

BAHRAIN

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Acceptance by the people is the source of legitimacy to the Law

Is every law legitimate? Or is the process of law-making detrimental to its legitimacy? It can be argued that almost every country in the world has its own laws, most have constitutions on which these laws are based. But are all these laws legitimate? Or are there criteria for legitimacy or lack of it? There are basic requirements for the law-making processes. First is the participation of the people in this process. It is the role of the people that make them sovereign. Without their participation laws are viewed with contempt and are often contentious. Second is that the laws must not contradict either the international conventions or the established acceptable cultures of the people. The ratification of the international conventions has become a binding requirement worldwide. Countries that simply sign international protocols without ratifying them are viewed as not abiding by the international requirements. Third, law making processes must be open, transparent and open to public scrutiny. Governments cannot impose their own laws without referring to their people for discussion and approval.

Laws are thus not binding if they are imposed unilaterally by regimes that do not allow public participation. In Bahrain, for example, the ruling Al Khalifa family in 1974 imposed the notorious State Security Law. It was the product of Ian Henderson's genius and was approved and put into practice by the prime minister. Thousands of Bahrainis were persecuted by this law, tortured and banished. Scores were killed in torture chambers or in street demonstrations. Is this a legitimate law? The present ruler, Sheikh Hamad, had to scrap it in 2001 when it became clear that it was one of the most draconian laws the ruling family had ever adopted. Law is thus not sacred, and can be resisted. When the government, for example, issues a law banning practices that are allowed within the international conventions especially the Universal Declarations of Human Rights, such laws are null and void. They are illegitimate tools of repression and the citizens are well-advised to challenge them. This is also true with the present constitution imposed on the people by Sheikh Hamad and his clique. It is not binding for several reasons; First it was

written unilaterally by the ruling family without any role for the people. Second it was tailor-made to cater for the needs of the ruler, and ignored the principles of democracy and the rule of law. Third, it was not put to public referendum, but simply imposed by the ruler. Fourth, it contradicts in letter and spirit the Sheikh Hamad's charter that was endorsed by the people. The endorsement is now viewed by many people as one of the most destructive steps that enabled the ruling family to exercise unrestricted dictatorship under the pretence of this charter.

The people of Bahrain are being subjected to unprecedented tyranny. What makes the present tyranny more destructive than earlier dictatorships is that it is being given deceptive names, and presented to the outside world as a democracy. The "reformed" political system of the country today is more repressive than the earlier ones. First it has legitimized the continued premiership of Sheikh Khalifa bin Salman Al Khalifa after 37 years in that post. Second, it has allowed the transformation of the cabinet into an Al Khalifa enclave; with 17 ministers out of 29 cabinet posts (compared to 5 out of fifteen in the seventies and eighties). Third, the ruler has now wider powers and can over-rule all other powers. He cannot be held to account for any action or decision he takes, he is above the law, and is entrusted to fundamentally alter the demographic balance in the country. Furthermore, the present "reformed" political system has enabled the senior "reformist" figures to plunder the wealth of Bahrain, without the fear of public scrutiny. This is in addition to the misappropriation of the meager land of Bahrain, while tens of thousands of Bahrainis are denied proper housing. The laws that are imposed on the people to stop them protesting against this state of total chaos, political anarchy and economic theft, are expected to be adhered to. The advice to the Bahrainis is to engage in a deeper civil resistance campaign against these laws, take every possible civilian action to ensure that draconian laws are doomed, and that the imposed constitution is repealed. They have to endeavour for a more representative

code that embodies their wishes and aspirations, and confine the powers of the ruler to within reasonable limits. The absolute powers contained in Sheikh Hamad's 2002 constitution, if not comprehensively defeated, will lead to absolute dictatorship that will dwarf that of the prime minister.

