

BAHRAIN

More scrutiny of the Al Khalifa by the world community

The internationalising of the case of the Bahraini people has taken a leap forward. Last month, two significant developments took place. First came the report by the International Crisis Group which scrutinised the Al Khalifa for their policies of demographic change and called for an immediate halt to this illegal process. Then came the adoption by the Commission of the Convention Against Torture (CAT) of significant recommendations against the Al Khalifa ruling family for protecting torturers. These two new steps by the international community have added urgency to the Bahraini and supplemented to the earlier recommendations adopted last March by the Commission Against All Forms of Discrimination condemning the Al Khalifa for their institutionalised discrimination against the majority Shia population. The case has thus taken new dimensions on the international arena and could prove to be a serious threat to the long-term relations between the people of Bahrain and the Al Khalifa rulers.

First came the debacle of the Al Khalifa dictatorship last March when they tried to continue their deception policies by denying their institutionalised discrimination against the Shia, who are the natives of the land. The Commission Against All Forms of Discrimination rejected their claims outright and adopted the recommendations of the Bahrain Centre for Human Rights. The Al Khalifa are now duty-bound to provide the international community with detailed information as to the composition of the country, the distribution of high offices and general treatment of the Shia. It was a fiasco for the Al Khalifa who recruited some mercenaries to assist them in presenting a false image of the reality. Second came the report of the International Crisis Group which, again, detailed the demographic crisis caused by the decision of the Al Khalifa to change the balance through a process of naturalisation that violated the laws and logic. Sheikh Hamad has been distributing the Bahraini nationalities among tribal allies in various countries in order to cause a fundamental change in the population balance. He issued decrees to "legalise" this crime and adopted an ancient law

which his family imposed in 1963 that gave him power to give Bahraini nationality to anyone he wished. That is an affront to civilised behaviour and a clear attempt to change the historical balance in the country. His aim is to become representative of a majority created by naturalisation.

Third, came in May when the Commission responsible for the administration of CAT decided to review the case of Bahrain. To its astonishment, the Al Khalifa chose to adopt a rhetorical language and ignored the requests of the Commission to provide detailed accounts of whether anti-torture laws have been ratified, whether torture victims rehabilitated or whether torturers brought to account for their crimes. The case has now become more complicated as the Al Khalifa attempt to regain the initiative which they have lost to Bahraini human rights (BCHR) activists. For over four years, they have attempted to "nationalise" every aspect of the civil life by forcing activists to operate within their laws. The Bahrain Centre for Human Rights has opted out of these regulations after the decision by the Al Khalifa to dissolve it. The Al Khalifa-appointed minister of social affairs went as far as accusing the BCHR of committing a crime for participating in the proceedings of the UN Human Rights sub-commissions in Geneva and has threatened to put participants on trial. The Al Khalifa will fail. Despite their attempts to come to terms with regional and international developments, they have hitherto failed to live up to the expectations of the international community with regards to freedom and democracy. They still insist on imposing their laws and curtailing the freedom of the individuals and groups. This is against the spirit of democracy and freedom. The main principle is that every individual is free to act, speak and operate within acceptable norms, without jeopardising public security or threatening social order. This is contradictory to the tribal paradigm that every activity must be sanctioned by the government otherwise it is considered illegal. It needs a long time for these antiquated regimes to

adapt to the realities of the new world which offer people the freedom to choose their own government in accordance with the principle of the right of people to decide their own destiny.

The crisis surrounding the rule of the Al Khalifa is taking new dimensions as disenfranchised citizens opt out of their system. They are defying the laws imposed by the ruling family and acting in accordance to international laws and conventions, adopting civil means and peaceful tactics. In addition to the victims of torture, the unemployed are marching through the streets of Manama demanding jobs and refusing by the orders given by former torturers such as the notorious Abdul Aziz Atiyyat Allah Al Khalifa who was promoted by Sheikh Hamad to head the National Security apparatus. Nothing is known about this system but it is believed that it has in its employment most of the torturers whose punishment is sought by their victims, but are protected by the ruling family.

