

BAHRAIN

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Dramatic failures of Al Khalifa lead to policies of revenge

The recent threats by the Al Khalifa family to use military force against the people of Bahrain are a demonstration of their feeling of alienation following the failure of their political programme. The trigger for these threats was a massive demonstration organized by the largest political group in the country, to highlight the people's demand for a contractual constitution and repeal the one they had imposed in 2002. On Friday 25th March more than 50,000 people took part in the largest ever peaceful demonstration in the country against the Al Khalifa dictatorship. It was considered a referendum against Sheikh Hamad's programme which was imposed by the full power of the government. The following day the whole Al Khalifa establishment reacted angrily and attempted to exhibit determination to quell similar peaceful demonstrations in the future. Sheikh Hamad appeared in the news in his military uniform only to be followed by his son, the Crown Prince in a similar uniform. Officers in the Bahrain Defence Force took the unusual step of pledging loyalty to the Al Khalifa and expressing willingness to use military force against the people of Bahrain. The ruling family ordered other branches of government to follow suit. Their councils issued similar statements, while the newspapers rushed to attack the organizers of the demonstration.

The fear of the Al Khalifa of the people power was further highlighted in their subsequent requests from their allies to issue statements in their support. Both the British and American ambassadors were asked to give statements of support to the regime, which they did, though only cautiously. The Kuwaiti Ambassador in Manama said that the peaceful demonstration was a threat to the whole Gulf Cooperation Council (GCC). He may be right. On 2nd August 1990, the Peninsula Shield forces (the armed wing of the GCC) failed to fire a bullet against the Iraqi forces which invaded Kuwait. It proved its total ineffectiveness as a military force, and the Kuwaiti ambassador confirmed that the GCC could be threatened by anything, even a peaceful demonstration with a local agenda. The whole episode was described by a western diplomat in Manama

as "pathetic". The people of Bahrain are now poised for more threats and possibly reprisals for snubbing Sheikh Hamad's political programme. The ruler assumed that he would get a hero's treatment for his ill-fated policies, having marginally and briefly lifted the emergency laws.

Today, the country is governed by new and more serious draconian laws that will have to be comprehensively defeated if a degree of normality is to be achieved. The Press Law, the Societies Law, the Law of Congregations, Law (Decree) 56 which shields torturers and now the proposed law against terrorism (which exploits terrorism issue to punish the whole society), are indicative of the repressive nature of the Al Khalifa ruling family. Over the past two years, they have adopted old-style methods in dealing with the rising opposition, especially among the youth. What has become a source of serious worry to the ruling family is the rising militancy within the new generation, while the elderly political and religious figure are becoming less effective. The rising oppression by the Al Khalifa has led to a state of hopelessness, especially among the unemployed, while member of the Al Khalifa and their allies have blundered the wealth of the country. The past year has witnessed a steep rise in unlawful arrests, maltreatment and revenge by the ruling family. The arrest of Abdul Hadi Al Khawaja, the Director of the Bahrain Centre for Human Rights, and the dissolution of the Centre was testimony to the inability of the Al Khalifa to co-exist within an environment of freedom of expression and free choice. It was possibly the most significant single incident that had eroded any faith in Sheikh Hamad's programme. It was a shock to everyone, inside and outside the country, who had originally believed in those "reforms".

Then came the arrest of three young people because of their work in a website that has allowed a degree of freedom of expression. Bahrainonline has, over the past four years, become the main forum for criticism of the Al Khalifa's policies, and had attracted more visitors than those who read the regime's discredited media. Their arrest led to an international outcry against this flagrant attack on freedom of

expression. The situation was exacerbated by a serious event at the University of Bahrain, which is headed by a member of the Al Khalifa family. Maryam Al Khalifa, who obtained her degree through a distant learning programme from Cairo, took her revenge against a notable scientist for lobbying for the Bahraini people in London and Washington. She became so wild in her reaction that she could not comprehend the situation in the same way as the team she had instructed to investigate the case did. Being a member of the despotic regime, she issued an order demoting Dr Al Singace from Head of Department to an ordinary lecturer.

