

# Countries at the Crossroads

## Countries at the Crossroads 2012: Bahrain

*Author's Note: The timeframe for events covered in Countries at the Crossroads 2012 is April 1, 2009, through November 30, 2011. For the sake of temporal consistency across all Countries at the Crossroads 2012 reports, therefore, developments in Bahrain occurring after this date are here reserved for a subsequent report. Most notably, the findings of the Bahrain Independent Commission of Inquiry (BICI), released on November 23, 2011, are included in the analysis, whereas follow-up actions taken after November 30 are not.*

### Introduction

The popular uprising that began in Bahrain in February 2011 marked the culmination of a decade-long political struggle that has seen the gradual retrenchment of political and to a lesser extent economic liberalizations initiated by King Hamad bin Isa Al Khalifa in the years following his March 1999 succession. The state's violent suppression of the February revolt, followed by an extended campaign to punish and marginalize those who participated in it, unleashed new social forces and carved deep political rifts that severely hinder the prospects for a revival of King Hamad's reform project. While the country's Shiite majority leads calls for substantive political change, the ruling family has cast the ongoing crisis as a process of dangerous Shiite empowerment and Iranian-backed irredentism to justify increased restrictions on political freedoms, violent security crackdowns on protests, and an unwillingness to undertake substantial democratic reform.

Having witnessed his father's unsuccessful attempt to suppress a large-scale Shiite-led uprising from 1994 to 1999, Sheikh Hamad came to power promising a political rapprochement to include, *inter alia*, the welcoming home of exiled dissidents, the repeal of a draconian State Security Act, and a new constitution. Codified in a National Action Charter, the reform initiative was approved by 98 percent of voters in a referendum held on February 14 and 15, 2001. The government promptly backtracked on its democratic pledges, however, in a new constitution promulgated unilaterally in a series of royal decrees one year later. The elected lower house of the National Assembly (al-Majlis al-Watani) was subordinated to an appointed upper house and was denied the power to introduce legislation. Members of parliament (MPs) were barred from deliberating on any matter or decision taken by the government prior to the inauguration of the National Assembly in December 2002, and full amnesty was extended to officials suspected of human rights violations prior to that date. Bahrain's electoral districts were redrawn along sectarian lines to preclude a Shiite-dominated lower house. Lastly, Bahrain was declared a monarchy and Sheikh Hamad its king. The liberal and Shiite opposition responded by boycotting the 2002 elections under the slogan, "This isn't the parliament we asked for!"

Numerous informal coalitions soon emerged to protest the terms of the new constitution. Some, such as the National Committee for Martyrs and Victims of Torture in Bahrain, demanded accountability for past abuses by the state. Others, like the Committee of the Unemployed, focused on socio-economic matters, including unequal distribution of housing and employment and, relatedly, discrimination against the country's Shiite majority. By 2005, small-scale activism gave way to sustained unrest joined by organized Shiite and Arab nationalist opposition societies, a transformation punctuated in March by the largest mass demonstration Bahrain had witnessed since the 1990s.

Although these same opposition groups eventually were persuaded to participate in the parliament in time for the 2006 election, the decision was far from unanimous. Bahraini Shiites in particular were split almost evenly between those who agreed with the idea of political engagement and those who considered it tantamount to government co-optation. The former, represented in parliament by the Islamic National Accord Society (al-Wefaq), would become the formal opposition; the latter faction abandoned al-Wefaq to form the offshoot Movement for Liberties and Democracy (al-Haqq), a group the government would soon brand a "terrorist" organization.

Yet al-Wefaq's parliamentary experiment occasioned more frustration than progress, as its initiatives were systematically obstructed by pro-government Sunni political societies—the Muslim Brotherhood-affiliated Islamic Platform (al-Minbar al-Islami); the Salafi society, Purity (al-Asalah); and a bloc of "independents" comprised mostly of tribal allies of the ruling family. At the same time, violent

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

confrontations between security forces and street protesters increased, as did reliable reports of mistreatment and torture of political activists arrested for their association with al-Haqq and other underground movements. Inside and outside the parliament, there was a growing disconnect between the promise of King Hamad's reform initiative and political reality.

That the Arab Spring arrived in Bahrain on February 14, 2011, then, was no coincidence. Exactly ten years after the approval of the National Action Charter, first tens and then hundreds of thousands of Bahrainis took to the streets to demand that the document's original vision be implemented. Led initially by a heterogeneous coalition of activists, the demonstrations were soon buoyed by the organizational capacity of al-Wefaq, which backed the protest movement after resigning from parliament over the deaths of several protesters. Other prominent groups, including the secular National Democratic Action Society (Wa'ad) led by a charismatic Sunni leftist Ebrahim Sharif, also joined the revolt. Mimicking their behavior in parliament, pro-government Sunnis orchestrated a massive counter-mobilization that sparked open sectarian clashes and helped check the momentum of the uprising.

On March 12, Crown Prince Salman, King Hamad's son and heir apparent, was deputized to launch a government-opposition dialogue that sought a negotiated end to the crisis. His comprehensive seven-point proposal for talks included discussions of even the most thorny political issues. But al-Wefaq, the largest and most influential constituent of the opposition, conditioned its participation on the government's agreement to an elected assembly to revise the 2002 constitution. Meanwhile, several more radical factions rejected the idea of talks altogether, forming a new Coalition for a Republic that demanded an end to the Al Khalifa monarchy. Faced with such uncompromising negotiating positions, combined with rapidly-disintegrating law and order and pressure from more security-minded members of the ruling family, King Hamad abandoned the dialogue initiative after just two days (it was intended to last six weeks<sup>1</sup>). Instead, on March 14, several thousand ground troops from neighboring Gulf Cooperation Council (GCC) states arrived via Saudi Arabia. While this Saudi-dominated Peninsula Shield force was not deployed against protesters, its appearance amounted to a *fait accompli* that foreclosed all but a military solution to the standoff. A three-month period of martial law (State of National Safety) was declared the next day, foretelling what would be a violent crackdown on the February 14 uprising.

### **Accountability and Public Voice**

The Al Khalifa tribe has ruled Bahrain since 1783 with the continued support of allied families that aided in the original conquest of the island. Following decades of fratricidal conflict, a principle of primogeniture was established to avoid intra-familial disputes over succession. This rule was reaffirmed in a revised constitution of 2002, by which Bahrain was transformed from an emirate into a hereditary monarchy headed by King Hamad. The latter assumed power immediately upon the death of his father in March 1999, and in turn named his son heir apparent. By right, King Hamad enjoys full power to appoint all officeholders of the state, including all judges and military commanders, with the exception of the 40 elected members of the lower house of parliament, the Council of Representatives (Majlis al-Nuwwab). He further enjoys the power to dissolve the National Assembly; to amend the constitution; to propose laws; to agree treaties; to promulgate legally-binding royal decrees; and to abate or commute sentences by decree.

In practice, however, King Hamad's powers are not so absolute. Rather than ruled by a single individual, Bahrain is better described as a collection of ministerial fiefdoms headed by senior members of the ruling family, these often in competition with one another. The most longstanding of these internal challengers is the king's uncle, Prince Khalifa bin Salman, who has occupied the position of prime minister since independence in 1971. Over the course of 41 years in power, Prince Khalifa has cultivated both extensive patronage networks within Bahrain as well as strong ties with senior members of the Saudi ruling family, relationships that afford him an independent power base rooted in the private sector and in Bahrain's structural economic and political dependence upon Saudi Arabia. Prince Khalifa's business interests therefore place him in direct conflict with the political and especially economic liberalizations initiated by King Hamad and superintended by Crown Prince Salman, which include labor market reforms, anticorruption efforts, and economic diversification aimed at breaking Bahrain's reliance upon Saudi largesse.

## Countries at the Crossroads

In the post-February 2011 period, finally, an additional faction has emerged within the ruling family led by the brothers Khalid and Khalifa bin Ahmad, Ministers of the Royal Court and defense, respectively. (Sheikh Khalifa, or “the Field Marshal” as he is known, is also Commander-in-Chief of the Bahrain Defense Force.) Unlike the business-driven prime minister, the two represent—and promote via patronage of Sunni groups in society<sup>ii</sup>—an ideological orientation that sees Bahrain as the target of Iranian- and Western-backed conspiracies to empower Bahraini Shiites at the expense of the ruling family and other Gulf Sunnis. Whereas Prince Khalifa retains the close backing of many prominent merchant families from both denominations, Khalid and Khalifa bin Ahmad espouse a decidedly anti-Shiite agenda, conceiving of the community as a veritable fifth column to be dealt with in the framework of security, rather than through political bargaining. The two brothers, otherwise known as the “*khawalid*,” are also thought to enjoy the sympathy of other security-oriented members of the ruling family, including most notably the powerful Minister of the Royal Court for Follow-Up Affairs, Ahmad bin Attiyatallah, as well as the longtime (but recently relocated) head of the National Security Agency, Khalifa bin Abdallah.

Senior members of the Al Khalifa also dominate other agencies charged with the exercise of state power, including the Ministries of Interior, Justice and Islamic Affairs, and Foreign Affairs. The heads of these ministries, along with that of the National Security Agency and top military commanders, comprise the Supreme Defense Council, Bahrain’s highest decision-making body on matters of defense and national security. Given its composition, almost all of its members are from the ruling family. This monopoly on strategic positions in the cabinet (Council of Ministers) is offset by the deliberate reservation of less sensitive portfolios for non-royal Sunnis and Shiites. As part of an early attempt to appease protesters in late February 2011, for example, King Hamad announced a cabinet reshuffle that saw the replacement of four lesser ministers, two of them from the ruling family. One position was dropped entirely (electricity and water), one Shiite minister switched portfolios (housing), and two new ministers were appointed: one Sunni (cabinet affairs), one Shiite (labor).<sup>iii</sup> Yet such cosmetic changes, aimed at pleasing domestic and international audiences, have done nothing to diminish the ruling family’s dominance of the government.