The civil movement in Bahrain is adopting new ways of exposing their plight to the outside world. On its part, the Al Khalifa family is blundering the country's wealth on deception and employment of international experts to prop up their fledgling policies. Sources at the UN Commission of Human Rights have confirmed that the reports presented by the Al Khalifa to the various bodies had been written by hired experts who would have charged large sums of money. The country's wealth is exploited by the Al Khalifa to counter the people's complaints to the international bodies, while most of the citizens live under the poverty line. It is a shameful episode in a region which is envied for its enormous oil wealth. In light of these facts, the world community is now duty bound to take strong stands against this dictatorship, resist the ethnic cleansing in Bahrain and support its people to achieve a degree of civility in the form of democratic practices within an agreed constitutional framework. Torturers must not be allowed to enjoy the protection of the state and the rule of law must be upheld. Without these, the region could again become less stable and more volatile.

The UN committee against torture: recommendations to Bahrain

In the initial report of Bahrain, the Committee cited as positive developments the political, legal and social reforms on which the country had embarked, including the adoption of the National Action Charter in 2001, which outlined reforms aimed at enhancing non-discrimination, due process and prohibition of torture and arbitrary arrest. The Committee was concerned about the persistent gap between the legislative framework and its practical implementation with regard to the obligations of the Convention. The Committee recommended, among other things, that Bahrain adopt in domestic penal law a definition of torture in terms consistent with article 1 of the Convention; and that it take effective measures to prevent and redress the serious problems commonly faced by foreign workers.

Bahrain

Among the positive developments in the report of Bahrain, the Committee cited the political, legal and social reforms on which the country had embarked, including the adoption of the National Action Charter in 2001, which outlined reforms aimed at enhancing non-discrimination, due process and prohibition of torture and arbitrary arrest; the promulgation of the amended Constitution;

the creation of the Constitutional Court in 2002; the establishment of the new bi-cameral parliament; abolishing the jurisdiction of the State Security Court over offences against internal and external security of the State; repealing the State Security Law; the withdrawal of its reservation to article 20 of the Convention; and reports that systematic torture no longer takes place following the 2001 reforms.

The Committee was concerned about the persistent gap between the legislative framework and its practical implementation with regard to the obligations of the Convention; the lack of a comprehensive definition of torture in the domestic law as set out in article 1 of the Convention; the large number of allegations of torture and other cruel, inhuman or degrading treatment or punishment of detainees committed prior to 2001; the apparent failure to investigate promptly, impartially and fully the numerous allegations of torture and ill-treatment and to prosecute alleged offenders; the inadequate availability in practice of civil compensation for victims of torture prior to 2001; lack of access by independent monitors to visit and inspect places of detention without prior notice; and the rejection of the House of Deputies in March 2005 of the establishment of an independent National Human Rights Commission.

The Committee recommended, among other

things, that Bahrain adopt in its domestic penal law a definition of torture in terms consistent with article 1 of the Convention; respect the absolute nature of article 3 in all circumstances and fully incorporate it into domestic law; consider steps to amend Decree 56 of 2002 to ensure there was no impunity to officials who had perpetrated or acquiesced in torture or other cruel and inhuman or degrading punishment; ensure that any measure taken to combat terrorism, including the draft law, be in accordance with Security Council resolutions; fully ensure the independence of the judiciary; and consider adopting a Family Code including measures to prevent and punish the violence against women.

Also, the Committee recommended that Bahrain ensure that all detained persons had immediate access to a doctor and a lawyer, take effective measures to prevent and redress the serious problems commonly faced by foreign workers; consider the establishment of a national human rights institution in accordance with the Paris Principles; and remove inappropriate restrictions on the work of non-governmental organizations, especially dealing with issues related to the Convention.