It is an uphill struggle. But with the civil resistance campaign running smoothly throughout the country, the opposition are gaining more strength and becoming more resolute in their campaign. The daily protests, demonstrations, seminars, web articles and mosque sermons are contributing to the spread of the public resentment against the hereditary dictatorship. Moreover, the longer the political prisoners remain behind bars, the more fuel is provided to the popular movement to act against the tyrannical Al Khalifa regime. The forthcoming trial of the regime in Geneva by the Human Rights Council is a positive development, as it has confirmed, beyond any doubt, the extent to which it has engaged in human rights violations of the people of Bahrain. Regardless of the outcome of the trial, the Bahraini regime has now been established worldwide as being involved in systematic torture, arbitrary detentions, extrajudicial killings and abuses against women and children. Furthermore, Bahraini human rights activists have to internationalise the most heinous crime of all; the cultural and physical extermination of the Shia Muslim natives of Bahrain through the political naturalization process, re-writing the history of the land in a way that distorts the facts and figures relating to the history of the Baharna (original natives of Bahrain). The political situation is now becoming an all-out encounter with political, religious, cultural and historical dimensions. The regime has allocated large funds to finance its extra-territorial activities to counter the activities of the opposition. The country's oil revenues are plundered at unprecedented rate, with the aim of implementing the evil programmes of Sheikh Hamad and his clique. A collective civil resistance movement is thus the only way to safeguard the identity of Bahrain; the land of thinkers, scientists, historians, poets and historians.

Adjournment of show trial amid intensification of Torture

The decision to adjourn, once more, the show trial of the prisoners of conscience has infuriated the detainees, their families and human rights activists. The 15 prisoners appeared briefly at the court on Monday, 17th March, only to be told of the adjournment of the trial until 17th April. They have complained of extensive torture including sexual abuse, electric shocks and deprivation from sleep. There is a furore within the human rights circles as the extent of torture is exposed. In addition to the brief statements by some of the detainees during court appearances confirming their ordeals, their relatives have spoken of shock and anger at the extent of torture they had seen on the bodies of their beloved ones. The ruling family has adopted a delaying tactic so that the wounds of the victims may heal before the prisoners are set free. It is clear that the Al Khalifa will be forced to release them unconditionally as they had committed no offence under the international law, but the release is being delayed in order to gain time for the healing of the torture wounds. Abdulla Mohsin, one of the detainees, is now in dire need of medical treatment as his health is deteriorating rapidly. His relatives have appealed for proper treatment to this young man who is suffering from kidney problem and is not receiving medical care.

There are now attempts to compile a list of those involved in torture, including those in the political hierarchy who are condoning it. Plans had been drawn to fly some of the victims to Geneva to be ob-

served and examined by official human rights doctors working for the UN Human Rights Council which is scrutinising the long record of abuse and human rights violations of the Al Khalifa rulers. Torturers have attempted to block this move through the successive adjournment of the trials of the prisoners.

When the decision to adjourn the show trial was announced spontaneous protests erupted outside the court room. Foreign-staffed riot police and Death Squads used extensive force to repress the protestors. Several people were injured in the ensuing mayhem as the attackers used tear gas and rubber bullets. A security cordon was imposed around the court room, and later extended to other towns including Jidhafs, Daih and Sanabis to prevent the spread of the protests and demonstrations.

The people of Sitra were also subjected to severe aggression by the Al Khalifa Death Squads. A demonstration on 29th February calling for the release of the prisoners was severely repressed and several Bahrainis were injured. On 14th March another demonstration near the mosque of Sheikh Hussain near the town centre was mercilessly attacked. Extensive use of poisonous gases and rubber bullets caused many injuries especially among women and children.

Meanwhile the policy of Genocide continued at an alarming rate. It is now estimated that around 800 foreigners are granted the Bahraini nationality every month. This programme which had been adopted by Sheikh Hamad is intended to cause a

fundamental change in the ethnic and religious balance of Bahrain to the advantage of the Al Khalifa. It is a draconian move against the native Baharna who had, until recent years, made up more than 80 percent of the population. It is estimated that the total number of those foreigners granted the Bahraini nationality in the past seven years is in excess of 150,000. Resisting this Genocidal policies is now becoming a priority within the activists circles and the Al Khalifa are, themselves, planning a showdown with the natives of Bahrain, which could transform into a bloody conflict as the natives realise the evils of these policies.