Although Bahrain proscribes formal political parties, in practice most of the institutional functions of a party—mobilizing electoral support, devising legislative agendas, organizing parliamentary contestation—are replicated in the country’s many political “societies.” Governed by an August 2005 decree (No. 26) known as the Political Societies Law, societies are barred from forming on the basis of class, profession, or religion; may not receive foreign funding or support; may not utilize public institutions, educational facilities, or places of worship for their activities; and must agree to operate within the framework of Bahrain’s revised constitution of 2002. Societies must also, as per the decree, formally register with the Ministry of Justice and Islamic Affairs, which retains jurisdiction over their establishment, monitoring, and temporary or permanent dissolution.

With its requirements for official registration and recognition of the 2002 constitution, the Political Societies Law served purposely to divide Bahrain’s political landscape into “legal” (registered) and “illegal” (unregistered) societies. As most liberal and pro-government Sunni groups had already registered for the 2002 vote boycotted by al-Wefaq, Wa’ad, and the less influential Islamic Action Society (Amal), the question of compliance fell squarely on the latter holdouts. Eventually, all of Bahrain’s domestic-based opposition groups relented, overcoming fierce internal disagreement to reverse a three-year policy of political disengagement.<sup>iv</sup> In the case of al-Wefaq, however, the decision came at the price of splitting the movement—and in effect the Shiite opposition—in two. Led by the group’s former deputy Hasan al-Mushaima, the offshoot al-Haqq was founded explicitly upon the continued rejection of Bahrain’s constitution. Another former al-Wefaq leader and well-known Shiite cleric, Sheikh Abd al-Wahhab Husain, would form a separate underground group later in 2008 known as the Islamic Loyalty Movement (Tayyar al-Wafa’ al-Islami).

Thus, despite an explicit ban on religious-based political groupings, in fact each of Bahrain’s three leading societies represents overtly a religious constituency: Shia (al-Wefaq), Salafi Sunnis (Purity), and Sunni followers of the Muslim Brotherhood (Islamic Platform). Among the primary causes of this structural polarization is an electoral framework designed precisely to promote competition on the basis of group affiliation rather than issue preferences that cut across social distinctions. Six months after the promulgation of the new constitution, an August 2002 decree redrew Bahrain’s electoral boundaries, producing forty unequal districts cut along Sunni-Shia lines.<sup>v</sup> By the time of the 2010 parliamentary elections, the average Shia-majority district represented 9,533 electors, the average Sunni-majority district 6,196.<sup>vi</sup> Indeed, such is the extent of the electoral gerrymandering that although Shia comprise an estimated 53 percent to 62 percent of the total citizen population,<sup>vii</sup> al-Wefaq fielded candidates in only 18

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

of 40 districts in both the 2006 and 2010 elections, out of recognition that it could not hope to carry the other, Sunni-dominated regions.<sup>viii</sup>

Beyond diluting Shia parliamentary representation, these religiously-defined districts also systematically hinder the electoral prospects of political societies not based on religious affiliation. Because Bahrain employs single-member districts won by simple majority, citizens in Sunni- or Shia-dominated districts generally have little incentive to vote, as individuals anticipate that the results are unlikely to be affected by their participation. On the other hand, in the few mixed urban districts where secular and liberal societies enjoy their strongest support, electoral campaigning transforms into a battleground for Sunni and Shia votes, marginalizing competing appeals. As a result, no political society other than Bahrain's three religious-based blocs has ever earned a seat in the post-2001 legislature, and only a handful of non-affiliated opposition candidates have won, limiting the range of political interests and substantive policy positions represented in parliament.

The state also employs less subtle ways of influencing electoral outcomes. All three regular elections in 2002, 2006, and 2010 have witnessed a familiar set of irregularities and direct manipulations. A June 2002 decree allowing other GCC citizens to hold dual-Bahraini citizenship has enabled the consistent electoral participation of thousands of dual-nationals, mostly from Saudi Arabia.<sup>ix</sup> (A parliamentary committee formed to investigate the allegations in the wake of the 2002 elections was barred from examining the case on a legal technicality.<sup>x</sup>) So-called “general” polling stations, stations not tied to specific constituencies, facilitate this process. Although their number has decreased from 15 in 2002 to only five in 2010,<sup>xi</sup> strategically-positioned stations remain at the King Fahd Causeway, Bahrain International Airport, and other locations accessible to non-residents and members of the armed forces, bussed in to vote against opposition candidates in tightly-contested races.<sup>xii</sup> Even at regular polling stations, voter lists are displayed only for one week, contain only individuals' names and identification numbers, and may not be photographed, making verification impossible.<sup>xiii</sup> In 2010, al-Wefaq claimed that at least 890 voters were turned away from polling stations in Shia-dominated districts because their names were omitted.<sup>xiv</sup>

Finally, a decade-long program of naturalizing Arab and non-Arab Sunnis for work in the security services has provided an additional pro-government bloc of voters numbering as high as 100,000.<sup>xv</sup> Begun as early as 1998,<sup>xvi</sup> this process of “political naturalization” gained new urgency as King Hamad's reforms threatened to bring Shia majoritarianism to Bahrain's reestablished parliament. After a June 2002 royal decree allowed other GCC citizens to hold dual-Bahraini citizenship, an estimated 20,000 members of the al-Dawasir tribe of Saudi Arabia were solicited to obtain Bahraini nationality and public housing in return for voting in the October election. They were even driven to a general polling station positioned on the Saudi-Bahrain causeway.<sup>xvii</sup> A parliamentary committee established to investigate the claims was forbidden from doing so on a legal technicality. The issue of naturalization would arise repeatedly throughout the 2000s, most notably in May 2007 when newly-published government data indicated a dramatic jump in the number of Bahraini citizens—an increase, according to critics, that could not have occurred without mass naturalization.<sup>xviii</sup> Once again, however, MPs were barred from opening an official inquiry on legal and procedural grounds, leading al-Wefaq to storm out of parliament. At a time when many Bahrainis are unable to secure adequate housing and employment, the continued importation of additional citizens remains of great concern to Sunnis and Shiis alike.

While voting generally proceeds without incident, Bahrain's two most recent elections—the 2010 parliamentary election and the 2011 by-election to replace the 18 seats vacated by al-Wefaq—were conducted under the shadow of violent security crackdowns. In the months before the 2010 vote, more than 200 opposition activists were arrested, charged under a widely-criticized 2006 anti-terrorism law<sup>xix</sup> with “membership in an illegal organization” and plotting the “overthrow of the government and dissolution of the constitution.”<sup>xx</sup> Detainees were given limited access to legal counsel and alleged torture and other mistreatment in custody.<sup>xxi</sup> While members of registered opposition societies including al-Wefaq and Wa'ad generally were not targeted, the websites of both groups were blocked, ostensibly because their monthly newsletters had violated a press law. The September 2011 by-elections took place under an even bleaker political backdrop, a mere four months removed from the State of National Safety (SNS) during which all opposition activity was brutally suppressed. Participation reached just 17 percent.<sup>xxii</sup>

Yet, even were Bahrain's elections free and fair, the Council of Representatives still lacks the formal legislative powers required to play more than an advisory and awareness-raising role. The chamber

## Countries at the Crossroads

is subordinate to the appointed Consultative Council (al-Majlis al-Shura), which routinely ratifies legislation—typically promulgated in royal decrees—that the lower house opposes. In addition, both chambers are vulnerable to pressure by senior government officials, who often appear in parliament to urge members to pass or reject specific bills, or to otherwise influence votes and debate.<sup>xxiii</sup> Recommendations from a post-SNS “National Dialogue” initiative call for expanding parliament’s legislative and monitoring powers, but these have not been implemented as of November 2011. Notably, since al-Wefaq’s resignation from parliament and subsequent boycott of the by-elections, the Council of Representatives has adopted a more activist and confrontational posture as its members need no longer focus exclusively on obstructing the Shia opposition.

To highlight labor market reforms and other economic liberalizations initiated over the past decade, the government has adopted the slogan “Business-Friendly Bahrain,” a brand reflected in perennially high rankings in international indices of public-sector corruption.<sup>xxiv</sup> While Bahrain’s civil service is generally made up of competent professionals, then, its members, especially those in leadership positions, remain susceptible to interference from senior politicians. Likewise are decisions of hiring, promotion, and dismissal not isolated from politics, as witnessed by the 1,945 individuals—most of them Shia—fired or suspended from public-sector positions for suspicion of having taken part in mass protests during February and March 2011.<sup>xxv</sup> The action was so sweeping, in fact, that it prompted the U.S.-based AFL-CIO to file a labor rights complaint against the Bahraini government, contending that the firings violated its free trade agreement with the United States.<sup>xxvi</sup>

Nongovernmental organizations (NGOs) have also been systematically targeted in the aftermath of the uprising. NGOs are required by a 1989 decree (No. 21) to register with the Ministry of Social Development. As in the case of political societies, this condition allows the state to withhold legal status to those organizations critical of the government, facilitating their persecution. In this way two of Bahrain’s most active NGOs—the Bahrain Center for Human Rights (BCHR), dissolved in 2004 after its founder publicly criticized the prime minister; and the Bahrain Youth Human Rights Society, which since 2005 has received no response to repeated requests for registration—continue to be denied permission to operate, and their members arrested for involvement in an illegal organization.<sup>xxvii</sup> Even prior to the events of February 2011, NGOs of all types faced mounting harassment. In April 2010, the resident Gulf director of the U.S.-based National Democratic Institute (NDI) was barred entry into Bahrain, four years after NDI’s local office was ordered closed.<sup>xxviii</sup> Later in August, the Ministry of Social Development moved to close the Migrant Workers’ Protection Society after a domestic worker sought refuge in the shelter after fleeing the home of a senior ministry official, claiming abuse.<sup>xxix</sup> Later in September, the government dissolved the governing board of the country’s oldest and only legally-operating rights organization, the Bahrain Human Rights Society, and appointed a new, state-backed director.<sup>xxx</sup> Similar instances abound.