The Desert Boy From Behind the Sun

May 05, 2005

On Thursday May 5th, The Institute for Gulf Affairs in conjunction with the Bahrain Center for Human Rights hosted a seminar on Political Reforms in the Gulf Cooperation Council at the offices of The Carnegie Endowment for International Peace. The featured speakers were Joe Stork from Human Rights Watch and the President of the BCHR, Abdul Hadi Al-Khawajah.

The seminar was moderated by Ali Al Ahmed, Director of the IGA, and Hussein Abdullah, Associate Fellow at IGA spoke on the prospects of civil society in the Middle East. Among the attendees were journalists, academics, human rights activists and at least one internet blogger.

The main aim of the seminar was to highlight the role of the United States in guaranteeing serious reform in the Middle East. The participants believe that the governing families of the region will respond to American pressure more readily than to their own people. They believe, as most activists and this blog do, that a better informed policy by the United States' government could turn the tide toward a political system where the citizens may participate in good faith. At current, US Regional Policy is considered a "Catholic Marriage", where Washington turns a blind eye to human rights abuses.

Al Khawajah spoke of the situation in Bahrain, giving a synopsis of the democratic reform and how most Bahrainis have felt that the situation has not improved since 2002. He outlined how the imbalance in the distribution of wealth in the tiny island kingdom has resulted in a disappearing middle class. Most academics and policy makers are near unanimous in stating that a nation's stability is strongly tied to the presence of a secure middle class. He high-

lighted how the judicial system in Bahrain has not changed any laws from the previous era, even though reform was a stated goal of a resurrected constitution.

He also outlined the activities of the BCHR, whose activities are still under government suspension. Groups "inspired" by the BCHR are at work educating Bahrainis of their rights, ways to become more active, how to protect their rights and those of the unemployed, prisoners of conscience as well as those of migrant workers.

The IGA speakers gave some background to those who are less familiar with the region. Ali Al Ahmed mentioned how the GCC states are most suitable for democratization because of high literacy rates, a large middle class (excluding Bahrain's shrinking one) and a burgeoning young population to whom new concepts are most easily translatable. He mentioned how the liberation of Kuwait from Iraqi occupation was a prime example of how the US government missed an opportunity to change the political landscape. "They could have asked for anything, the Emir would have given you his underwear!"

Hussein Abdullah added that elements of political activism are sprouting all over the Gulf. In Kuwait, there are reports of women who participate in 'diwaniya', which are usually an-exclusively male domain. Up until then, they were left to 'women and children' only 'majlis'. In the UAE, programs exist to foster a national identity among the citizens of individual emirates. In Oman, Sport Clubs are actively pursuing members who would do volunteer work and community service projects. There is a youth movement in the Gulf, one that is increasingly more concerned with the quality of their lives rather than how much money they can

make and what impressive toys they can scramble to gather. Yet, when these elements of activism grow, the reactionary natures of the local regimes come into play. He cited the arrests of bloggers and the threat of closure of Al-Wefaq after it organized April's rally in Sitra, as examples of how the region came short of possessing a truly 'Civil Society'. Events like these reinforce the old perceptions of how even so much as talking about politics would exile to one to the region 'behind the sun', a local euphemism for those who have mysteriously disappeared.

Joe Stork, of Human Rights Watch, was especially concerned how Bahrain's reputation as the "poster child" for democracy in the region is one that it does "not entirely deserve". In his opinion there are no effective freedoms of speech, association or assembly. He pointed out Al Khawajah's case which demonstrated the existence (if not the location) of a "red-line". Even if he was wrong in what he said, he ought to have his right to say anything protected from government intervention. Stork also called into question the status of a judiciary that is not independent of external forces.

The panelists were unanimous in asserting that US pressure would hold the regional monarchs more accountable. It is the only remaining entity that can guarantee that serious reform occurs in the region, economically, politically and socially. It also guarantees the emergence of a 'Civil Society', one that can be a productive participant in the world economy. Abdul Hadi did go on record as saying that he would not want foreign interference, but realized there was little alternative.