What added to the fury of the Al Khalifa was their comprehensive defeat in Geneva in early March, when the Committee investigating Racial and Religious Discrimination in Bahrain rejected the Al Khalifa's report on the issue and adopted that submitted by representatives of the people. The decision by the panel of experts has confirmed the fact that the Al Khalifa is an evil regime that adopts discrimination as a political tool against the native people of Bahrain. It was a devastating verdict to their dictatorship, and one that is expected to have a long-lasting effect on the relations between the people of Bahrain and this dictatorial regime. Now, they are embracing themselves to a potentially more devastating outcome in Geneva when the Committee responsible to oversee the implementation of the Convention Against Torture (CAT) reviews the case of Bahrain in May. The Al Khalifa have only one option to save their skin; the repeal of Law 56 (2002) which shelters those responsible for the horrific crimes of torture. The problem is that these criminals include some senior members of the Al Khalifa, and thus their limbo continues. The situation in Bahrain is thus becoming more volatile following the collapse of Sheikh Hamad's programme and the decision by the people of Bahrain to adopt programmes of civil disobedience to bring their case to the attention of the world. It is yet another classic case of struggle between good and evil, and surely the evil must not be allowed to win.

UN set to study Bahrain report

In addition to the Government's report, a shadow report will also be submitted by the Bahrain Centre for Human Rights and the National Committee for Martyrs and Torture Victims.

By ROBERT SMITH

A UN committee will sit in May to discuss whether Bahrain is meeting its obligations under an international torture treaty. The 34th session of the UN Committee Against Torture will take place from May 2 to 21 in Geneva and consider reports from Albania, Bahrain, Canada, Finland, Switzerland, Togo and Uganda.

Bahrain is obliged to submit a report, having acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in March 1998.

A shadow report will also be submitted to the UN by the Bahrain Centre for Human Rights (BCHR) and the National Committee for Martyrs and Torture Victims.

The BCHR has been dissolved in Bahrain, but is continuing to function on the international level having been licensed in Scandinavia.

The UN committee will examine both reports before issuing observations, findings and recommendations to the government.

Bahrain submitted its official report last May, while the unofficial shadow report is due to be forwarded to the committee in the coming days.

"We are working on the last stages of our shadow report," said Nabeel Rajab, who was BCHR president when it was dissolved last September.

"It will be submitted in a few days and has been compiled with the help of two international organisations."

When Bahrain acceded to the Convention in 1998 it did not accept paragraph one of Article 30.

The rejection prevents the International Court of Justice from considering torture disputes that can't be settled through negotiation or arbitration.

However, the shadow report criticises Bahrain for failing to implement other articles of the convention that it did agree to.

This includes Article 14, which guarantees that a victim of torture "obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible".

It also states that compensation should be paid to relatives of someone who died through torture.

However, a Royal decree issued in Bahrain in 2002 grants immunity to police officers accused of abuses before February 2001.

A Bahrain delegation led by Labour Minister Dr Majeed Al Alawi travelled to the UN, in Geneva, last week to discuss a similar report on the country's efforts to tackle racism.

UN experts also received a shadow report from human rights activists and are due to announce their recommendations later this week

Condemnation of attack on freedom of expression

In early March, three young writers were arrested and charged with offences for peacefully expressing anti-government views. The three, Ali Abdul Imam, Hussain Yousuf and Sayyed Mohammad Al Mousawi, were detained for two weeks before they were subsequently released under international and local pressures. While in detention several organizations condemned their arrest. The Bahrain Centre for Human Rights issued an Urgent Appeal for their unconditional release. So did The Committee to Protect Journalists in New York and Journalists Without Borders. The following is the latter's statement:

Blogger and two technicians detained

New York, March 11, 2005—The Committee to Protect Journalists condemns the prolonged detention of an Internet writer, also known as a Web logger, or blogger, and two technicians working with him. According to sources in Bahrain, prosecutors in the capital, Manama, summoned Ali Abdel Imam on February 27 and detained him. Abdel Imam is the founder and editor of www.bahrainonline.org, which features a blog with commentary about Bahraini news, as well as a discussion forum. Two technicians who worked on the site with Abdel Imam, Mohamed al-Musawi and Hussein Yousef, were arrested on March 1. Ahmed al-Arayed, Abdel Imam's lawyer, told CPJ that prosecutors have charged the three men with violating the press, communications, and penal codes. Al-Arayed said that prosecutors have not pointed to any specific violations, but that they claim that

Abdel Imam facilitated the publication of discussion forum.