More generally, and especially in the post-February 14 period, Bahrain has cultivated an atmosphere of popular suspicion and antagonism toward both local and international NGOs. The former are routinely accused by high-ranking officials, pro-government MPs, and state-sponsored media of conspiring to destabilize the country with the help of foreign backers, including via foreign NGOs. In July 2011, a local Médecins Sans Frontières clinic was raided by police for its treatment of wounded protesters.<sup>xxxi</sup> Throughout the summer, the hawkish newspaper *The Nation (Al-Watan)*, which is sponsored by the Royal Court, ran a series of articles purporting to expose the anti-government activities of various U.S.-affiliated organizations, including NDI, Human Rights Watch, the American Studies Center of the University of Bahrain, the State Department’s Middle East Partnership Initiative, and even the American Embassy itself.<sup>xxxii</sup> Bahrain’s defense minister repeated these allegations, telling a local daily that 22 different NGOs “operated, funded, and trained by the U.S. and an unnamed Gulf country” were actively working against Bahrain.<sup>xxxiii</sup> Under this backdrop, representatives of rights groups and other international organizations continue to be denied entry into the country, while local activists are similarly restricted from traveling abroad. Those who do manage to leave in order to participate in external conferences and events relating to Bahrain—including for the United Nations, the U.S. Congress, and the British House of Lords—are denounced as traitors and threatened with prosecution.<sup>xxxiv</sup>

Bahrain’s media environment has witnessed similar deterioration. The 2002 Press Law outlines 31 different offenses punishable by either imprisonment or fine,<sup>xxxv</sup> most of which are sufficiently nebulous as to afford authorities wide discretion in restricting freedom of expression and of the press. Such legal caveats have been exploited with growing frequency, particularly in the wake of the uprising. In April 2011, the Information Affairs Authority (IAA) temporarily suspended the country’s only independent newspaper, *The Center (Al-Wasat)*, after it was accused on state television of publishing false stories and

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

photographs related to the then-ongoing security crackdown. Its cofounders, Abd al-Karim Fakhrawi and Mansur al-Jamri, were arrested. The former died in custody of torture,<sup>xxxvi</sup> and al-Jamri, the newspaper's editor-in-chief, resigned alongside most senior staff. He was rehired in August, however, replacing a government-appointed interim editor. While the publication has largely returned to its former role as the newspaper of the opposition, journalists there and elsewhere continue to practice self-censorship, and editors report being contacted directly by government officials instructing them to avoid certain topics or to withhold particular stories.<sup>xxxvii</sup> Apart from *Al-Wasat*, all other print media, while technically privately owned, represent one or another arm of the state. A second opposition newspaper associated with leftist political societies, *The Time (Al-Waqt)*, closed in May 2010 for financial reasons.<sup>xxxviii</sup>

Foreign and freelance journalists face threats of harassment and physical attack, and were denied visas to enter Bahrain during the uprising and at key sensitive political moments since then. In February 2011, an ABC News reporter was beaten and his camera confiscated. In March, the IAA expelled a CNN reporter covering protests, and members of his news team were detained while attempting to interview the president of the BCHR.<sup>xxxix</sup> In May, a reporter for France 24 and Monte Carlo Radio was summoned for interrogation, accused of attending an anti-government protest. She claimed she was tortured while in custody, including via electric shock and simulated drowning.<sup>xl</sup> Also in May, police arrested two U.S.-educated former al-Wefaq MPs who often spoke to foreign English-language outlets, holding them incommunicado for several weeks before eventually charging them with “participating in illegal gatherings” for the purpose of “disrupting public security,” “calling for illegal gatherings,” and “inciting the overthrow of the regime.”<sup>xli</sup> They were released in August pending trial, yet as of November 30 proceedings against them have not resumed. In June, the Bahraini government said it would sue the British newspaper *The Independent*, accusing a correspondent of libel.<sup>xlii</sup> More recently, members of the media simply have been denied entry into the country altogether.

The ongoing crackdown on freedom of expression extends beyond the media. Whether in public, in school, or at the workplace, open criticism of the government or support for the February 14 uprising is strictly punished. In late March 2011, police arrested a woman at a security checkpoint for “playing music calling for the overthrow of the regime,” and a 20-year-old university student made famous for her anti-government poetry surrendered herself to authorities after police repeatedly raided her home and threatened to harm her family.<sup>xliii</sup> After four months in custody, during which she claimed to have been tortured, she was made to apologize on state television.

Students, academics, and public-sector employees who expressed critical opinions—including via Facebook, Twitter, and other internet services—were summarily dismissed throughout the first half of 2011. While authorities later promised to bring back sacked workers at the urging of an independent commission charged with investigating rights abuses committed during the uprising, as of November 2011 few have been reinstated, and those who have were made to accept new contracts featuring downgraded positions and lower wages.<sup>xliv</sup> Students readmitted to Bahrain's only public university were forced to sign a pledge of “complete loyalty to the leadership of the Kingdom of Bahrain represented in His Majesty King Hamad Bin Isa Al Khalifa.”<sup>xlv</sup>

At the same time that Bahrain has silenced dissenting voices in the media and in society, it has used its monopoly on broadcast media, in particular the state-run Bahrain TV (BTV) network, to promulgate its own political narrative. Presenters of news and talk-shows continue to describe the uprising as an Iranian-backed coup attempt, and participants and supporters as traitorous agents of the Islamic Republic or of militant Shia organizations. Such accusations have persisted despite the conclusions of a government-appointed commission that the state has offered no evidence that indicates a “discernable link between specific incidents that occurred in Bahrain during February and March 2011 and the Islamic Republic of Iran.”<sup>xlvi</sup> At the height of mass protests, BTV aired programs asking citizens to identify individuals who took part in demonstrations, especially prominent athletes. The latter were then shamed on television before being arrested.<sup>xlvii</sup> The head of Bahrain's Olympic Committee, King Hamad's son Sheikh Nasr, participated in one such program via telephone, famously warning viewers that “Bahrain is an island with no escape passage, everybody who interfered in these issues will be punished and everybody who took a stand [supporting the regime] will be awarded. The people who stood with or against the king are well known to us.”<sup>xlviii</sup> One opposition activist aptly described the witch hunt in a May 2011 interview, remarking, “All you have to do is watch Bahrain TV. If your name is mentioned, you know you will be

## Countries at the Crossroads

arrested. If not, you tune in again the next day.”<sup>xliv</sup> Some journalists were forced into exile for refusing to remain silent or promulgate the government viewpoint, and continue to be harassed on social media.<sup>1</sup>

Bahrain’s internet penetration has jumped from less than 35 percent in mid-2009 to almost 60 percent of the population by the end of 2011, ranking among the highest in the region.<sup>li</sup> In addition to filtering socially and politically sensitive content, the state monitors all aspects of citizens’ online activity as data passes through central proxy servers controlled by the government. The websites of registered political societies are sporadically blocked, while those of unregistered organizations as well as various web forums are continually inaccessible. Under the pretense of an “anti-pornography” campaign, a 2009 decree allows the Minister of Culture to close websites without a court order, while another from the same year requires all internet service providers to block websites the state deems objectionable. Some 1,040 websites were immediately blocked, although many, including that of the BCHR, related to politics.<sup>lii</sup>

Due to heightened filtering aimed at disrupting communication among opposition activists, overall internet traffic in Bahrain dropped by between 10 percent to 20 percent in the weeks after February 14, 2011.<sup>liii</sup> In April, the administrator of a village-based web forum died in custody after being arrested for “disseminating false information, promoting sectarianism, and inciting the regime’s overthrow.”<sup>liv</sup> Another operator of a much larger forum, BahrainOnline, disappeared in March 2011 and in June was tried in absentia by a military court. Subjected to torture during a similar arrest in summer 2010, he is believed to have fled the country.<sup>lv</sup> In the same month Bahrain’s most prominent blogger, well known to local English-speaking expatriates, was arrested in a nighttime raid. He was released the next day amid considerable media attention. In total, more than a dozen forum operators and moderators were detained or charged in the wake of the uprising alone,<sup>lvi</sup> helping earn Bahrain a spot on Reporters without Borders’ 2011 and 2012 lists of the “Enemies of the Internet.”

### Civil Liberties

There is a wide disconnect between the legal protections afforded citizens by the 2002 constitution and the safeguards that individuals enjoy in practice. While this discrepancy was most visible in the first half of 2011, the state’s encroachment on civil liberties has advanced progressively in the decade following King Hamad’s ascension, as it became ever more apparent that a significant segment of the opposition would not be satisfied with the speed and scope of his reform program. Rather than engage politically with groups seen as unlikely to support the government in any case, then, Bahrain’s leaders increasingly have moved to securitize the problems of political dissent and activism, with predictable consequences.

An authoritative report by the Bahrain Independent Commission of Inquiry (BICI), a panel of foreign experts charged with investigating the events of February and March and their aftermath, identifies a total of 52 deaths that may be linked directly to the uprising through November 2011. These include 35 killed—including five members of the security forces—in the two months between February 14 and April 15, when the majority of security operations were carried out against protesters and activists. Five of the 30 civilian cases resulted from torture at the hands of security forces during the State of National Safety, in force from March 15 to June 1.<sup>lvii</sup> An additional 13 deaths were attributed to firearms, and one to injuries as a result of beating. While it could not definitively determine the cause of death in the remaining cases, the BICI noted that they were possibly the result of protest activity or of excessive force by security forces. Local rights organizations documented numerous cases not identified in the report, most of which relate to death from inhalation of tear gas used during clashes between protesters and security forces. The BICI names four different agencies as being responsible for one or more of the 19 attributed civilian deaths: the Ministry of Interior (MOI), the Bahrain Defense Force, the National Security Agency, and one unnamed security agency.<sup>lviii</sup>

Thousands of other citizens were subject to arbitrary arrest, long-term detention without trial or access to legal representation, torture, and prosecution by closed military tribunal. The BICI investigated 559 cases of detainee mistreatment, all but nine of which involved Shia. At least 13 different detention facilities—including informal interrogation centers, police stations, and prisons—were implicated by complainants, who reported a wide range of cruel, inhumane, and degrading practices, among them insults directed at detainees’ religious faith. Torture was utilized not only as a method of extracting confessions but as retribution and punishment.<sup>lix</sup> BICI investigators personally witnessed cases of torture among detained children as young as 14.<sup>lx</sup> Both the MOI as well as a semi-governmental rights organization established hotlines by which individuals could report abuse, but the fear of reprisal deterred many from

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

speaking even to the impartial BICI, to say nothing of institutions connected to the state. Accordingly, the incidence of mistreatment is likely substantially higher than the number of cases treated by the BICI.