A Q&A session was held afterwards and many issues were brought up such as the perceived factions within the Al-Khalifa Royal Family, Al Khawajah's incarceration, the possible role of the EU, family laws, the threat of Islamists achieving power and the Labor Reform Initiative by Bahrain's Crown Prince Shaikh Salman Ibn Hamad Al Khalifa.

'MODEL' Bahrain stumbling on its way to democracy

By Georgie Anne Geyer Fri May 13, 8:06
PM ET

WASHINGTON -- Last year about this time, I traveled to the Persian Gulf to see what President Bush's "democratization" in the region was all about. And when I visited Bahrain, an island city-state of fewer than a million people, I was pleasantly surprised.

The wife of the progressive young ruler, Sheikh Hamad bin Isa Al-Khalifa, was going from village to village to push women's rights -- an unheard-of action. The leader of the small country -- always torn between its Sunni royal family of some 3,500 members and its poor Shia, who generally sympathized with the more radically fundamentalist policies of Shiite Iran -- had, in 1999, established a national action charter that gave all Bahrainis the right to "political participation."

It seemed to get only better. Sheikh Hamad, a hereditary ruler in the Gulf tradition, in 2002 released all (mostly Shia) political prisoners, encouraged exiles to return, established a parliament of two houses, one appointed and one elected, and began an independent press. And then he changed his own title from the Eastern "emir" to the Western "king." This dramatic change symbolized that Bahrain could become, as it developed, a country where royal power would be constrained by elected bodies, where the prime minister would be elected rather than appointed.

President Bush, in his often impulsive policies to push immediate change in the region regardless of realities, enthusiastically gave Bahrain the official status of a "major non-North Atlantic Treaty Organization ally." The American president had his "model."

"Now we call him the 'king,'" Dr. Muhammad Abdul Ghaffar Abdulla, the distinguished minister of state for foreign affairs, explained to me last year as we sat in his elegant office in Manama, the capital. "The main thing is that this means you have a parliament -- it gives people fundamental rights. Right now, the king has the authority to dissolve parliament, but I don't rule out someday also having an elected upper house. But we need some years to structure our democracy -- it is still an infant. Every day, we are learning democracy."

Yet others who were also enthusiastic about the changes, such as prominent newspaper editor Mansour Al-Jamri, an exile whom King Hamad personally encouraged to return, commented to me, "The king has the power of an elected president but the safeguards of an inviolable king."

But, he solemnly added, "Nobody can deny we are better off than we were -- nobody."

Very well. But only a year later, what is the status of that initial hope?

Sadly enough, it seems that the "Bahrain model" has, perhaps temporarily, gotten stuck in those interminable mental sands of the Middle East.

With the people demanding more -- now -- instead of putting up with a gradual, but smooth, transition, the king has re-arrested many people, halted further democratization with the parliament (which he already totally controlled), and hesitated at further press and Internet freedom. What seems to have happened is what I have seen in so many developing countries: There is a "spring" of freedom, but when it comes to a ruling group (in the Middle East, these are usually minorities) giving up power, they can't, or won't, or don't.

It shouldn't seem surprising. In these countries there is no mechanism for an outgoing president or leader to be anyone of consequence, or even to be safe from prosecution or threats to himself and his family. As Habib Ben Yahia, the brilliant former foreign minister of Tunisia, said to me once, "Be patient with us -- we have no

tradition of the winner respecting the loser."

The Wall Street Journal last week ran a comprehensive front-page story about Bahrain's dilemma by correspondent Andrew Higgins.

"Spooked and divided by popular pressures they helped uncork," he wrote, "Bahrain's rulers are now wrestling with opponents who want real power, not just an easing of repression."

He quoted Sheikh Mohammed Bin At-eyatalla Al-Khalifa, president of the Royal Court, as saying, "Those in power worry that they will lose everything. Those out of power think they will get everything overnight."