Al-Arayed said that Information Ministry, which banned the site in 2002, is behind the complaint. Visitors to the site have been able to access it through proxies since the ban.

Despite political reforms undertaken by the government in recent years, authorities have imposed news blackouts on the press, criminally prosecuted journalists, censored foreign publications, censored political Web sites, and prosecuted a human rights activist.

"With these arrests, Bahrain has taken another step backward in its respect for freedom of expression," said CPJ Executive Director Ann Cooper. "Abdel Imam and his colleagues should be released immediately, and the charges against them should be dropped."

Reporters Without Borders Call for immediate release

Two other moderators of the Internet discussion forum Bahrainonline - Mohammed Almosawi (right), 21, and Hussain Yousif (left), 23 - were detained today after going to the police in Manama in response to a summons. The first Bahrainonline moderator to be arrested was Ali Abdulemam, on 27 February. Reporters Without Borders condemns the arrests and calls for all three to be freed at once.

Detainees on hunger strike

13 March 2005

The three prisoners of conscience, Ali Abdulemam (27 yrs old), Hussain Yousif (24 yrs), and Mohamed Al Mousawi (22 yrs), are on a hunger strike starting from yesterday 12th March 2005, demanding their own release, move to a better hygienic cells, and stop criminalizing their status; they want to be treated as prisoners of conscience, rather than criminals. The three detainees are held in Al Hoora Police Station which is known to be dirty, unhygienic, and full of cockroaches and other insects. The place is not suitable for the three as they suffer from allergy and asthma.

The above three individuals were detained on 27th & 28th of February by Bahraini authorities for their critical writings and comments that were published on the internet forum, www.bahrainonline.org. Their writings were critical of the government performance, policies, and reforms. The forum was blocked by the authorities since 2002. The three young men are also technical administrators (webmasters) of the forum. They were remanded in custody for 15 days while an investigation is carried out. Ali Abdulemam is scheduled to appear before the Public Prosecutor today as he has completed the 15 days in custody. The Public Prosecutor may extend his detention while under investigation. The three could face up to 10 years in prison if convicted.

The supporters of freedom of expression in Bahrain organized several protest and rallies calling for the release of the three prisoners of conscience in the last two weeks.

Al Wefaq under threat after peaceful demonstration

On Friday afternoon (March 25th, 2005), Alwefaq held a public rally demanding constitutional changes which ensures that the elected council to have exclusive legislative and oversight and limit the role of the appointed council to consultation.

In Sitra area, south of Manama, the capital of Bahrain, tens of thousands participated in a two-kilometer-long rally, holding three huge, and hundreds other, Bahrain national flags, and chanted with national slogans and asking for constitutional reforms. The rally, lasted for two hours from the starting time of 3:30pm, was characterized by its order and high level of organization.

As per Bahrain Minister of Information: "Al Wefaq will "face legal action", but did not disclose the nature of the sanction. He said that the rally was illegal, and that although the Ministry of Interior had informed Al Wefaq about the situation, the demonstration was not cancelled. "The legal experts will inform us about the nature of the action that will be taken against Al Wefaq," he said. It is expected that such penalty will be administered by the ministry of Social Affairs. According to the 1989 Societies Law which grants the minister in charge to take action against societies that violate the law, Al Wefaq could be closed for 45 days. By organizing a rally demanding for progressive constitutional changes is a non-compliance of Al Wefaq with the Ministry of Interior decision and was considered a violation of the Public Gathering Code No 18 of 1973.

One day before the rally, Alwefaq board of directors received an official letter, from the Bahrain ministry of interior, released to the press on the same day, alleging that the rally will be illegal as it violates articles 3 and 4 of Public Gathering Code of 1973. Furthermore, it will induce security threats and challenges prevailing in the region. As per the communiqué of the ministry of interior, the ban decision is also linked with a desire to avoid lapsing into a series of rallies and counter-rallies that could undermine security, disrupt order, hurt people's interests and harm business activities. Article 3 is concerned with the requirements of conducting a public gathering, which Alwefaq had passed to the Bahraini authorities on the 19th of March, and had publicly announced for the rally one week before. It is a customary act of Alwefaq to notify the authorities of all of its public gathering and activities.