The commission detailed conditions in detention facilities that the U.S. State Department describes as “often harsh and sometimes life-threatening.”<sup>lxix</sup> In addition to accusations of abuse and torture, the BICI documented the deaths of four detainees awaiting trial. In only one instance were those responsible prosecuted, and even this case now awaits a civilian retrial, whereas dozens if not hundreds of protesters have been tried before military courts. More generally, the BICI reported a wide range of complaints from detainees about the conditions of their detention—complaints, according to those interviewed, that went unheard. These include a lack of access to clean toilet facilities, to water for drinking and for ablutions, and to shower facilities and soap.<sup>lxx</sup> Some claimed they were not allowed to perform prayers. Access to detainees, including by lawyers, was severely restricted especially during the SNS, and often days and weeks passed during which families remained unaware of their relatives’ whereabouts or legal status. While the BICI notes an internal prison monitoring committee established by the MOI in late April 2011, Bahrain has continued to resist outside inspections by organizations like the International Committee of the Red Cross, which has not visited its facilities since 2001.<sup>lxxi</sup> Among the recommendations of the BICI is the establishment of an ombudsman’s office within the Interior Ministry. A royal commission to review and implement the full list of BICI recommendations was established by decree on November 26, 2011. The body had not yet convened by the end of the reporting period.

Prison conditions were also the subject of complaint prior to the uprising. In August 2010, some 70 inmates of the central Jaw prison organized a protest, claiming physical mistreatment, including the withholding of medical equipment and care, and overcrowding. Their visitation rights were subsequently suspended, and several individuals began hunger strikes.<sup>lxxii</sup>

Beyond the myriad ordinary citizens targeted for punishment for their suspected participation in protests, the occasion of the uprising and ensuing SNS was seized upon as an opportunity to rid the state finally of prominent political activists. In each of the two years preceding the uprising, Bahrain’s leading opposition figures were arrested under a 2006 anti-terrorism law on charges of attempting to overthrow the state: first in early 2009, then in the months before the October 2010 parliamentary elections. Each time they were released. In April 2009, some 170 activists were pardoned, among them 35 opposition leaders, in the run-up to the politically-sensitive Bahrain Grand Prix race. Then, in an apparent gesture to protesters in February 2011, King Hamad dropped charges against 20 of the same individuals, including the exiled head of al-Haqq. The latter would return to Bahrain only to be arrested days later.

By the end of March 2011, the government had executed an even more sweeping crackdown. The leaders of every opposition political society with the exception of al-Wefaq were detained in waves of nighttime raids, charged with “forming a terrorist group with intent to overturn the system of government” and collaboration with a foreign state, namely Iran. Among them were the heads of two societies—the Islamic Action Society and the leftist Wa’ad—that were operating legally at the time of the crackdown, although Wa’ad was subsequently closed. It was allowed to reopen in order to secure nominal opposition participation in the July National Dialogue, which al-Wifaq boycotted, but not before its offices were ransacked and its website blocked.<sup>lxxiii</sup> The 21 opposition leaders were convicted by closed military tribunal in June 2011, with eight sentenced to life in prison and the others of terms up to 15 years.<sup>lxxiv</sup> Two former al-Wifaq MPs were also arrested, but, as noted already, this was largely to preclude their speaking with foreign media, and both were subsequently released. A final notable activist is a Salafi former army officer named Muhammad Al Bu Filasa. He was detained immediately after delivering a speech to protesters gathered at the now-demolished headquarters of the uprising, the Pearl roundabout, in which he called for cooperation between Sunnis and Shiites seeking political change.<sup>lxxv</sup> After several months held incommunicado, he eventually appeared in a forced apology and retraction aired on state television.

Additional citizens arrested and tried en masse during the SNS includes a group of 47 doctors and nurses employed at the Salmaniya Medical Complex in Manama, the country’s only public hospital. After treating protesters wounded in a deadly security operation to clear the Pearl Roundabout, medics were accused of a wide range of charges, including stealing medicine, possessing weapons, and occupying a government hospital. They were also charged with “inciting hatred to the regime and insulting it, instigating hatred against another sect and obstructing the implementation of law, destroying public property, and taking part in gatherings aimed at jeopardizing the general security and committing crimes.”<sup>lxxvi</sup> All denied the accusations and claimed they were forced to confess under torture, but a SNS

## Countries at the Crossroads

court ruled that the confessions were admissible.<sup>lxxix</sup> In September 2011, a total of 20 individuals were sentenced to between five and 15 years, but these were soon suspended pending a civilian retrial for which the confessions were thrown out.<sup>lxxx</sup> The appeal was ongoing as of November 30, 2011.

Although Bahrain historically has been home to low levels of violent and petty crime, the post-February period has witnessed an increase in criminal activity as an extension of political conflict between pro-government and anti-government activists. Armed civilian gangs operate in various locations across the country, attacking anti-government protesters as well as homes, property, and businesses owned by prominent Shia, and this often under the apparent protection of security forces. The harassment reached such a level in one southern Shia neighborhood that the secretary general of al-Wifaq openly petitioned King Hamad personally to step in to control what he termed “militias.”<sup>lxxxi</sup> On the other hand, anti-government rioters have at times targeted South Asian civilians thought to be plainclothes employees of the security forces, resulting in the deaths of at least two in the early days of the uprising.<sup>lxxxii</sup>

A vaguely worded anti-terrorism statute, the Protecting Society from Terrorist Acts Law, gives Bahrain wide leeway in detaining and prosecuting suspected militants and political activists alike. The law, ratified by King Hamad in August 2006 over the strident protest of opposition MPs and international observers, includes among “terrorist” offenses acts meant to “disable the provisions of the constitution”; to “disrupt the public order”; to “harm the national unity”; or indeed to “damage the environment.” A “terrorist organization” is likewise any group that aims, inter alia, to “prevent any of the State enterprises or public authorities from exercising their duty” or to harm “the national unity.”<sup>lxxxiii</sup> The law’s use as a pretext for the arrest of opposition leaders and activists, both before and after the uprising, has been noted already. Other applications include the prosecution in July 2010 of seven young men accused of killing a plainclothes police officer using a Molotov cocktail. Five were given life sentences, and two ten-year terms.<sup>lxxxiv</sup> Conversely, in the one case for which the anti-terrorism law was most appropriate—that of two Bahraini citizens convicted in January 2010 of plotting with al-Qaeda to attack U.S. Navy installations in the country—it was applied most weakly, with the men receiving only five year terms.<sup>lxxxv</sup> In June 2006, the Constitutional Court dismissed on a technicality charges against four men accused of planning terrorist attacks again as part of an al-Qaeda cell. Thus, despite the state’s disproportionate application of the 2006 statute against Shia dissidents, in fact an equal or even greater threat of terrorist violence in Bahrain stems from radical Sunnis associated with transnational terrorist organizations.

In spite of a comprehensive 2008 Law to Combat Trafficking in Persons that prohibits all forms of human trafficking and prescribes heavy punishment for violators, Bahrain’s efforts to combat the practice have been limited to “sustained moderate efforts to prosecute sex trafficking offenses,” according to the U.S. Department of State’s most recent evaluation, whereas it “made no reported efforts to punish forced labor.”<sup>lxxxvi</sup> The government investigated three cases of forced prostitution between March 2009 and March 2010, and another 12 cases through February 2011, resulting in a total of 11 convictions.<sup>lxxxvii</sup> Bahrain has resisted investigations into government complicity in trafficking, and it continues to ignore altogether the issue of forced labor.

Bahrain’s constitution guarantees citizen equality under the law and proscribes discrimination “on the basis of sex, origin, language, religion, or creed.” Yet, as in other matters, such guarantees are contradicted by practice—and indeed, in the case of women, by conflicting legal provisions. The stipulation for gender equality is qualified elsewhere in the constitution as being delimited by “the provisions of Islamic law (Sharia),” and it is the formal and informal application of this religious canon that continues to restrict the rights and autonomy of women. Family matters such as divorce, inheritance, and custody fall under the jurisdiction of Sharia rather than civil courts, where women face discriminatory regulations: women cannot transmit nationality to spouses or children, for example; courts may deny a woman’s request for divorce; and custody of children usually reverts to the father when a child reaches a specified age.<sup>lxxxviii</sup> Women also may not travel outside the country without the permission of a male family member. While Bahrain outlaws rape and honor killings, no legal provisions address either spousal rape or domestic violence generally, despite the latter being widespread according to local women’s rights groups.<sup>lxxxix</sup>

In the face of strong resistance from religious leaders, Bahrain succeeded in May 2009 in passing a personal status law that codifies these and other family matters. Yet, after more than four years of pressuring Sunni and Shiite clerics, the government could coerce the acceptance only of the former group. The Shia Islamic Council of Scholars rejected state interference in its religious affairs and threatened mass protests, which it duly organized in 2004 when the state introduced a similar bill to parliament.<sup>lxxx</sup> Bahrain’s Shia thus continue to lack a codified family law, although the extent to which Sunni women have

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

benefited from the new regulations remains unclear.<sup>lxxxix</sup> As a gesture to female activists who had campaigned for a unified and more equitable personal status law, a separate decree (No. 35) promulgated later in 2009 allows children of Bahraini women married to non-Bahrainis to pay the same fees as citizens for government services such as health, education, and accommodation; they still do not qualify for citizenship, however.

Bahrain occupies position 110 of 139 countries graded on the World Economic Forum's 2011 Gender Gap Index, which aims to measure "the magnitude and scope of gender-based disparities" in a society. In the area of political empowerment specifically, Bahrain's ranking declines further to position 122,<sup>lxxxii</sup> reflecting female underrepresentation in senior positions across all branches of government.<sup>lxxxiii</sup> The government has sought to combat this negative image—not to say the underlying problems facing females—with the selection of women for positions with high international visibility, including presently the ministers of culture and human rights as well as the ambassadors to the United States and the United Kingdom.