Adding to the paradoxical frustration, Higgins wrote, is the fact that the technologization of the government needs for modernization of the economy, such as the Internet, have destroyed its ability to control public debate.

In the end, Bahrain IS a model. Its conundrums are also those of Egypt, Tunisia, the Palestinians, Lebanon, Morocco and many more Arab/Muslim countries. Such are the complicated mazes that America's sunny and optimistic president cannot bear to contemplate.

Bahraini bloggers fall foul of government

Jane Kinninmont in Manama
The Guardian, Wednesday May 25, 2005

Three Bahraini bloggers are facing criminal charges, including defaming the king, for running a web forum that allows free political debate.

Ali Abdulemam, who founded Bahrain's first website, BahrainOnline.org, in 1999, was arrested along with the site's two other moderators.

Although the state telecoms' monopoly has been trying to block it since 2002, Bahrain Online is the country's most popular website. It has has 26,000 registered users.

The Gulf state's technologically literate youth have become adept at accessing the site (which is hosted in the US) through proxy addresses.

Many of Bahrain Online's contributors attack what they see as government repression, corruption and religious discrimination.

The three were arrested earlier this year, and detained on five charges including "inciting hatred against the government".

They were later released, but still face charges. Bahrain is witnessing unprecedented calls for more democracy. But the authorities want more control over new media.

This month, the government said bloggers had to register with the ministry of information - and has even proposed a bill to regulate the use of Bluetooth technology on mobile phones.

The lawyer for the three accused said the

charges against them were based on articles they did not write, something a government source also confirmed.

Mr Abdulemam said: "I hadn't even seen the postings they [the authorities] showed me but I could face up to 10 years in prison just for publishing a website."

Caught in the Net: Bahrain

*A short commentary published on Foreign Policy website**

Bahrain trumpets itself as one of the Middle East's most wired countries. But some Bahrainis are fuming after their government recently shut down two popular Web sites whose discussion forums contained criticism of the current regime.

On one forum, www.bahrainonline.org, which received about 200,000 daily hits, users had made allegations of state corruption. The government's response? "There are no limits to freedom," said King Hamad bin Isa al-Khalifa, "but this freedom should be based on patriotism." FP invites readers to suggest incidents in which a government, corporation, or any organization is involved in a unique technological abuse at caughtinthenet@CarnegieEndowment.org.

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International Cry Against demographic change

International Crisis Group
Middle East Report N°40, 6 May 2005
EXECUTIVE SUMMARY AND RECOMMENDATIONS

A little over four years after Sheikh Hamad bin 'Isa al-Khalifa announced a sweeping reform plan, Bahrain's fragile liberal experiment is poised to stall, or, worse, unravel. The overlap of political and social conflict with sectarian tensions makes a combustible mix. If steps are not urgently taken to address the grievances of the large and marginalised Shiite community -- as much as 70 per cent of the population -- Bahrain, which is often touted as a model of Arab reform, could be in for dangerous times. The U.S., which has extolled Bahrain's reforms and is the country's principal benefactor, should moderate its praise, urge the government to see through what it started in 2001 and find ways of raising the delicate issue of sectarian discrimination

Bahrain's problems go beyond sectarian discrimination to include protracted conflict between government and opposition, mounting unemployment, high rates of poverty, and a rising cost of living: establishing a stable political system requires altering relations between government and citizens as a whole

The government recently has taken steps to repair what was once a dysfunctional autocracy. Still, it so far has failed in two important respects. First, reform has been uneven, leading many domestic critics to view it as an attempt less to establish a new political contract between rulers and ruled than for the royal family to formalise and institutionalise its grip on power. Secondly, it has done virtually nothing to tackle sectarian discrimination and tensions. Indeed, the latter have been exacerbated, as the majority Shiite community feels increasingly politically marginalised and socially disadvantaged

