family had no intention to uphold the rule of law, respect human rights or grant freedom to political societies. Furthermore, the people of Bahrain are dismayed by the government's dangerous program of demographic change which augmented during the nineties when the constitutional movement was at its pace.

Many protective (to the regime) circles, nested, to ensure that the representation of people is most minimized or nullified. The role of the Elected body in legislation and monitoring, the relationship between the Elected and the Appointed body, the role of the executive body in legislation, the relationship between powers, distribution of Election constituencies (political naturalization) and, above all, the absolute powers in the hand of the head of state, are examples of these circles making it rather impossible for the people to play a major role in democratization of Bahrain. Furthermore, the practice in the continuous curtailment of the civic liberties and abuse of human rights, in addition to the worsening economical situation (poverty, deprivation and hardship) for thousands of Bahrainis, will inevitably cause tremendous upset in the stability of the country unless short (quick) and long term (strategic) genuine plans are activated.

In this short presentation, it will be shown that the regime has made many "nested" circles of obstacles to ensure the absolute power, which is the nuclei of these circles, with minimum influence from people and their representatives. These could be elucidated as follows:

1) Elected body with no yield and without definite means of legislation and monitoring- over ruling executive body:

Due to the limitations laid down by the new constitution, the elected house of Representatives enjoys little room for legislation, yet its effectiveness and performance are poor. This is also due to the fact that such house does not enjoy, fully and independently, the privilege of legislation and monitoring. These are shared with by the Appointed house which was made to ensure weakness of the House's

formation because of boycotting the elections by some of the influential political powers. It is worth noting that After TWO years of convention, this council has not been able to yield a SINGLE law or code.

In spite of the effectiveness of a modest number of members in raising key and important issues within the House and in the press, the House has so far been unable to adopt effective decisions with respect to any of the rights and freedoms issues whether with regard to legislation, control and accountability. So far no laws have been introduced establishing national mechanisms for protection of basic freedoms. Until now the two houses have not been able to adopt any effective decisions related to economic rights, citizens' living conditions or administrative and financial corruption. Nevertheless, the two Houses or some of their members have been involved in practices supporting the executive authority in restricting freedoms and condemning non-government organizations for participating in activities that can be classified as exercise of basic rights (as in the case when the political societies raised the issue of political naturalization and also when BHRC raised the issue of privileges and discrimination). Although there are significant draft laws tabled for the next period by some House members (related to the provision of social security and minimum wage level) and although investigation committees have been formed and are scheduled to submit their results shortly (such as the issue of GOSI and Pension Fund Commission funds and issue of political naturalization), there are still doubts that there could be results leading to real changes owing to the poor structure and powers of the House compared to the continuous domination of the executive

S. Hamad refuses: *Continued from P2*

detained unlawfully, forcing the societies to stop collecting the signatures.

The societies have now decided to hand the petition to the ruler as they prepared for a second constitutional conference at the middle of February. The political ball has now started rolling, and is likely to cause acute embarrassment to the Al Khalifa whose reputation has been severely undermined by last year's momentous events that led to unlawful arrests and maltreatment. It is time for those promoting democracy and freedom in the world to focus on the absolute dictatorship in Bahrain

authority.

The articles of new constitution are tailored in such manner to ensure that what ever the quality of the members of the parliament and their political background, the elected body cannot secure an outing of legislation, without the consent of the executive (state) body. This could only be done when the executive body passes the legislation, through its mechanism of approvals (examples: articles 92, 83, 87, 109 of new 2002 constitution), or proposes a legislation

The National Council has become unable to put forward a no-confidence motion against the Prime Minister. The Council proposes legislations but it is drafted by the Government, which gives it the upper hand to delay and manipulate the format and wording of the legislation.

2. Appointed body sharing legislation and monitoring responsibilities

According to the new constitution, legislation is not a privilege to the Elected body, but also shared with by the Appointed "Shura" council. All legislations, proposed by the representatives, the government or the king, must be scrutinized and approved by the Appointee. This is in addition to their privilege to legislate, no legislation can pass without the appointee's consent.

3. No segregation of powers; Judiciary System as means of repression

An independent and neutral judiciary is the last resort for rendering justice especially in view of the strength of the executive authority that dominates the executive authority. With the existence of laws that restrict freedoms, the judiciary is not only unable to play its role in protection and rendering justice with respect to infringement of rights and freedoms but becomes an effective tool used by the executive authority to tame the non-government forces and to penalize members of the opposition. Therefore, we find that the court cases filed against the executive authority or its staff members were not admitted or achieve any real results until now . On the other hand, the executive authority used the tough laws and judiciary to rein in the local press as well as bringing pressure upon those who lend their support to cases of administrative and financial corruption . The same applies to the role played by societies and activists

4. Mal distribution of Election constituencies

Electoral Constituencies are produced by Royal Decree and not by a law, as it used to be in 1973 election. Furthermore, the constituencies were produced on sectarian, tribal and other basis, but not on International Standards which preserve of all citizens and treat them equally.

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The constituencies were formed to enable majority winning of pro regime and minimize those who are not considered to be "loyal". The southern constituency of not more than 2000 people are represented by one, whereas the same representation is given to an northern constituency of 13000 citizens. The Southern Governorate, not more than 13000 voters (most of them newly naturalized), are represented by 6, whereas the Central or Northern Governorates of 72 thousands eligible voters are represented by 8.