In similar fashion, Bahrain has countered the poor performance of female candidates in parliamentary votes by manufacturing electoral victories. In 2006 and against in 2010, the celebrated "first female MP in the Gulf" won unopposed in a largely-unpopulated southeastern district evidently created for the purpose. Three other female MPs won seats vacated by al-Wefaq in the 2011 by-elections: one, a Shia, after her male opponents suddenly dropped out of the race; and two others in elections that saw turnout of just 17 percent.<sup>lxxxiv</sup> Four women from families traditionally aligned with the ruling family are also represented on the appointed Consultative Council for 2010-2014, while nine were represented in the previous 2006-2010 cohort.<sup>lxxxv</sup> At the same time, however, efforts by ordinary women to form political advocacy groups outside the aegis of the state-controlled Supreme Council for Women have met with concerted obstruction. The Bahrain Women's Union, an umbrella association representing twelve women's organizations, was denied registration for five years until a March 2006 court decision in its favor. Accused by the Ministry of Social Development of being political in nature, the group has continued to face strict application of laws regulating the activities of NGOs.<sup>lxxxvi</sup>

Bahrain's approach to other minority rights mirrors that with respect to women. The country's largest ethno-religious group—Arab adherents of Shia Islam—faces systematic discrimination in political representation, both in general and in senior-level positions; in employment in the public and private sectors; and in the administration of justice. Furthermore, owing to what one observer has called an "almost apartheid-like system of voluntary segregation," Bahrain is divided between Sunnis and Shiis not only politically and socio-economically, but also physically.<sup>lxxxvii</sup> This geographical separation limits quotidian interaction between members of the two communities, and has enabled targeted investment in infrastructure and public services that, some exceptions notwithstanding, has tended to disadvantage Shia-dominated areas, in particular the several dozen peripheral villages populated almost exclusively by Shia. Finally, in the post-uprising period such partition has also facilitated the militarization of the country, as well-placed security checkpoints have effectively cordoned off villages and neighborhoods prone to protest activity.

Although they constitute an estimated 53 to 62 percent of the total citizen population,<sup>lxxxviii</sup> Bahraini Shia are structurally precluded from gaining a majority of seats in the elected lower house of parliament due to gerrymandered voting districts and other electoral manipulations. They are disproportionately excluded from the public sector in general and from senior posts in particular. A nationally-representative 2009 mass survey of Bahrain found that a Sunni citizen is about 36 percent more likely to be employed in the public sector as compared to a Shia of identical age, gender, and education level. The same study demonstrated that the average Sunni enjoys an occupational level in the public sector that is about 15 percent higher than that of a Shia of identical characteristics.<sup>lxxxix</sup>

Moreover, Shia citizens are all but disqualified from employment in the police and armed services for doubts over their loyalty to the state. According to the aforementioned survey, whereas 13 percent of all Sunni households had at least one member employed in these services, not a single individual from among 127 employed Shia males who offered occupational data reported working for the police or military. In a country that ranks 11<sup>th</sup> in the world in military spending as a proportion of national income,<sup>xc</sup> such a wholesale exclusion from the security services affords a considerable socio-economic advantage to Sunni citizens, for whom is reversed an entire sector of the economy. Sunni domination of the security forces

## Countries at the Crossroads

also serves to instill a decidedly sectarian character to confrontations between mainly Shia protesters and Sunni police, many or most of whom are recruited from outside Bahrain specifically for this work.

As in the case of female empowerment, rather than address the underlying structural discrimination against Shia citizens, Bahrain instead ensures nominal representation of Shia and other, much smaller religious minorities in the cabinet, in the Consultative Council, and in other prominent posts as evidence of an ostensive commitment to minority rights. Secondary ministries unrelated to the exercise of power—including especially those that deliver social services—are led and staffed disproportionately by Shias. Among the 40-member Consultative Council are 19 Shias from traditionally pro-government families, among them the body's two-term speaker. In the previous cohort were 20 Shia similarly unrepresentative of the opposition. What is more, the present council even includes one individual from Bahrain's 37-stong Jewish community as well as one Christian from a citizen population of around 1,000.<sup>xcii</sup> Bahrain's present ambassador to the United States is Jewish, and the ambassador to the United Kingdom is Christian. The disproportionate social, economic, and political exclusion of Shia citizens in Bahrain thus stems not from ideological aversion to the group as a heterodox religious community, but from fear of Shia as real or potential political force.

The state's control over the practice of Islam, Bahrain's official religion, is exercised likewise mainly for pragmatic political reasons rather than for concerns over doctrine. This can be seen in the fact that, unlike in most Islamic states, no civil laws punish apostasy, blasphemy, proselytizing, or conversion from Islam. The government oversees clerical appointments and funds and monitors official religious institutions including mosques, Shia funeral houses (ma'tams), schools, and Sharia courts. It also oversees and scrutinizes students undertaking religious studies abroad, especially those who travel to Iran.<sup>xciii</sup> In an effort to help protect against youth radicalization, the state has moved since 2007 to exert more control over religious education, vetting the curricula of private Islamic schools and introducing new public school programs that promote liberal interpretations of Islam. Both the Ministry of Education as well as its Curriculum Directorate continue to be dominated by Sunnis, however, and Shia traditions and practices may be lawfully discussed only in five registered Shia religious schools.<sup>xciii</sup>

Compared to neighboring Gulf states, Bahrain traditionally has placed relatively few restrictions on Shia religious practice, even granting the most holy festival of Ashura status as a public holiday. Celebrants have been allowed to organize the customary lectures, street processions, and passion plays that attend the commemoration, despite the inherent political nature of such activities and indeed of the entire occasion. The state's tolerance for free religious expression has waned more recently, however, in view of deepening Sunni-Shia tensions. In 2010, police removed conspicuous religious banners and flags erected in Shia neighborhoods adjacent to Sunni-dominated areas, prompting demonstrations.<sup>xciv</sup> In early 2009, a controversial Salafi imam and independent MP was temporarily suspended and nearly stripped of parliamentary immunity after insulting Shia in a Friday sermon.<sup>xcv</sup> The government's ban lasted only long enough for him to be relocated to a mosque nearer to his home, Sunni-populated district, however, and he was comfortably reelected the following year. In the wake of the uprising, Bahrain has gone even further to restrict political speech in religious sermons, especially those delivered by the country's ranking Shia cleric and spiritual leader of al-Wefaq, Sheikh 'Isa Qasim. Angered by his open endorsement of boycott of the National Dialogue and by-elections of 2011, Bahrain threatened Qasim with legal action in an August letter signed by the Minister of Justice and Islamic Affairs.<sup>xcvi</sup> Similar warnings have followed.

The post-uprising period has also witnessed a more fundamental shift in the state's orientation toward Shia premised in part on political expediency and in part on a change in ideology. Following the unprecedented mobilization of Sunni citizens in February and March 2011—a counter-protest that played a decisive role in checking the momentum of the uprising—the state has relied upon and actively cultivated Sunni fear of Shia political empowerment in order to preclude the emergence of a much more dangerous reform movement cutting across societal boundaries. Using state-controlled media to portray the revolt as an attempted coup by traitorous Shia agents of an expansionist Iran, Bahrain has succeeded in avoiding the type of cross-sectarian political coordination that would require a more serious government response to demands for political change.

This strategy has coincided with the post-February empowerment of ruling family members who have historically promoted an anti-Shia agenda, including most notably the Royal Court Minister and his brother the Defense Minister. An infamous 2006 dossier by a British national of Sudanese origin working then as a government advisor purported to outline a Royal Court project to undermine the overall political position of Bahrain's Shia.<sup>xcvii</sup> The so-called "Bandar Report" documented bribes and payments totaling more than one million Bahraini dinars (approximately \$2.65 million) dispersed among various members of

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

an electronic group, an intelligence team, a newspaper, and other organizations funded under the initiative. Some of the claims, such as the Royal Court's bankrolling of Sunni political societies, have reappeared in leaked U.S. State Department cables.<sup>xcviii</sup> The Royal Court Minister is also widely suspected of sponsoring the armed civilian gangs who clashed with anti-government demonstrators at the height of mass protests in March 2011.<sup>xcix</sup> Perhaps the clearest indication of the state's shift in ideological orientation against Shia as a result of the uprising is its punitive destruction of Shia mosques and other religious structures, ostensibly for lack of proper building permits. The BICI report tells that a total of 53 structures were destroyed over the course of more than three months between March 1 and May 11, 2011.<sup>c</sup>

Constitutional guarantees of "the freedom to form associations and unions" were rendered largely meaningless in the post-February period, and entirely so during the SNS. The Ministry of Justice and Islamic Affairs dissolved one legally operating political society—the socialist-leaning Wa'ad—in February, and then in April 2011 announced it would take similar action against the country's two remaining registered opposition groups—the Islamic Action Society as well as al-Wefaq itself.<sup>ci</sup> It relented only after international outcry at its bid to outlaw the whole of the relevant political opposition.

Likewise, despite an October 2006 decree banning the dismissal of employees for trade union activities, almost 4,500 members of the General Federation of Bahrain Trade Unions (GFBTU) were fired—or, as the government later claimed, "suspended"—between March and May 2011. Reasons for dismissal included participation in two general strikes organized by the GFBTU in response to security force attacks on protesters; suspicion of participation in protests; or statements of support for the uprising, including those made on the internet. According to the BICI, employers dismissed 2,462 workers from the private sector and 1,945 from the public sector, including 57 union leaders, or 26 percent of Bahrain's union leadership.<sup>cii</sup> On August 28, King Hamad directed employers to reinstate all wrongly-terminated workers, yet the U.S. Department of State describes the process as being "characterized by lengthy delays, a complicated appeals processes, and inaction or outright refusal to act on the part of some companies and government organizations."<sup>ciii</sup> Some of those who were rehired, moreover, were rehired at a diminished rank or salary, under "final-warning" status, or on the condition that they sign a pledge of loyalty. The dispute between the GFBTU and the government over reinstatement is ongoing as of November 2011.