As per the 4th article of 1973 Gathering code:" The police general director should

not prevent an a gathering which has met all the requirements stipulated in this code, only if such activity endangers or undermines public interests, security, good behavior or due to any other dangerous reason". According to this article, the Ministry of Interior alleges that Alwefaq has violated the law. According to this article, any public activity which the Security Director foresees, for any reason, that it should not be carried out, he can stop and further deploy all measures and means to prevent.

Alwefaq envisages that this is a waged campaign against Alwefaq from the Bahrain authorities since it decided to stick to

its constitutional right for peaceful rallies and demonstrations asking for true representation of people through restricting legislation and oversight to the representatives and maintaining a consultative role for the appointees. Furthermore, the application of such article is an aggressive attack on the freedom of expression. Preventing people from peaceful ways of expressing their views about the constitution will not help in sustaining stability in Bahrain. It is also expected that rallying by the Bahrainis, in a civilized manner, asking for the legislation to be restricted to the House of Representatives, is something to be respected, cherished and protected by the civilized countries.

Silencing through Job Threats

In move reminiscent of the repressive measures of the 90s and 80s of the past century, the human rights activist Dr Abdul Jalil Al Singace has been removed from his post as the Head of the Mechanical Engineering Department at the University of Bahrain.

The removal is seen by many observers as a politically motivated action in line with the many anti-human rights measures taken by the Government of Bahrain in recent months. The measures have been directed against leading figures who are active in highlighting the deficiencies of the Government's policies in an attempt to silence the opposition.

The removal of Dr Al Singace is considered part of an orchestrated and widespread campaign of clamp down on the writers, politicians and human rights activists.

The Government of Bahrain has again shown incompetence and intolerance in dealing with the pro-democracy movement. The political system has been managing the country from a unilateral point of view, continuously and intentionally marginalizing the people of the country. Such a system is not qualified to march with the country into democratic practice.

The removal of Al Singace from his position as Department Head will not be the end of the story. It has been learnt from previous experiences that the Al Khalifa ruling family will continue increasing its pressure on the opposition figures as they insist on their struggle for the reinstatement of the constitutional rights. This increase in pressure may lead to the eventual dismissal of Dr AL Singace in order to force him to relinquish his political activities and change his views.

The opposition in this tiny country called Bahrain has gained enough experience and wisdom to know that such pressures cannot break the will of the people, nor can it

weaken their desire and determination to fight for political rights.

Only the tyrants of this world fear the words of the free people. Freedom seekers will never be hampered by repressive measures. The expression of opinion and the criticism of the government failures will continue unabated. Truly, the word is mightier than the sword.

Dismissal of a Head of Department at the University for his activities

16 March 2005

The Bahrain Center for Human Rights (BCHR) has received with concern a complaint by Dr. Abduljalil Alsingace, a Bahraini professor at Bahrain University, aged 43, that he was dismissed of his post as head of Mechanical Engineering Department at the University.

The official letter received by Dr. Alsingace yesterday contained no explanations, but the timing and background details make direct connection to the recent activities by Dr. Alsingace, who is a board member of Alwefaq Society and associate member of the Bahrain Center for Human Rights.

Dr. Alsingace has been involved in various activities, including taking role in the protests by the Unemployed Committee and the ongoing campaign for the release of three detainees of conscience who were released on bail two days ago. The BCHR is concerned that the dismissal of Dr. Alsingace is a mean of pressure to hinder his peaceful activities, and calls upon the Bahrain authorities and the Board of directors at Bahrain University to review the decision. The BCHR call upon all concerned national and international figures and organizations to do whatever possible to secure the rights of Dr. Alsingace.

Nabeel Rajab

Bahrain Center for Human Rights

Concerns & recommendations of UN Committee on discrimination

The following are the concerns and recommendations of the UN Committee on the Elimination of Racial Discrimination, in its 66th session (21 February —12 March 2005) in Geneva.

9. The Committee expresses its concern over the representations made by the State party that there is no racial discrimination in Bahrain.

The Committee, considering that no country is free from racial discrimination, reminds the States party that it is required under the Convention to take legislative, judicial, administrative and other measures to give effect to its provisions, even in the apparent absence of racial discrimination.

