

BAHRAIN

Issued by the "Bahrain Freedom Movement" to promote human and constitutional rights

Torture rules OK in the kingdom of silence

When the people of Bahrain decided to celebrate the International Day Against Torture, the Al Khalifa regime refused vehemently, and threatened anyone taking part in a proposed peaceful march with severe retributions. That is not new. For the past four decades the ruling family has embarked on oppressive policies that allow repression and torture at every level of the secret service apparatus. The exercise of torture as an effective tool to deal with political opposition was officially institutionalised in 1966 when, under the British rule, the "Special Branch" was created by the then newly-recruited British colonial officer, Ian Henderson. Over those forty years, thousands of Bahrainis were subjected to almost all forms of torture, resulting in death and injury. Torture chambers were built with the most sophisticated torture equipment employing cruel officers: Bahraini, British, Jordanian, Pakistani and Indian.

Men of Torture are well known to their victims despite the attempts to conceal their identities. Evidence of torture is abundant. Mutilated bodies of young Bahraini men and women were photographed and images of cruelty could not be hidden. International human rights bodies were informed and reports were issued. The Metropolitan Police is in possession of evidence of torture especially by Ian Henderson and his faithful student, Adel Flaifel. Despite their initial efforts to bring these two evil people to justice, the Met has hesitated to take any action against the two notorious torturers. Mr Henderson has been visiting UK regularly, sometimes adopting pseudo names, but his identity is known to the Met. It is surprising to see the enthusiasm of the British Government to support one of the most outrageous dictatorships in the world to the extent that they have consistently refused to recognise the right of Bahraini victims to seek political asylum in UK. While Mr Henderson may have retired from his official post, he remains a key advisor to the "new democrats" of the Al Khalifa, who have become more autocratic and sophisticated in dealing with domestic opposition.

Torture is deep-rooted in the psyche of those rulers who are sworn enemies of the natives of Bahrain. Their enmity has surfaced to the open in recent years with their decision to undertake a democratic-

engineering initiative aimed at changing the population balance and turning the natives into a minority. Those who are given Bahraini nationality are carefully chosen from countries and regions known to be breeding grounds for extremism and terrorism linked to Al Qa'ida; Syria, Jordan, Saudi Arabia, Yemen and Baluchistan in Pakistan. The ruler of Bahrain has given himself under the outdated law of 1963 (formulated under the British rule) the right to effectively alter the population balance. The reason is simple. For the past decades the Al Khalifa regime has been described as a minority rule similar to those which had supported by the British in former Rhodesia (Zimbabwe), South Africa, Iraq and Bahrain. With the regimes in the first three crumbling under international move towards democracy, the Al Khalifa were encouraged by the US and UK to take steps to remove the charge that they are a minority government. For the past few years, tens of thousands of foreigners have been naturalised for political reasons and the population of the country has now been irreversibly altered. It is one of the most serious criminal act of ethnic cleansing; albeit in a seemingly benign way. The failure of torture policies over four decades to break the will of the people of Bahrain in their struggle to achieve a degree of democracy has convinced the tripartite alliance comprising the Al Khalifa, the US and UK, to allow this criminal act. It has been an open secret to everyone for the past five years, and despite the cries of the native Bahrainis for help to safeguard their identity and rights, the big powers have remained in alliance with this dictatorship.

As the people of Bahrain celebrated the International Day Against Torture, more than sixty political prisoners remain in the Al Khalifa torture chambers. In the Kingdom of Silence, demonstrations to mark the occasion were banned, while torturers roam the country and enjoy the protection of the western-supported dictatorship. Victims of torture have been left to lick their wounds, conduct their lives in misery and poverty while the suckers of the nation's wealth continued their repression and dictatorial rule. The Al Khalifa are the most vicious ruling family