The Ministry of Interior must be notified three days in advance of any public gathering, a requirement routinely used to restrict opposition activities. The SNS barred any gathering of more than five persons, and those who defied this order were met with violent suppression. The BICI concludes that during this period "force and firearms were used in an excessive manner that was, on many occasions, unnecessary, disproportionate, and indiscriminate."<sup>civ</sup> Following the expiration of the SNS, public gatherings and marches—whether by registered opposition societies, the informal opposition, or pro-government groups—were common but irregularly tolerated. Al-Wefaq organized a months-long series of protests (euphemistically called "festivals") articulating "Our National Demands." Similarly, a loose alliance of opposition activists known as the February 14th Coalition held weekly rallies under the slogan "The Right to Self-Determination." These events often ended in clashes between participants and riot police or in the use of tear gas to disperse crowds. The charge of "participation in an unauthorized gathering" continues to be used routinely to detain and jail activists. Nominally pro-government Sunni groups, including the National Unity Gathering so influential in countering mass demonstrations in February and March, were permitted to hold weekly protests in opposition to the opposition. A more youth-dominated offshoot of the movement known as the Al-Fatih Awakening maintains a more ambivalent relationship with the state, and at least one of its many gatherings was dispersed, albeit peacefully, for lack of authorization.

#### **Rule of Law**

The events of February 2011 and their aftermath underline the inherent tension in Bahrain between the primacy of the law on the one hand and the broad privileges and juridical role of the ruling tribe on the other. Members of the Al Khalifa enjoy basic economic, social, and political advantages that elevate them above ordinary citizens, and in practice are accountable only internally according to seniority. Headed by King Hamad, a High Judicial Council oversees Bahrain's courts, the public prosecutor, and the appointment of judges, the latter occurring via royal decree by the king or, in the case of lower courts, the

## Countries at the Crossroads

prime minister. King Hamad also appoints the chief judge and six associate judges of the Constitutional Court, established in 2002 to review the constitutionality of legislation, as well as Bahrain's supreme court of appeal, the Court of Cassation, over which currently presides a senior member of the ruling family.<sup>cv</sup> More generally, the Al Khalifa are disproportionately represented among high-ranking judges, along with non-Bahrainis. The latter group receives renewable, two-year contracts, a practice seen as discouraging decisions unfavorable to the government.<sup>cvi</sup>

In addition to civil courts with jurisdiction over civil, criminal, and commercial litigation, Bahrain maintains a two-tiered system of Sunni (Maliki) and Shia (Ja'afari) Islamic Sharia courts responsible for personal and family matters. Since 2009, the former have ruled according to a codified Sunni family law, whereas Shia courts continue to rely on judges' personal—and often arbitrary or opaque—interpretations of Shia law and tradition.<sup>cvi</sup>

To try persons suspected of involvement in the uprising, Bahrain established in March 2011 a separate SNS court system that combined civilian and military elements. Lower and upper National Security Courts were composed of presiding military judges aided by two civilian judges, all appointed by Bahrain's Defense Minister and Commander-in-Chief of the Bahrain Defense Force Field Marshal Khalifa bin Ahmad Al Khalifa. The courts were granted jurisdiction over a wide range of charges deemed related to SNS law, including protest activities, weapons violations, threats against public officials and public safety, and activities falling under the 2006 anti-terrorism statute. Trials were conducted in military fashion under the direction of a military prosecutor, and sentences initially were irreversible (a condition later changed). In court, defense attorneys challenged the constitutionality of the proceedings, but judges refused all requests to refer the question to the Constitutional Court.<sup>cvi</sup> In its report, the BICI also recommended a Constitutional Court review of the royal decree (No. 18) that established the State of National Safety, including the National Security Court system.<sup>cix</sup> Such a review has not yet taken place.

Detainees and rights organizations complained of unfair trials, widespread violations of due process, and confessions extracted under torture. These charges were subsequently supported by the BICI, which concluded that "fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony, were not respected."<sup>cx</sup> Moreover, the BICI reported receiving "evidence indicating that, in some cases, judicial and prosecutorial personnel may have implicitly condoned this lack of accountability."<sup>cx</sup> Between April and October 2011, the SNS courts convicted a total of 509 defendants, at least 204 of which, according to a Human Rights Watch study, "were convicted of transparently political charges related to the exercise of freedom of expression and assembly."<sup>cxii</sup> Among those tried under the SNS system were the leaders of Bahrain's opposition, nurses and doctors who treated injured protesters, and even Bahrain's most prominent defense lawyer, who before being detained himself had been leading a team of attorneys representing high-profile cases.

Amid widespread attention over the court proceedings generated especially from Bahrain's military trial of medical workers, the SNS system was revised in a series of additional royal decrees. Sentences, including death sentences and SNS appellant court decisions, could now be appealed in the civilian Court of Cassation; misdemeanor cases were transferred to civilian courts; and on October 7 the SNS courts closed completely.<sup>cxiii</sup> Some of the cases transferred to civilian court were suspended, while many others were ongoing as of the end of November 2011.

Such haphazard administration and revision of the National Security Court system is symptomatic of a larger tendency in Bahrain toward justice by royal decree, especially in cases that bear substantial political significance. Several of the 21 opposition leaders given lengthy prison sentences in June 2011, for example, had been pardoned of existing terrorism charges and released from custody in March as a concession to protesters, only to be re-arrested days later. In fact, for many of Bahrain's top opposition figures this marked the second time in as many years that they would be arrested, pardoned, and then re-arrested on similar charges, reinforcing the view that justice is executed in Bahrain according to political expediency rather than impartial application of the law by an empowered and independent judiciary.

While court rulings against the state are not unknown, such cases are exceptions and do not touch on the basic political prerogatives of top government officials. The most prominent of these decisions have been taken by the Constitutional Court, which sparked controversy in March 2007 when it annulled a 1970 decree allowing the expropriation of private property for public use.<sup>cxiv</sup> The court has not invalidated any edict of King Hamad, however, and other judicial decisions against the government have been comparatively inconsequential. Despite multiple political and corruption scandals in which relatively senior members of the ruling family were implicated, none has been investigated. Decree 56 of 2002 continues to extend amnesty to public officials accused of committing human rights abuses prior to 2002.

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

The post-February 2011 period has witnessed a qualitative increase in the political role of Bahrain's military and security services. Each is dominated at the highest ranks by members of the Al Khalifa and tribally-allied families, whereas mid- and low-level positions are disproportionately occupied by Sunni expatriates recruited specifically for their martial service. More than a product of the SNS merely, such encroachment into politics stems more fundamentally from a larger shift in state strategy away from political engagement toward a more security-oriented framework for dealing with the opposition. Most emblematic of this process is the newfound prominence of Field Marshal Khalifa bin Ahmad Al Khalifa. The Defense Minister and BDF Commander has exceeded his formal functions in administering the SNS and appointing military court judges to enter explicitly into the realms of politics and policy. Following the violent March 2011 clearing of the Pearl roundabout widely criticized for its excessive use of force, for instance, he publicly warned activists that if they attempted to return the army would meet them with "200 percent" of the force used in the original raid. Later, in a July 2011 interview with an Egyptian newspaper, he claimed the uprising was a conspiracy involving the United States and Iran aimed at overthrowing the Gulf monarchies.<sup>cxv</sup>

The decisive role of the military and especially the security forces in shaping the political playing field in Bahrain has manifested itself similarly at the popular level. Sunni activists have adopted the cause of police and security personnel injured or killed in clashes with demonstrators, organizing regular political rallies to demand harsher security crackdowns on protest activities. In October 2011, a notorious former intelligence officer established a Military Society meant ostensibly to advise the state on security matters, yet the Sunni-dominated organization operated more like a militia and was involved in at least one violent altercation with Shia procession-goers during Ashura celebrations.<sup>cxvi</sup> Other armed civilian groups also have emerged, some of which appear in video footage to be supported or ignored by uniformed police.

The BICI described the lack of accountability within Bahrain's security services as a "culture of impunity" and recommended a "national independent and impartial mechanism" to hold accountable those responsible for the torture and mistreatment of civilians during and after the uprising, "including those in the chain of command, military and civilian."<sup>cxvii</sup> As of November 2011, the state has identified and charged only 20 low-ranking security personnel, a majority of whom are non-Bahraini. All are alleged to have acted in a rogue, personal capacity.<sup>cxviii</sup> There is no indication that senior officers or civilian decision-makers will be prosecuted. Although the royal head of the National Security Agency was dismissed shortly after the release of the BICI report, he was thereafter made secretary-general of Bahrain's Supreme Defense Council and a national security adviser to the king at the rank of minister.<sup>cxix</sup>

Constitutional protections against unjustified seizure of public and private property continue to be disregarded by the ruling family, which has expropriated large swaths of prime real estate—especially coastal lands—for the use of its members or as gifts for key political allies.<sup>cxx</sup> A March 2010 parliamentary investigation found that 65 square kilometers of public land worth some \$40 billion had been illegally privatized since 2003.<sup>cxxi</sup> Presentation of the 1,214-page document in parliament was attended by the Ministers of Justice and Finance, who dismissed its allegations and deemed the entire report "illegal" for overstepping its approved mandate. Normally aired on public radio, the session of parliament that day was not broadcast for what were said to be "technical problems." Despite calls by both Sunni and Shia MPs for the prosecution of those implicated, the report prompted no substantive government action.<sup>cxxii</sup> A year later, among the boldest actions of demonstrators during the uprising was the attempted occupation of the Bahrain Financial Harbor, an unfinished multi-billion dollar development built on reclaimed land allegedly purchased by the prime minister for a single Bahraini dinar. Protesters sarcastically held up one dinar notes alongside images of the premier.

Other lands expropriated for elite use include two large islands used as private residences of the king and prime minister, respectively; the majority of Bahrain's western coast, an area traditionally used for fishing; and more recently a maze of reclaimed islands dotting the northwestern coast adjacent to Shia villages. The entire southern half of the country is militarized. In 2006, Bahrain blocked internet access to the then recently-released Google Earth software when the application allowed citizens to observe for the first time the extent of this exploitation and the opulence of palace compounds.<sup>cxxiii</sup> Apart from the issue of land corruption, finally, Shia in the opposition also complain of de facto discrimination in land ownership, claiming that Shia citizens are unable to purchase property in Sunni-dominated areas such as al-Rifa', the historical seat of the ruling family, and parts of al-Muharraq.