At another level, the interior minister, Rashid bin Abdullah Al Khalifa, has criticised Britain for granting political asylum to prosecuted activists. In a meeting with the British Ambassador to Bahrain, Jamie Bowden, the Al Khalifa minister showed no respect to the British laws and demanded that the British Government should behave in the same way as the Al Khalifa dictators whose rule has been marked with the extensive use of torture, tyranny, dictatorship, institutionalised corruption and plundering of people's wealth. A British diplomat spoke to some members of the Bahraini opposition on condition of anonymity and said: "I will fight to the end against the idea that our PM should remain in office for 37 years, or that more than 60 percent of Cabinet posts should go to the royal family, as is the case in Bahrain".

Bahrain Freedom Movement

Administering Torture in its cruelest forms

What happened in the past few weeks inside the torture cells of Bahrain is beyond description. It is pure evil. For the detainees to be forced to take off their clothes and stay together naked has reminded us of the images at Abu Ghraib. What makes these terrible crimes even worse is that, unlike Abu Ghraib, no one will produce photographs to show the naked bodies of detainees with the marks of electric torture and psychological trauma.

The story began shortly after the events of 17th December 2007 when a young Bahraini man was brutally murdered by the death squads which are run by the royal court. On the third day of the commemoration sessions of the martyr, people marched in protest against the brutal murder. Scores were arrested. Over the following few days, more people were rounded up in raids on their homes, often at the early hours of the morning. It was clear from the beginning that the ruling family was becoming more frustrated as their evil image is exposed to the outside world. They had spent millions of dol-

lars buying off mercenaries within international bodies, especially in the media and human rights organizations. Now the truth could not be concealed.

The latest episodes have come to light following court appearances and family visits. In the last court session, at least three out of the 17 prisoners of conscience openly complained of extensive torture to the presiding judge. Those claims immediately landed them in more torture, this time more than what the Bahrainis had ever seen before. Instead of ordering an investigation into these allegations of torture, the judge dismissed them and returned the victims to the torture cells for more punishment.

More details have now emerged. Hassan Abdul Nabi was arrested on 27th December after attending an open session at Wa'ad Society in which families of earlier detainees had given their first hand experiences with the death squads. He was subjected to most horrific forms of torture. His clothes were forcibly removed for days. He was hung from a pole between his tied wrists and knees, then upside

down like a scorpion and then like a butterfly. They wanted "confessions" that he had obtained guns from a burnt out police vehicle; a crime that simply did not exist. His family have confirmed that they had seen clear marks of physical torture including pulling the nails from his foot and deep wounds to his legs resulting from severe electric shocks.

What Hassan Abdul Nabi's wife has just revealed is really shocking. First she has been repeatedly threatened with rape if she did not keep quiet. Secondly, her husband had recently been forced to call her by a mobile phone, to "admit" to her what they wanted. When they met on 27th February in jail, he made shocking revelations to her. Unless he "confessed" to what the torturers wanted, she would be brought to him naked, forced to indulge in sex acts which would be recorded. Prostitutes would also be involved. They had shown him a film of another inmate who was forced to indulge in sex acts with his wife inside the torture chambers. Death squads of the Al Khalifa have now gone beyond what had ever happened in the past. Under Sheikh Hamad and his son,

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Criminal Inquiry Examines Claim That Firm Overcharged for Alumina

U.S. Opens Alcoa Bribery Probe

By GLENN R. SIMPSON

March 21, 2008;

WASHINGTON -- The Justice Department is opening a criminal inquiry into allegations that Alcoa Inc. was involved in bribery in the Persian Gulf country of Bahrain.

Allegations against Alcoa by the government of Bahrain in a recent civil lawsuit in Pittsburgh are "the subject of an ongoing federal criminal investigation," prosecutors said last night in a filing seeking a temporary hold on the civil case in order to protect their criminal inquiry.

The News: The Justice Department is opening a criminal inquiry into allegations that Alcoa was involved in bribery in the Persian Gulf country of Bahrain.