in the region, but have enjoyed un-wavering support from London and Washington. When human rights activists approached agents of the Al Khalifa for permission to organise a demonstration on the occasion on 26th June, they were rebuffed and threatened with more torture if they did not keep silent. Sheikh Hamad himself has offered medals of the highest ranks to Ian Henderson, Adel Flaifel, Abdul Aziz Atiyyat Allah and others who have tortured the people of Bahrain over the past forty years. They have been sheltered by the controversial Law 56 that offered them "amnesty" from prosecution. Last year the UN Committee in charge of monitoring countries who had signed the Convention Against Torture, demanded that the Al Khalifa regime stop sheltering torturers but their call have fallen on deaf ears. While Bahrainis languish in torture cells for their pro-democracy activities, these torturers roam freely as "advisors" to Sheikh Hamad and his clique.

Bahrain is now an official member of the UN Human Rights Council. While that is a privilege, it also exposes the policies of those countries to the scrutiny of the international community. The Al Khalifa must be held to account for their evil actions against the people of Bahrain, the Gulf islands that had been occupied by their ancestors two centuries ago. Last month, international human rights bodies such as Human Rights Watch, Amnesty International and Article 19, issued statements and sent letters to the ruler protesting against proposed legislations effectively banning public gatherings that are not in favour of the Al Khalifa. More draconian laws are under consideration including Law of Terrorism that makes possession of anti-Al Khalifa leaflets a crime punishable with death. The Press Law had already been condemned by those who had seen it. The country is thus being transformed into a fiefdom ruled by a corrupt dynasty whose strength is derived primarily, not from the people's support, but from London and Washington. We urge freedom loving people in these countries to urge their governments to stop supporting this corrupt regime, help the people of Bahrain in their quest for self-determination and bring the bleak era of the Al Khalifa dictatorship to an end. This hereditary dictatorship is simply out of step with the modern age, both in spirit and practice.

Battles in Geneva for Bahrain's human rights

Battles were fought in Geneva between representatives of the Bahraini people and those representing the Al Khalifa ruling family. As the first session of the Human Rights Council got underway, both camps decided to internationalise the human rights war to beyond the borders. The Al Khalifa dispatched their highly-paid mercenaries to deceive the world of their good behaviour, equipped with all that the state can offer. On the other hand, representatives of the people, and defenders of human rights uncovered to the world a catalogue of human rights abuses by the Al Khalifa hereditary dictatorship as it sought to silence opposition and change the demography of the country. Sources at the UN Human Rights Council inaugural meeting have confirmed that the presence of Bahraini human rights activists has greatly undermined the position of the Al Khalifa rulers, and they expect a crack-down against those activists upon their return to the country. The Al Khalifa mercenaries in Geneva were extremely embarrassed by the letter signed by representatives of the Committee of the Unemployed and the Families of the Detainees which was

also distributed. The letter presented the grievances of the victims of the Al Khalifa atrocities over the past two years and asked the international body to intervene, urging it to "look into the abuses and set the record straight". The Al Khalifa mercenaries hurried to the UN staff to remove them from circulation. Many copies had already been distributed. The same sources have told the activists that there is no mounting pressure on the Al Khalifa to come out clean with their human rights records or face sanctions. They confirmed that they are in following the situation in the country and are alarmed by the extent of violations despite the claims to the contrary by the ruling Al Khalifa family. Meanwhile international concerns at the spiralling scale of repression have been expressed by several human rights bodies. First came the open letter by Human Rights Watch to Sheikh Hamad reprimanding him for his new laws that curtail public freedoms and concentrate excessive powers in his hands. Then came the joint statement by Amnesty International and Article 19 to the head of the dormant

Shura Council, in which the Law of Public Gathering proposed by the Al Khalifa was battered. The statement listed the following as reasons for its rejection: The definition of 'public gathering' is too broad and open to abuse, the penalties are excessive and disproportionate for speech-related conduct, freedom of association belongs to all persons not just citizens, and the ban on demonstrations for election purposes is unjustifiable. The statement ended the appeal saying: "The right of association is not only an important civil and political right on its own, it is also critical to the proper implementation of the right to freedom of expression. Amnesty International and ARTICLE 19 emphasise that the right to freedom of expression is a fundamental human right which underpins the realisation of other human rights and full participation in public life. We therefore call upon Your Excellency and the Shura Council to consider our concerns on this matter, and to push for these changes to be made to the draft law before it is ratified by the Shura Council".