## Countries at the Crossroads

In addition to the 53 Shia religious structures razed between March and May 2011, the BICI reported “640 complaints alleging the seizure and theft of personal property and the destruction of personal property in the course of arrests” executed after February 14, including “the seizure of cars and, in some cases, willful damage done to cars that were not seized.” According to the BICI, “many complainants” indicated that, as of October 31, their confiscated property had not been returned.<sup>cxxiv</sup>

### Anticorruption and Transparency

Although popular demands for greater governmental accountability have increased with al-Wefaq’s entry into parliament, the growth of internet activism, and the emergence of watchdog groups such as the Bahrain Transparency Society (BTS), still Bahrain continues to treat the symptoms of corruption rather than its structural and legal contributors. Recent prosecutions of several low-level officials and an investigation into one Shia minister have served perhaps to deter graft among employees of state-owned firms and some segments of the bureaucracy. But the much larger problem of royal misuse of public funds, aided by legal loopholes and the country’s overwhelming fiscal reliance upon directly-accruing rents from the sale of natural resources, persists unabated.

With no tax on income, as much as 80 percent of the state’s revenue is generated from oil, mainly via the Abu Safa oil field shared with and administered by Saudi Arabia.<sup>cxxv</sup> At current prices, Bahrain’s allocation of around 150,000 barrels per day equates to approximately \$15 million flowing daily into the royal treasury. A 2008 audit by Bahrain’s Financial Audit Bureau (FAB), which is empowered to review some state revenues and expenditures, found that in that year alone \$615 million in oil revenue—or around 12 percent of the 2008 total—was unaccounted for.<sup>cxxvi</sup>

Recent initiatives promising greater transparency—including ratification of the United Nations Convention against Corruption in November 2009;<sup>cxxvii</sup> new September 2011 legislation imposing penalties of up to 10 years imprisonment for any official found guilty of corruption;<sup>cxxviii</sup> and a parliamentary proposal to expand the powers of the FAB<sup>cxxix</sup>—have done little to negate the underlying incentives driving corrupt practices. Officials are not obligated to disclose their financial assets, and although ministers legally are required to end business activities within six months of taking office, this condition is rarely enforced in practice. No legal framework guarantees freedom of information, and the expenditures of the royal family as well as the ministries of interior and defense are explicitly exempt from FAB scrutiny. Despite multiple scandals in which members of the ruling family were implicated in bribery or money laundering, Bahrain has shown no willingness to investigate such claims, guaranteeing de facto legal immunity for even junior royals. Corruption is not widespread within the educational system.

More efficacious institutional mechanisms for oversight, including an independent commission to investigate accusations of corruption suggested by the Bahrain Transparency Society and proposed in parliament by al-Wefaq, are consistently resisted by the government and its allies in the legislature.<sup>cxxx</sup> The aforementioned bill to enhance the powers of the FAB was moderated at the insistence of pro-government MPs, who likewise have historically obstructed parliamentary efforts to scrutinize the state’s budget proposals. This has been less true recently in the absence of al-Wefaq, however.

In May 2010, parliament amended a law governing the Bahrain Tender Board, the body responsible for reviewing the procurement of government contracts. Reportedly to ease a growing backlog of cases, the changes increased substantially the threshold beyond which contracts must be reviewed, although MPs successfully resisted even higher thresholds proposed by the government. While exceptions for state-owned Aluminum Bahrain (Alba) and Gulf Air were also lifted, a more sweeping proposal to subject the Tender Board’s decisions to FAB review was not included in the amendments.<sup>cxxxi</sup> Closely associated with the government, the Tender Board is currently chaired by the minister of housing.

Competition within the ruling family has also complicated Bahrain’s efforts to address corruption. Partly in view of public pressure but primarily for reasons related to royal family politics, Crown Prince Salman had in the years prior to February 2011 taken up the cause of anti-corruption. The campaign was headlined by a comprehensive investigation into the practices of major public companies launched in 2007 by the Economic Development Board (EDB), then an effective shadow cabinet reporting to the crown prince.<sup>cxxxii</sup> Yet, tied as it is to Sheikh Salman’s larger program of economic modernization and diversification, this anti-corruption agenda has been resisted by members of the ruling family who benefit most from the prevailing system and who are the implicit targets of the reforms. Such is true in particular of the prime minister, whose power derives from vast patronage networks permeating the private and semi-

## **Countries at the Crossroads**

### **Draft – Not for Attribution or Redistribution**

public sectors. Among the more visible results of the EDB's inquiry was the removal of the prime minister's son from his post as the head of the Department of Civil Aviation.<sup>cxxxiii</sup>

In May 2010, Minister of State Mansoor bin Rajab was abruptly sacked and interrogated by the Public Prosecutor for his alleged involvement in a money laundering scheme. A Shii known for his close connection to King Hamad, bin Rajab was soon the focus of a sectarian smear campaign by local media, which accused him of funneling money to both the Iranian Revolutionary Guard and Lebanese Hizballah. One newspaper affiliated with the prime minister even reported that he had in his possession photographs of Bahraini military installations destined for Iran.<sup>cxxxiv</sup> Growing speculation about the involvement of more senior officials, including those from the royal family, was heightened when bin Rajab filed a request to summon as a witness the Minister of National Security, Khalifa bin 'Abdallah Al Khalifa. The government immediately issued a media gagging order on the case, and its present status is unclear.

In November 2010, a court convicted two low-level Alba employees of laundering more than \$17 million between 1999 and 2004. They were widely viewed as scapegoats for more senior officials, including Alba's chairman and then Oil Minister 'Isa bin 'Ali Al Khalifa, cousin and advisor of the prime minister. Al-Wefaq's leader in parliament sought to quiz the Finance Minister and claimed to possess documents proving the involvement of senior Alba executives.<sup>cxxxv</sup> In October 2011, the United Kingdom's Serious Fraud Office named Sheikh 'Isa as a co-conspirator in its own bribery case dating to 2003-2004. Yet, despite a series of corruption scandals linked to Alba, the government rejected the allegations against him and has not pursued an investigation.<sup>cxxxvi</sup>

In practice, then, Bahrain's announced anticorruption drive has produced only modest results, in addition to demonstrating the limits of Sheikh Salman's authority. This is reflected in the country's rating on Transparency International's Corruption Perceptions Index, which since 2003 has steadily worsened. Indeed, the largest decline occurred between the years 2006 and 2007, coinciding exactly with the Crown Prince's ostensive anti-corruption drive. Since 2009, Bahrain's position has stagnated at between 46th and 48th out of around 180 countries. As Bahrain's once-burgeoning private sector has faltered following the prolonged instability of 2011, and as Crown Prince Salman has been relegated ever more to the political sidelines, the structural contributors to corruption in Bahrain have only augmented while the main impetus to arrest it has faded.

#### Recommendations

- End the detention of and use of violence against individuals engaged in political protest and in the expression of opinion, and exonerate and release the 21 senior opposition leaders.
- Hold accountable the senior officials who have directed repeated security crackdowns dating to before 2011.
- Revise the electoral framework to facilitate a more representative and less polarized Council of Representatives, by employing proportional representation within districts of an equal number of electors; by ending the use of "general" polling stations; and by enabling straightforward verification of voter lists.
- Establish a permanent, independent body empowered to investigate reports of official corruption, including the improper sale and acquisition of public lands, and expand the purview of the Financial Audit Board to include all ministries and all government tenders over a practical value threshold.
- End censorship of independent media, including newsprint and internet websites, as well as the promotion of partisan political messages via state-controlled television and newspapers.
- End favorable access to citizenship and public housing for individuals recruited for martial service, and transition to police and military forces comprised mainly of Sunni and Shia nationals.

## **Countries at the Crossroads**

- Introduce genuine power-sharing by opening the Cabinet and Advisory Council to individuals associated with the Sunni and Shia opposition, replacing the current practice of nominal ministerial and upper-house representation of Shia and other minorities.