Bahrain's Shiites also suffer from, and are angered by, widespread suspicion among officials and Sunnis regarding their national loyalty and ties to co-religionists in Iraq and Iran. These views stem from misconceptions regarding relationships between the Shiites' spiritual and political leaderships. They ignore the broader trend over the last two and half decades, which has seen the country's sectarian tensions fuelled far more by local political and social frustration than by national religious irredentism

Of greatest concern today are increasingly aggressive moves by the government, which more and more resorts to police tactics and authoritarian measures to maintain order. At the same time, the moderate Shiite leadership's control over

more confrontational elements within its community is showing signs of wear. While some opposition members advocate reconciliation, others are pushing for a more dramatic showdown. As this dangerous dynamic sets in, government and opposition moderates may lose their tenuous hold on the situation. Both need to act quickly to prevent this from happening

RECOMMENDATIONS To the Government of Bahrain

End discriminatory practices against the Shiite community by

- (a) ceasing manipulation of Bahrain's demographic makeup through political naturalisation of foreigners and extension of voting rights to citizens of Saudi Arabia
- (b) halting inflammatory rhetoric that casts doubt on Shiite loyalty and labels the political opposition a sectarian movement
- (c) recruiting Shiites into the Bahraini Defence Forces and domestic security forces in order to diversify their makeup
- (d) ending informal and formal practices that prohibit Shiites from living in predominantly Sunni residential areas
- (e) passing a law that clearly defines and renders illegal religious or ethnically based discrimination
- (f) conducting a national population census that reflects Bahrain's complexity, including information on religion, ethnicity, and socio-economic status and
- (g) creating a national forum in which political associations and government officials can discuss challenges facing the country and the best ways to move forward

Deepen the political reform process by

- (a) redrawing electoral districts to reflect demographic and sectarian realities more accurately
- (b) enhancing the elected chamber's legislative authority by either reducing the size of the appointed chamber to twenty or defining its role as exclusively consultative, as outlined in the 2001 National Action Charter
- (c) granting the elected chamber the power to draft and initiate legislation
- (d) rescinding restrictions on formation of political parties and halting harassment and surveillance of non-violent opposition activities and
- (e) ensuring that appointments to high government office are based on merit and appointing persons who are not members of the Al-Khalifa family to key ministerial positions

Promote respect for the rule of law by

- (a) passing legislation protecting freedom of expression and association, in accordance with international standards;

- (b) ending politically motivated arrests and freeing political prisoners
- (c) ensuring that all citizens and residents of Bahrain, including members of the ruling family, are held accountable for offences such as exploiting public office for private enrichment and
- (d) enforcing transparency in government financial dealings and the financial holdings and interests of all officials of cabinet rank and above

Expand recent efforts to address the worsening socio-economic and unemployment crisis by

- (a) criminally prosecuting employers who hire expatriate labourers with illegal work visas
- (b) broadening opportunities for technical and professional training
- (c) expediting implementation of labour market reforms outlined by the crown prince's office and the business community
- (d) requiring transparency in public and private commercial business transactions and
- (e) privatising land owned by the royal family and making it available for purchase by citizens either with the help of short-term government subsidies or fairly determined market values

To Shiite Community and Opposition Leaders

Deepen participation in the political process by

- (a) cooperating with members of the parliament who seek to resolve the current constitutional and political stalemate
- (b) expanding relations with regime officials, such as the office of the crown prince, who are committed to ameliorating the social and economic pressures that affect the Shiite community
- (c) encouraging unemployed Shiites to participate in government job training programs and
- (d) offering to participate in the 2006 elections on condition that the government redraws electoral districts

Promote non-violent activism and avoid threats of confrontation

Formulate a political platform and agree to a codified personal status law that allows women the choice of using Sharia courts or those of the government

To the Government of the United States
Moderate praise of Bahrain as a model of reform and urge the government to

- (a) bring the 2002 Constitution in line with the 1973 version, restoring legislative authority to the elected branch of the parliament and
- (b) end anti-Shiite discriminatory practices and redraw electoral boundaries to better reflect the country's demographic make-up

Amman/Brussels, 6 May 2005