Internationalising the plight of the people

As the process of internationalising the plight of the people of Bahrain gathers pace, several Non-Governmental Organisations have issued a joint statement calling for the protection of Bahraini activists from the onslaught of the Al Khalifa dictatorial regime. The petition referred to several practices including the arbitrary arrests of Bahrainis by Al Khalifa torturers, the harassment of political and human rights activists, the denial of citizenship to more than 189 Bahraini families while tens of thousands foreigners are naturalised, depriving the torture victims of fair treatment, rehabilitation and justice, blackmailing activists through travel ban or encouraging other governments to harass them when they attempt to enter their countries, and creating serious obstacles to prevent public meetings and gatherings. The Appeal was signed by several NGOs which have opted to act outside the confines of the laws of the ruling family, including Haq Movement, Bahrain Centre for Human Rights, Society of Public Freedoms and Support of Democracy, National Committee for Martyrs and Victims of Torture, Committee of Solidarity with Activists and Detainees of Conscience and others. The Al Khalifa have recently imposed "the Law of Gatherings" which makes it illegal for people to gather in meetings which have not been approved by the ruling family. It is a draconian law that came shortly after Kuwait had rescinded its own law which was imposed in 1979. Unlike Kuwait, Bahrain is being ruled with iron fist policy under Sheikh Hamad who has imposed the worst political, ethnic and sectar-

ian rules since the his ancestors occupied the islands in 1783. Several international bodies have expressed disbelief that such draconian law be issued in a country that claims to have a political reform programme. They are now studying details of the law and hope to make their opinion sound and clear. The United Nations are being informed of the frustration of the people of Bahrain and their refusal to integrate into the realm of the Al Khalifa who are considered to be illegitimate occupiers of the land of Bahrain.

Meanwhile, the illegal practices of the ruling family has been exposed by the latest US report on "Trafficking in Persons". The report described Bahrain as "a

destination country for men and women trafficked for the purposes of involuntary servitude and sexual exploitation. Men and women from India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, and the Philippines migrate willingly to Bahrain to work as laborers or domestic servants, but may be subjected to conditions of involuntary servitude when faced with exorbitant recruitment and transportation fees, withholding of their passports, restrictions on their movement, non-payment of wages, and physical or sexual abuse. Women from Thailand and Eastern Europe are also believed to be trafficked to Bahrain for the purpose of commercial sexual exploitation or forced labor".

In a shocking move, Sheikh Hamad and his clique presented the budget of the next two years to the Shura Council (half the members of whose are elected every four years but have no legislative authority). Members were told to approve it without detailed questioning. It is based on an oil price of around US\$40.00, well below the current oil prices which have reached more than \$70.00. The budget has clearly underlined the power of the ruling family who has been exploiting the country's wealth, plundering it and using parts of it to buy off political stands. Within a few days, the budget of two years was presented and passed, without allowing any details to be discussed. Infact the budget of the ruling family and its prominent figures are closely-guarded secret and would not be part of the country's budget.

URGENT APPEAL Sexual Assaults, Threats of Killings, Harassment At Work

In order to intimidate, silence and prevent them from perusing their role in disseminate, reinforce and defend human rights values, activists and human rights defenders in Bahrain are still facing all sorts of repression[1], tyranny and threats[2] by the State Security Authorities. This systematic approach also aims to demean the defenders and their activities as well as contribute in deterring attention to the violations and issues raised by them. In addition to the police (security) trailing and privacy infiltration through communications techniques like telephones, emails, etc[3], the following represent some of the tactics employed by the Authorities to contest activists;