10. The Committee regrets that the State party has not provided specific data on the ethnic composition of the population, and recalls that such information is necessary to assess the practical implementation of the Convention.

The Committee draws the attention of the State party to its general recommendation IV and VIII as well as to paragraph 8 of its reporting guidelines, and reiterates its recommendation that population data, disaggregated by race, descent, ethnicity, language, and religion, as well as their socio-economic status of each group, be provided by the State party in its next periodic report.

11. The Committee notes that the Basic Law and Royal Decrees, regulations and codes adopted by the State party merely state the general principle of non-discrimination, which is not a sufficient response to the requirements of the Convention.

The Committee recommends that the State party incorporate in its domestic law a definition of racial discrimination that includes the elements set forth in article 1 of the Convention.

12. The Committee takes note of the abolition of the Human Rights Committee which was designed to provide advice to the Head of State and to the executive authorities on a wide range of human rights issues, including those matters relating specifically to the convention. Furthermore, the Committee regrets that there is no national human rights institution in Bahrain.

The Committee recommends to the State party that it consider the establishment of a national human rights institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134).

13. The Committee is concerned over the lack of integrationist multiracial organizations and movements in the State party and in particular over the banning of the Bahrain Center for Human Rights.

In the light of article 2 (e) of the Convention, the Committee requests that the State party permit such organizations and move-

ments and create an enabling environment for such organizations, and encourages it to maintain dialogue with all civil society organizations, including those critical of its policies.

14. The Committee remains concerned at the situation of migrant workers, in particular regarding their enjoyment of economic, social and cultural rights.

In light of article 5 e (i) and of general recommendation XXX on non-citizens, the Committee urges the State party to take all necessary measures to extend full protection from racial discrimination to all migrant workers and remove obstacles that prevent the enjoyment of economic, social and cultural rights by these workers, notably in the areas of education, housing, employment and health. In addition, the State party should provide information in its next periodic report on any bilateral agreements it has entered into with the countries of origin from which a significant or substantial number of migrant workers in Bahrain have come.

15. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the labour code.

In light of its general recommendation XXX and of its General Recommendation XXV on gender related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

16. The Committee notes with concern the reported disparate treatment and discrimination faced by members of some groups, including in particular the Shi'a that may be distinguishable by virtue of their tribal or national origin, descent, culture and language; the Committee is concerned especially about apparent disparate opportunities that are afforded to such groups.

The Committee recommends that the State party ensure that everyone, without distinction as to race, colour, or national or ethnic origin, enjoy the right to work, to health and social security, adequate housing and education in accordance with article 5 e (i, iii, iv and v) of the Convention.

17. The Committee, noting the information provided regarding the acquisition of nationality, is concerned that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman.

The Committee requests the State party to consider the possibility of modifying these

provisions in order to conform to article 5 (d) (iii) of the Convention. In this connection, it draws the attention of the State party to general recommendations XXV and XXX which requests State parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

18. The Committee regrets that no statistics were provided on cases where the relevant provisions of domestic legislation concerning racial discrimination were applied.

The Committee recommends that the State party consider whether the lack of formal complaints may be the result of the victims' lack of awareness of their rights, lack of confidence in the police and judicial authorities, or the authorities' lack of attention, sensitivity, or commitment to cases of racial discrimination. The Committee requests that the State party include in its next periodic report statistical information on complaints lodged, prosecutions initiated and the outcome of cases involving racial or ethnic discrimination, as well as specific examples of such cases.

19. The Committee strongly recommends that the State party ratify the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural rights as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, recognising the close connection to articles 2, 4, 5 and 6 of the Convention.

20. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and urges it to consider doing so.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on further action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

22. The Committee recommends that the State party continue consulting and consider expanding its dialogue with organizations of civil society working in the area of combating racial discrimination, in connection with the preparation of the next periodic report.

23. The Committee recommends that the State party's reports be made available to the public from the time they are submitted and that the observations and recommendation of the Committee on these reports be similarly publicized.

24. The State party should within one year provide information on the way it has followed-up upon the Committee's recommendations contained in paragraphs 12, 13, 15 and 16 (paragraph 1 of rule 65 of the rules of procedure). The Committee recommends that the State party submit its 8th and 9th periodic reports in a single report, due on 26 April 2007.