The Background: A civil lawsuit by a longtime Alcoa customer claims that for 15 years the metals company systematically overcharged it for alumina, and that some of the proceeds of the overcharges were used to fund potentially improper payments to a Bahrain official. Alcoa says it knows of no wrongdoing but is conducting an internal investigation. "We will cooperate fully with the DOJ and believe this will help bring this matter to a speedy conclusion," Alcoa communications director Kevin Lowery said. A Justice Department spokeswoman had no comment.

The government's filing is a possible prelude to the empanelment of a federal grand jury, although for the moment prosecutors are working directly with Alcoa. The company said it knows of no wrongdoing but is conducting an internal investigation of the corruption claims lodged in U.S. District Court for Western Pennsylvania by Aluminum Bahrain BSC, a longtime Alcoa customer also known as Alba.

The suit claims that for 15 years Alcoa systematically overcharged Alba for supplies of alumina, a precursor to aluminum used in smelting. Some of the proceeds of the overcharges were used to fund potentially improper payments to a senior Bahrain government official who is already under investigation in that country, according to court papers and interviews.

The Foreign Corruption Practices Act (FCPA) bars U.S. companies from bribing foreign officials. The Justice Department's fraud section is looking into whether Alcoa, its executives and its agents "have engaged in conduct with respect to their commercial relationship with Alba in alleged violation of various criminal laws, including the FCPA, and the mail and wire fraud

statutes," the filing states. "The Alba complaint alleges numerous facts which, if true, could be relevant to the government's criminal investigation and a potential criminal trial." The Bahrain investigation is focused on former Minister of Petroleum and Alba Chairman Sheikh Isa bin Ali al-Khalifa, who was dismissed from his posts in 2005 by the king of Bahrain and is now an adviser to the prime minister of Bahrain, people with knowledge of the matter said. Huda Hamada, an aide to Sheikh Isa, said he wasn't available for comment.

More than \$2 billion in payments for alumina went from Bahrain to tiny companies in Singapore, Switzerland and the Isle of Guernsey, bank records and invoices show. It isn't clear where the funds ultimately wound up.

Alba claims the companies are controlled by Canadian businessman Victor Dahdaleh, a longtime Alcoa agent who

brokered many of its deals with Bahrain. Mr. Dahdaleh, who was born in Jordan, is named as a defendant in the suit and is accused of orchestrating the questionable payments. He has denied any wrongdoing. His spokeswoman couldn't be reached Thursday night.

Two former Alba executives allegedly involved in corruption are currently under arrest in Bahrain, people familiar with the Bahrain inquiry said. The former executives have given Bahrain government investigators statements regarding Mr. Dahdaleh's close relationship with Sheikh Isa, they said.

A lawyer for the government of Bahrain, Mark MacDougall of Akin Gump Straus Hauer & Feld LLP, said Alba won't oppose the stay in the civil case. "Our clients certainly respect the important role that the Department of Justice may play in this case," he said.

Concerns over Bahrain state violence

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Human rights activists have expressed grave concerns over a new round of arrests and violence by Bahraini government. The Bahraini Special Forces (SF) have brutally attacked participants in several peaceful demonstrations who were exercising their right to freedom of expression and religion over the past week.

The forces attacked ralliers in a peaceful demonstration south of Sanabis with tear gas and rubber bullets on 1st March. The initially peaceful protest was held to call for the release of human rights activists imprisoned and prosecuted in the aftermath of the December protest. In another incident on Friday, activists including women and children attended a peaceful demonstration in Sitra, south of Bahrain, to demand the release of detainees of the December protest.

The Special Forces fired tear gas and rubber bullets to disperse the crowd and arrested several demonstrators. As a result of inhaling large amounts of gas, a nine-year-old girl was hospitalized in a coma and there are concerns about the health of a former elderly parliamentarian exposed to high levels of gas.

Two young protestors were also held in custody after being subjected to baton charge causing severe injuries.

In addition, citizens who were practicing their faith of commemorating the 40th day the demise Imam Hussein last Wednesday were ruthlessly assaulted by the SF in Marwazan and Karababad near Manama, the Capital.

The attack by tare gas and rubber bullets left three people severely injured, including a woman. Activists have appealed to human rights organizations and diplomatic bodies for efforts to pull the plug on severe violation of basic human rights in Bahrain.