Continued on Page 3

Joint Letter by Amnesty International and ARTICLE 19 to the Shura Council

Dr Faisal Radhi Almousawi
Chairman of the Shura Council
Bahrain

15 June 2006

Proposed Amendments to Decree No. 18 of the year 1973 of Public Meetings, Processions and Gatherings (“Bahraini Gatherings Code”)

Your Excellency,

Amnesty International and ARTICLE 19 both have noted and greatly welcome the State of Bahrain’s pledge on 25 April 2006 to protect and uphold human rights as part of its nomination to the newly established UN Human Rights Council, and we congratulate you on Bahrain’s election to the Council for a one-year term. Having now been elected to the UNHRC, it is particularly important that the State of Bahrain should uphold the highest standards in the promotion and protection of human rights, and to co-operate fully with the Council.

In this connection we are concerned to learn that since Bahrain’s election to the Council, the House of Representatives has approved amendments to the 1973 Decree on Public Meetings, Processions and Gatherings [hereafter the Gatherings Code], and has referred the new text to the Shura Council. Some of these proposed amendments, as well as certain of the provisions in the original 1973 decree which have been retained in the new draft law stand as an impediment to the full realisation of fundamental human rights enshrined in the Universal Declaration of Human Rights, including the rights to freedom of expression and freedom of assembly. We are concerned that these restrictions, if implemented, would seriously breach Bahrain’s international obligation to uphold the rights to freedom of expression and association, especially in view of welcome steps taken by Bahrain to ratify the International Covenant on Civil and Political Rights and of the Bahraini government’s reiteration of its adherence to those obligations in its pledges to the UN Council.

Amnesty International and ARTICLE 19 are concerned that the Bill as it stands now, may allow for violations of the rights to freedom of expression, freedom of association and the right to privacy. The two organisations would therefore urge Your Excellency to initiate a thorough reconsideration of the new Gatherings Code Bill, taking into account the following observations.

The definition of ‘public gathering’ is too broad and open to abuse

Article 8 defines a ‘public gathering’ as “every meeting held in a public or private place participated [in] by individuals who do not have [a] personal invitation”.

Meetings which are held in private, or which involve a small number of people, should not be subject to a requirement of official prior notification. Amnesty International and ARTICLE 19 are concerned that the broad definition of ‘public gathering’ in this provision and the authority it grants the head of public security to determine whether a particular gathering is a private one, go far beyond legitimate requirements of public order and safety, and grant the authorities excessive powers to monitor and control peaceful activities.

The two organisations are concerned that a system of prior notification for small gatherings is unnecessary, intimidating, and could create the impression that the State is monitoring all gatherings of people. Consequently, we call upon your Excellency to press for amendments to Article 8 so that only large-scale public meetings are subject to a requirement of prior notification.

The penalties are excessive and disproportionate for speech-related conduct

Amnesty International and ARTICLE 19 are concerned that imposing penalties, including imprisonment, for speech-related conduct where there is no threat of or incitement to violence or hatred is inconsistent with international law. Such measures exert a serious chilling effect on freedom of expression and freedom of assembly, discouraging participation in legitimate expressions of thought and participation in

Urgent Appeal *Cont from Page 3*

Arbitrary detention[4]
Legal measures and deployment of non independent judiciary to lead fierce attack on activists and defenders of rights[5].
Physical attacks[6] , sexual assaults and blackmail of sexual attack on families of activists [7]
Framed criminal allegations [8]
Allegations of politicized activities [9]
Defamation and smear [10]
Job harassment and dismissal [11]

We, the under named, activists and defenders of rights in Bahrain, whose rights have been violated by the Authorities during our work in the promotion of human rights values. We see your swift intervention against the Authorities attacks and persistent violations to our rights. We call upon your action on the basis of the rights and responsibilities of individual, groups and civic societies in reinforcement of human rights and its basic freedoms, legitimized and protected by the UN charter for the protection of Activists and defenders of rights. We also seek your support in calling upon the reviewing Bahrain’s record of human rights and the need the State to abide by the universal declarations, its pledges and treaties concerned with promotion and protection of human rights and its defenders.