Such way of setting out constituencies not only treats citizens unequally in the voting power, it also assumes no equality in the value of representatives.

5. Political Naturalization

The State started giving out nationality to tens of thousands of people from specific sect and background, without an effective need for it (they already have a nationality), and use them to manipulate election results, and employ them in state security establishments (interrogation, torture, riot police, etc). Evidence have shown that the regime have used the politically naturalized in the voting for the National Action Charter as well as the municipality and Legislative Election, to ensure support for pro regime candidates.

6. Al-khalifa and the constitutional Monarchy

The basis of the National Action Charter is to employ the concept of the constitutional monarchy, which necessitates the existence of a royal family rooted to the king and his descendants of the virgin son. No member of the royal family should be engaged in any official post. Al-khalifa, Royal Family after 2002 constitution, represents not more than 0.5%, yet they possess about 60% of the official posts in the Government (Director and higher)

7. Continuous abuse of human rights

The Bahrain Constitution is glorified by a number of freedoms and rights, but leaves their regulation to the law, which makes laws, how bad they become, to have a constitutional basis. Many of the enacted laws were legislated in absence of an elected legislative body when there was no democracy and violate the principles of the Constitution itself. These laws, especially those related to basic rights, came to restrict freedoms, give a free hand and absolute power to the executive authority. Of the laws that are still in force there are the Penal Code promulgated in 1976 and its amendments enacted in 1982, and Societies Law No.21 of 1989. In fact, the laws introduced by the government post Charter period are of the same nature. It includes the new Press, Printing and Publication

Law no 47 as well as Impunity Codes of 2002.

8. economical situation (poverty, deprivation and hardship)

As per the Poverty Report for the Bahrain Center for Human Rights issued on 24th September 2004, half of the Bahrainis endures poverty dreadful financial situation. The official figure for the poverty line is \$817 (Bahraini Dinar 309). There are over twenty thousands families (about 80 thousand individual) whose income do not exceed \$817. There are thousands of citizens lack proper housing, moreover, the unemployed, the underpaid and those receiving financial assistance, are not qualified to benefit from the housing services. 44 thousands of low income families wait as long as 12 years.

Irrespective spread of poverty and deprivation, Bahrain Monetary Fund statistics shows the existence of 5200 rich with an average income of 4.2 million dollars, exceeding the world record of 3.8 million dollar. The same study shows the private wealth in Bahrain ranging between 20 and 30 billion dollar.

Bahrain is proud of its record is freedom of investment and nullification of tax on income and interests.

On contrast, there are over 23 instances in which the State exerts fees on citizens in return for its services. These include, municipality services, mandatory vehicle inspection, issue or renew of identification cards (passport, personal identification, central population record (CPR)), construction fees, extending water and electricity services, certificate endorsements, pension fees, documentation, etc). Irrespective of the strength of the economy, the deterioration of the citizens financial situation is attributed primarily to the mal distribution of the financial resources, waste of public funds, corruption, improper planning, and the policy of flooding the market with cheap labour, which represents 60% of the labour force.

Protests Against Torturers

Victims of torture have carried out several protests in the past few weeks, demanding that torturers be brought to justice. The protests have been organized by the National Committee of Torture Victims which is a popular group formed by the victims. The protests were held outside the Government House and at the gates of the Al Qal'a prison where horrific torture methods were practiced. The protests are expected to continue for few more months.

concluding remarks:

The regime couldn't convince the opposition of its program which could fruitify by popular participation in the political life. In contrary, the regime was successful in sending strong signal about its plan to change demography of the country through the notorious plot of "political naturalization". It has delivered a revolting impression about its disrespect to human rights and its support of all sorts of discrimination and abuse of power.

The regime, and its allies, have to take the above concerns very seriously This could be done by:

1- Immediate action, in parallel to a long term plan, has to be made to alleviate the poverty and economical hardship. These would include introducing a social security scheme for the unemployed, underpaid, disabled, elderly and homeless, as well as employing Bahrainis in the State security establishments (Ministry of interior, Ministry of Defense and the National Guards) and replacing the non-Bahrainis in them.

2- Fighting all forms of corruption and stopping flow of public funds to the pockets of the tycoons in the country, starting by the prime minister, who has been in this post for over 30 years and responsible for all the corruption, poverty and unemployment, degradation in the human rights values and freedom of expression. It is under his government which was responsible for the set back in all these issues over the last period and a call for his prosecution and retirement is a must to enable process all development schemes in the country.

3- Reversing naturalization (those politically naturalized and without fulfilling naturalization requirements) with consideration to the human rights of those naturalized in this manner.

4- Removing the obstructing circles which prevent popular participation in the political life. These would be headed by introducing the necessary constitutional changes to enable full and absolute power of legislation and monitoring to the Elected council with the removal of all legislation hurdles and obstacles attributed to the Appointed (Shura) council, the Executive power or the King.

5- Legislating Election Constituencies by a code and not a royal decree and ensuring a fair distribution of equal constituencies of tolerance governed by international standards.

6- Inaction of the constitutional monarchy as stipulated in the National Action Charter, unanimously ratified in February 2002, which necessitates that members of Al-khalifa belongs to the Royal family and hence should not be engaging a public posts.