Torture in cruelest forms

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Salman "the reformists" it seems there are no limits to the torture methods under their disposal. It is a shame that would not be wiped out without bringing these criminals to justice in an international war crimes tribunal.

The wife added that she is being harassed continuously by the death squads, which are managed by the minister of the royal court, Khalid bin Ahmad Al Khalifa. She is followed wherever she goes and big men would surround her car without talking to her, write her number plates, talk on mobiles to their superiors and take deliberate steps to make her aware of their presence. They would phone her, use bad language against her and threaten her with immoral acts. The wife of another inmate said that her husband had told her that the political detainees were forced to take off their clothes and stay naked in a large room. This is alien to the culture of Bahrainis and is an indication to the extent of moral degeneration of the regime of Sheikh Hamad, his son and his uncle.

Further revelations have also spoken of taking blood from the political detainees who are mixed with other prisoners (mostly drug addicts), for no obvious reasons. The blood is taken with one syringe which is used for them all. Is it a way of spreading diseases among them?

Bahrain Freedom Movement
4th March 2008

Small Island, Big Issues: Bahrain's King Visits Washington

By Simon Henderson
March 24, 2008

Tomorrow, King Hamad bin Isa al-Khalifa of Bahrain visits the White House for talks and a working lunch with President Bush. The meeting promises to cover much more than the usual diplomatic pleasantries. The island state of Bahrain headquarters the U.S. Fifth Fleet and is therefore key to U.S. strategy in the Persian Gulf. The stability of this relationship faces challenges, however, given increasing divisions in the royal family, simmering discontent among the majority Shiite population, and perceived threats from Iran. Each of these issues -- particularly Iran -- will likely play a prominent role on the president's agenda tomorrow.

A Stalled State?

Once at the vanguard of developing Gulf city-states, Bahrain has now lost that position to sheikdoms like Dubai and Abu Dhabi in the United Arab Emirates, as well as neighboring Qatar. Although Bahrain's capital, Manama, has some of the glitz of other Gulf capitals, its early lead in development -- achieved during the 1970s with the creation of a dry dock, an aluminum smelter, and offshore banking infrastructure -- is no more. Similarly, political reforms appear stalled, with little or no progress made since the bicameral legislature was introduced in 2002. The 2006 elections were manipulated, if not rigged, to ensure that Shiite legislators did not win a majority. And members of the royal family still hold the majority of cabinet positions.

Perhaps most worrisome for Washington, the regime no longer seems to be exercising the canny balancing of political tensions that other Gulf rulers employ to ensure stability. Instead, Sunni-Shiite friction is being played out on the streets -- never a good way of attracting foreign investors.

Bribery Allegations

Recently, problems within the royal family have appeared on the front pages of foreign newspapers and even in the local media. In February, the Wall Street Journal reported that a Bahraini-controlled company had accused Pittsburgh-based Alcoa, one of the world's largest metals companies, of a fifteen-year conspiracy involving fraud and bribery. The original complaint asserted that Alcoa had overcharged Aluminum Bahrain (a.k.a. Alba) in certain transactions, with some of the resultant proceeds allegedly used for improper payments to a senior Bahraini official already under investigation at home. According to the Journal, that official is Sheikh Isa bin Ali al-Khalifa, who was dismissed by the king in 2005 and is now an advisor to Prime Minister Khalifa bin Salman al-Khalifa. The U.S. Justice Department is reportedly opening a criminal inquiry into the Alcoa case.

Emerging Family Confrontation

Prime Minister Khalifa is tied to other divisions in the ruling family as well. Uncle to King Hamad, he has served in his current post for thirty-seven years. Over that period, he has built a formidable position in the island's commercial life. He is also considered an efficient administrator with political skills

that the king perhaps lacks. But the king and his American-educated son, Crown Prince Salman, appear increasingly concerned about Khalifa's role. In January, during an extraordinary public exchange of letters between father and son, Hamad issued a public warning that government officials resisting change would be swept aside. Possibly anticipating a coup, he dismissed the defense minister (another relative) and named Salman deputy commander-in-chief of the army, removing any ambiguity over who controls the military if the king is abroad. The prime minister himself was abroad at the time.