Signed by eighteen of the activists

public life for fear of penalties.

We urge Your Excellency and the Shura Council to resist the imposition of incarceration penalties for the organising or participation in a public gathering under Article 13.

Further, we consider the imposition of heavy penalties for failure to give prior notification to be particularly inappropriate in the case of participants. Participants will rarely have the ability to confirm whether or not the notification procedure has been properly complied with, nor is it appropriate to impose such an obligation on participants. Accordingly, we call for Articles 13 (a) and 13(b) to be removed.

Freedom of association belongs to all persons not just citizens

It is explicitly stated in all of the core international human rights treaties that human rights attach to all persons in the country’s jurisdiction (not just citizens) and these rights must be protected without discrimination. To deny individual basic civil rights on this basis is untenable and we call for Article 10(a), which was in the original version, and remains in the new version of the Bahraini Gatherings Code, to be removed.

The ban on demonstrations for election purposes is unjustifiable

The ability of individuals to express support for election candidates is an inalienable right stemming from the fundamental tenets of democracy. We consider this ban to be unjustifiable and urge the Council to call for the excision of Article 10(b) which was in the original version, and remains in the new version of the Bahraini Gatherings Code.

The right of association is not only an important civil and political right on its own, it is also critical to the proper implementation of the right to freedom of expression. Amnesty International and ARTICLE 19 emphasise that the right to freedom of expression is a fundamental human right which underpins the realisation of other human rights and full participation in public life. We therefore call upon Your Excellency and the Shura Council to consider our concerns on this matter, and to push for these changes to be made to the draft law before it is ratified by the Shura Council.

We look forward to Your Excellency’s response in connection to this matter.

Yours Sincerely,

Agnes Callamard
Executive Director

ARTICLE 19 Global Campaign for Free
Expression
Malcolm Smart
Director

Middle East and North Africa Programme
Amnesty International

HUMAN RIGHTS WATCH

Letter to Shaikh Hamad on the Amendments Public Gatherings Law

June 8, 2006

Your Highness:

We are writing to express concern regarding the draft law governing public meetings and demonstrations, known as Amendments to Law 18/1973. It is our understanding that the Majlis al-Nawwab and the Legislative Committee of the Majlis al-Shura have reviewed and approved this draft, and that the full Majlis al-Shura is expected to do the same in the near future, before sending it to Your Highness for final approval.

This is, to our knowledge, the first significant human rights-related legislation under consideration since Bahrain was elected to the United Nations Human Rights Council. Human Rights Watch believes that the law as presently drafted has the potential to undermine rather than protect the right of peaceful assembly as codified in Article 21 of the International Covenant on Civil and Political Rights (ICCPR). While Bahrain is not yet a state party to the ICCPR, the Cabinet in May 2005 reportedly approved ratification of the treaty and authorized preparation of a draft law to that effect. We strongly urge you not to approve this draft law, and recommend instead that you instruct the relevant officials in the ministries of justice and interior to revise this law to bring it in line with Article 21 of the ICCPR.

Your Highness and other high government officials have declared on many occasions that Bahrain is committed to becoming a more democratic society. Freedom of assembly is a core component of any democratic order, as it is essential to the process of forming political opinions and articulating them in a public setting, and to the principle of popular participation in public affairs. Article 21 of the ICCPR allows some restrictions on the exercise of the right of peaceful assembly, namely those necessary for the protection of national security or public safety, public order, public health or morals, and the protection of the rights and freedoms of others. It is a fundamental principle in applying limitations to protected human rights that the government specify the objective of the limitation, and that the limitation not jeopardize the essence of the right in question.

The text of Amendments to Law 18/1973 enumerates restrictions on the right to peaceful assembly without indicating the purpose of the restrictions, in a manner that undermines this right, as follows:

- Article 2 (a) requires that persons wishing to organize a public meeting or demonstration notify the head of Public Security at least three days in advance. The draft makes no distinction between

public demonstrations, where prior notification is reasonable in order to arrange for traffic control or police protection of demonstrators, and public meetings in an enclosed space, where such concerns are not relevant. The draft indicates no reason for requiring prior notification for such meetings. With regard to public demonstrations or rallies, where some prior notification requirement is reasonable, the three-day requirement seems excessive. It is not clear why a shorter prior notification – for example, 24 hours – would not be adequate to meet legitimate public order and safety concerns.

- Article 4 requires that the authorities notify the organizers of an event of a decision to ban that event at least two days prior to its scheduled occurrence. The draft law however does not require that the authorities specify the reasons for which they are banning the event, or what constitute legitimate grounds for banning an event. The burden of justifying a limitation on any basic human right rests with the state.

- Article 4 states that the organizers of a banned event can appeal the ruling within 15 days of receiving the ban, “in front of a specialized court which will rule on an urgent basis.” The law does not indicate the composition of this court, or provide any assurance that it will be independent of the executive. Neither does it specify what it means by “urgent.”

- Article 5 states that “special permission” is necessary for public gatherings between 11:30 p.m. and 7 a.m. There is no indication of why the needed permission in this instance is “special.” Nor is there any indication of why the requirement for prior notification of public meetings is not confined to these night-time hours, with no prior notification necessary for events scheduled for day and evening hours.

- Article 6 states that every public event must be organized and run by a committee of at least three members that is responsible for, among other things, “forbidding any speech or discussion infringing on public order or morals.” The draft law leaves “public order or morals” undefined, inviting the authorities to restrict the rights to free expression and freedom of peaceful assembly at will.

- Article 7 authorizes police presence at any public meeting, and authorizes the police to break up a public meeting if, among other things, “a crime, listed in the Penal or other active codes, was committed during the meeting.” Bahrain’s Penal Code, and perhaps other “active codes” as well, still contains provisions that do not comport with international human rights standards governing basic civil and politi-

cal rights, particularly in the areas of freedom of expression and freedom of association. This draft law thus may authorize security officials to disrupt public meetings solely in response to persons exercising or advocating the exercise of basic civil and political rights.

- Article 8 authorizes the head of public security to determine that a meeting is public rather than private and thus subject to police presence on the basis of, among other things, “its subject... or any other circumstance.”

- Article 10 prohibits the participation of non-citizens in demonstrations, processions, “and meetings with a political purpose.” The ICCPR does not allow states parties to make the right of aliens or non-citizens to freedom of assembly subject to special restrictions. On the contrary, the U.N. Human Rights Committee, the body that monitors state compliance with the ICCPR and provides authoritative interpretation of the Covenant, has stated unequivocally that “aliens receive the benefits of the right of peaceful assembly” and that “there shall be no discrimination between aliens and citizens” in the application of basic rights.

- Article 10 also prohibits, without explanation, “demonstrations for election purposes.” The right to freedom of assembly, like the associated rights to freedom of expression and freedom of association, are crucial to a democratic order in general and to free and fair elections in particular.

Your Highness, for the reasons enumerated, we believe that the draft law known as Amendments to Law 18/1973 is seriously flawed and should not become law. The draft law renders the right to freedom of assembly subject to the arbitrary determination of security officials and the government, and contains elements that directly contradict the right to freedom of expression. The draft law is distinctly incompatible with your declared intention that Bahrain move towards a more democratic political order. Specifically, the draft law is at odds with Article 21 of the ICCPR, which your government has declared it intends to ratify.

For these reasons, we urge you to refrain from signing this draft into law, and instead instruct the appropriate officials in the ministries of justice and interior to prepare a draft that meets Bahrain’s international human rights obligations and reflects your aspirations for a more democratic Bahrain. We look forward to your positive response to these recommendations.

Sincerely,
Sarah Leah Whitson
Executive Director