Disagreements have emerged on other issues as well. During a February interview, Prince Salman gave pointed remarks about recent protests, stating, "It is a free country and dissent is allowed. The demonstrations are something to be proud of." In contrast, the prime minister is considered a hardliner in dealing with political opposition. Many of those arrested during street troubles in December remain in custody, awaiting trial. Their families allege that they have been tortured. With the support of his father, Salman is also attempting to build up an Economic Development Board as an apparent rival to Khalifa's cabinet. Established in 2000 to encourage foreign investment, the board now includes sixteen ministers, making the majority of the cabinet directly accountable to the crown prince on economic matters. In his February interview, Salman explained that the move "eliminated bureaucratic steps within the cabinet.... We do not need to discuss things twice. We do it just once and pass it along for approval [by the king]."

Yet, any hope that the prime minister, now age seventy-two, might retire appears premature. Khalifa is already taking advantage of the king's absence (Hamad visited London before traveling to Washington). For example, he told the cabinet yesterday that no effort would be spared to "seek alternatives and find solutions" to counter soaring prices, showing his political skills with promises of a onetime payment to low-income families and the establishment of special centers to ensure proper distribution.

Saudi Views

Saudi Arabia is likely to be watching King Hamad's Washington visit closely. Riyadh has long had a paternalistic attitude toward Bahrain, which is linked to the kingdom by a fifteen-mile-long causeway. The island provides a less constrained social environment for Saudi tourists, but Riyadh is concerned about the possible effect that radicalized Bahraini Shiites might have on Saudi Shiites, who form a local majority in the area closest to Bahrain -- an area that is also home to most of the kingdom's vast oilfields.

President Bush's Agenda

Although he has publicly praised Bahrain for its limited political progress in recent years, President Bush will likely use King Hamad's visit as an opportunity to suggest real sectarian power-sharing over the long

term. The regime's controversial approach to "solving" its chief demographic dilemma -- that of being a majority Shiite country ruled by a Sunni royal family -- has been to import Sunnis from across the Arab world and Pakistan, giving them government jobs (often in the security services) and making them naturalized Bahrainis. Inevitably, this has increased resentment among many Shiites, who have been excluded from such jobs and political power in general. The involvement of these "new" Bahrainis in crackdowns on Shiite demonstrators has only exacerbated the tensions.

Labor reforms offer one means of mitigating these problems. High oil revenues are fueling a region-wide development boom, and rather than importing cheaper -- and potentially less troublesome -- foreign labor, the regime would be wise to include native Shiites in the growth.

President Bush and the king will also likely discuss terrorism-related issues. Although the island is not a major hub of international terrorist activity, authorities did recently uncover and prosecute an al-Qaeda cell there. The sentence was unfortunately light, but the president should nevertheless applaud the king for the investigation and encourage him to continue aggressive action against such activity (for more information on the al-Qaeda case, see PolicyWatch no. 1345).

Discussing Iran

Iran will likely be the top item on the meeting's agenda. Bahrain believes that Tehran has never really given up its territorial claim on the island -- a suspicion that Iranian clerics reinforce regularly in public comments to that effect. The king therefore has strong concerns about Iranian intentions; he will likely seek President Bush's reassurance about U.S. policy toward Iran and private promises of U.S. support in the event of a confrontation. For his part, Bush will presumably encourage aggressive follow-up action on recent U.S. sanctions against Future Bank in Bahrain, which is controlled by Iran's Bank Melli -- itself previously designated for financing Tehran's nuclear and missile proliferation activities.

Iranian issues have ruffled the U.S.-Bahraini relationship at times. Last November, for example, embarrassment resulted when Crown Prince Salman gave an interview declaring that Iran was seeking nuclear weapons, just weeks before the U.S. National Intelligence Estimate reported the opposite. Tehran would probably love to exploit any such rifts and sever the island's longstanding relationship with Washington. It likely views the uncertain state of internal Bahraini politics as an opportunity as well. Accordingly, Washington should use tomorrow's meeting as a starting point for greater vigilance toward its relations with a vital regional partner.

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