## Countries at the Crossroads

### Draft – Not for Attribution or Redistribution

- 
- <sup>i</sup> Jane Kinninmont, *Bahrain: Beyond the Impasse* (London: The Royal Institute of International Affairs, June 2012), 5, <http://www.chathamhouse.org/publications/papers/view/183983>.
- <sup>ii</sup> International Crisis Group, *Popular Protest in North Africa and the Middle East (VIII): Bahrain's Rocky Road to Reform*, Middle East Report No. 111, (July 28, 2011), 12, <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/111-%20Popular%20Protest%20in%20North%20Africa%20and%20the%20Middle%20East%20VII%20-%20%20Bahrains%20Rocky%20Road%20to%20Reform.pdf>.
- <sup>iii</sup> “King Hamad drops four ministers,” *Khaleej Times*, February 27, 2011, [http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/middleeast/2011/February/middleeast\\_February781.xml&section=middleeast](http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/middleeast/2011/February/middleeast_February781.xml&section=middleeast).
- <sup>iv</sup> “Bahrain's Political Societies Abide by New Political Associations Law,” *Sada* (blog), *Carnegie Endowment for International Peace*, October 20, 2005, <http://carnegeendowment.org/2008/08/20/bahrain-s-political-societies-abide-by-new-political-associations-law/6e6p>.
- <sup>v</sup> Justin Gengler, “Bahrain's Ethnically-Gerrymandered Electoral Districts,” *Religion and Politics in Bahrain* (blog), March 18, 2011, <http://bahrainipolitics.blogspot.com/2011/03/bahrains-ethnically-gerrymandered.html>.
- <sup>vi</sup> Justin Gengler, “Ethnic Conflict and Political Mobilization in Bahrain and the Arab Gulf,” (Ph.D. dissertation, University of Michigan, 2011), 141, <http://deepblue.lib.umich.edu/handle/2027.42/89701>.
- <sup>vii</sup> *Ibid.* This range represents the 95% confidence interval for a statistical estimate of 57.6%, obtained by a nationally-representative survey of Bahraini citizens undertaken by the author in 2009.
- <sup>viii</sup> Habib Toumi, “83 candidates to run in Bahrain's parliamentary by-elections,” *Gulf News*, August 25, 2011, <http://gulfnews.com/news/gulf/bahrain/83-candidates-to-run-in-bahrain-s-parliamentary-by-elections-1.857138>.
- <sup>ix</sup> Nadeya Sayed Ali Mohammed, “Political Reform in Bahrain: The Price of Stability,” *Middle East Intelligence Bulletin* 4, no. 9, [http://www.meforum.org/meib/articles/0209\\_me1.htm](http://www.meforum.org/meib/articles/0209_me1.htm).
- <sup>x</sup> Gengler, “Ethnic Conflict and Political Mobilization in Bahrain and the Arab Gulf,” 62.
- <sup>xi</sup> Suad Hamada, “Big turnout in Bahrain elections,” *Khaleej Times*, October 24, 2010, [http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/middleeast/2010/October/middleeast\\_October383.xml&section=middleeast](http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/middleeast/2010/October/middleeast_October383.xml&section=middleeast).
- <sup>xii</sup> Abdellah al-Derazi, “Old Players and New in the Bahraini Elections,” *Sada* (blog), *Carnegie Endowment for International Peace*, June 2, 2010, <http://carnegeendowment.org/2010/06/02/old-players-and-new-in-bahraini-elections/6b8k>.
- <sup>xiii</sup> Ebrahim Sharif, in discussion with the author, 2009.
- <sup>xiv</sup> “Poll success for Bahrain Shia bloc,” *Al-Jazeera English*, October 24, 2010, <http://www.aljazeera.com/news/middleeast/2010/10/2010102475648379231.html>.
- <sup>xv</sup> Census figures released in 2008 suggest that around 70,000 citizens were naturalized between 2001 and 2007 alone. See, e.g., Jane Kinninmont, “Bahrain: Beyond the Impasse.”
- <sup>xvi</sup> Mansur al-Jamri, “State and Civil Society in Bahrain,” paper presented at the Annual Conference of the Middle East Studies Association, Chicago, December 9, 1998.
- <sup>xvii</sup> Justin Gengler, “Ethnic Conflict and Political Mobilization in Bahrain and the Arab Gulf,” p. 61ff.
- <sup>xviii</sup> According to the now-imprisoned head of Wa‘ad, Ebrahim Sharif, the published figures indicated that around 60,000 people had been naturalized since 2001. This was based on the average population growth rate for the preceding years, which was around 2.4%. As the new data implied a growth rate of about 4.2% from 2001 to 2007, they suggested an annual naturalization rate of approximately 1.8%, or about 9,000 citizens per year. All of whom are assumed to be Sunnis, as no Shi‘a are known to have been naturalized since several thousand second- and third-generation stateless individuals (bidun) of Persian origin were granted citizenship in 2001 as part of King Hamad’s reforms. Sharif, discussion.
- <sup>xix</sup> “Bahrain terror bill is not in line with international human rights law – UN expert,” *UN News Center*, July 25, 2006, <https://www.un.org/apps/news/story.asp?NewsID=19298&Cr=Bahrain&Cr1>.
- <sup>xx</sup> Ian Black, “Bahrain’s elections overshadowed by crackdown on Shia protesters,” *The Guardian*, October 22, 2010, <http://www.guardian.co.uk/world/2010/oct/22/bahrain-elections-overshadowed-crackdown>.
- <sup>xxi</sup> Human Rights Watch, “Bahrain: Pursue Torture Allegations,” news release, September 1, 2010, <http://www.hrw.org/news/2010/09/01/bahrain-pursue-torture-allegations>.

**Countries at the Crossroads**  
**Draft – Not for Attribution or Redistribution**

---

- <sup>xxii</sup> Simeon Kerr, “Bahrain by-elections hit by boycott,” *The Financial Times*, September 25, 2011, <http://www.ft.com/intl/cms/s/0/f63e187a-e791-11e0-9da3-00144feab49a.html>.
- <sup>xxiii</sup> Mohammed Al A‘ali, “Bahrain adulthood law clears hurdle,” *Gulf Daily News*, November 1, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=316740>.
- <sup>xxiv</sup> Transparency International, *Corruption Perceptions Index 2011*, 2012, <http://cpi.transparency.org/cpi2011/interactive>.
- <sup>xxv</sup> United States Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, May 24, 2012, 32, [http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=186421](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186421).
- <sup>xxvi</sup> James Parks, “Global Union Movement Calls for End to Repression in Bahrain,” news release, *The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)*, April 21, 2011, [http://www.aflcio.org/issues/jobseconomy/globaleconomy/upload/bahrain\\_fta04212011.pdf](http://www.aflcio.org/issues/jobseconomy/globaleconomy/upload/bahrain_fta04212011.pdf).
- <sup>xxvii</sup> Amnesty International, *World Report 2011: Bahrain*, 2011, <http://www.hrw.org/world-report-2011/world-report-2011-bahrain>.
- <sup>xxviii</sup> Habib Toumi, “NDI Gulf resident director [b]arred from entering Bahrain,” *Habib Toumi* blog, April 21, <http://www.habibtoumi.com/2010/04/21/ndi-gulf-resident-director-farred-from-entering-bahrain>.
- <sup>xxix</sup> Amnesty International, *World Report 2011: Bahrain*.
- <sup>xxx</sup> “Consultations with Civil Societies and the ICNL on the Associations Bill,” *Bahrain Human Rights Monitor*, n.d., <http://www.bahrainmonitor.org/interviews/t-023-01.html>.
- <sup>xxxi</sup> Adam Schreck, “Bahrain Raid on Doctors Without Borders Officers,” *The Huffington Post*, April 8, 2011, [http://www.huffingtonpost.com/2011/08/04/bahrain-raid-on-doctors-w\\_n\\_917916.html](http://www.huffingtonpost.com/2011/08/04/bahrain-raid-on-doctors-w_n_917916.html).
- <sup>xxxii</sup> Justin Gengler, “The Other Side of Radicalization in Bahrain,” *The Mideast Channel* (blog), *Foreign Policy*, July 15, 2011, [http://mideast.foreignpolicy.com/posts/2011/07/15/the\\_other\\_side\\_of\\_radicalization\\_in\\_bahrain](http://mideast.foreignpolicy.com/posts/2011/07/15/the_other_side_of_radicalization_in_bahrain).
- <sup>xxxiii</sup> “Bahrain protests a ‘coup plot’, defence chief says,” *Gulf News*, February 15, 2012, <http://gulfnews.com/news/gulf/bahrain/bahrain-protests-a-coup-plot-defence-chief-says-1.980961>.
- <sup>xxxiv</sup> Human Rights Watch, “Bahrain: End Threats to Rights Activists,” news release, November 13, 2008, <http://www.hrw.org/content/bahrain-end-threats-rights-activists>.
- <sup>xxxv</sup> Freedom House, *Freedom of the Press 2011: Bahrain*, 2012, <http://www.freedomhouse.org/report/freedom-press/2011/bahrain>.
- <sup>xxxvi</sup> Bahrain Independent Commission of Inquiry (BICI), *Report of the Bahrain Independent Commission of Inquiry*, November 23, 2011 (rev. December 10), 225, <http://www.bici.org.bh/BICIREportEN.pdf>.
- <sup>xxxvii</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 15.
- <sup>xxxviii</sup> Habib Toumi, “Al Waqt newspaper shuts down for lack of funds,” *Gulf News*, May 3, 2010, <http://gulfnews.com/news/gulf/bahrain/al-waqt-newspaper-shuts-down-for-lack-of-funds-1.621668>.
- <sup>xxxix</sup> Committee to Protect Journalists, *Attacks on the Press in 2011: Bahrain*, 2011, <https://www.cpj.org/2012/02/attacks-on-the-press-in-2011-bahrain.php>
- <sup>xl</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 15.
- <sup>xli</sup> *Ibid.*, 10.
- <sup>xlii</sup> David Banks, “Can Bahrain’s government sue the Independent for libel?” *The Guardian*, June 15, 2011, <http://www.guardian.co.uk/law/2011/jun/15/can-bahrain-government-sue-independent>.
- <sup>xliii</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 14; “Bahraini poet set to face verdict for protest reading,” *Amnesty International*, June 8, 2011, <https://www.amnesty.org/en/news-and-updates/bahraini-poet-set-face-verdict-protest-reading-2011-06-08>.
- <sup>xliv</sup> Elizabeth Broomhall, “Sacked Bahrainis lobby government to be reinstated,” *Arabian Business*, January 4, 2012, <http://www.arabianbusiness.com/sacked-bahrainis-lobby-government-be-reinstated-438522.html>.
- <sup>xlv</sup> “Bahrain: Students Forced to Sign Loyalty Pledge,” *Project on Middle East and Democracy (POMED)*, May 16, 2011, <http://pomed.org/blog/2011/05/bahrain-students-forced-to-sign-loyalty-pledge.html>. A scan of the original document, along with an English translation, is available at <http://byshr.org/?p=468>.
- <sup>xlvi</sup> BICI, *Report of the Bahrain Independent Commission of Inquiry*, 387.
- <sup>xlvii</sup> “Shouting In The Dark: Al Jazeera Bahrain Documentary Shows The Bloody Fight For Democracy,” *The Huffington Post*, August 10, 2011, [http://www.huffingtonpost.com/2011/08/05/shouting-in-the-dark-bahr\\_n\\_918944.html](http://www.huffingtonpost.com/2011/08/05/shouting-in-the-dark-bahr_n_918944.html).

## Countries at the Crossroads

### Draft – Not for Attribution or Redistribution

- 
- xlvi “نظام يهدد استقرار كل من كل من محاسن به يهدد حمد بن ناصر” [“Nasr bin Hamad threatens to hold accountable everyone who called for the fall of the regime”], 2011, YouTube, uploaded April 4. <https://www.youtube.com/watch?v=8ITTgOWNf2A>.
- xlvi Quoted in International Crisis Group, *Popular Protest in North Africa and the Middle East (VIII): Bahrain’s Rocky Road to Reform*, 47.
- l Radsch, Courtney. *Unveiling the Revolutionaries: Cyberactivism and the Role of Women in the Arab uprising*. Rice University: May 2012. Available at <<http://bakerinstitute.org/publications/ITP-pub-CyberactivismAndWomen-051712.pdf>>.
- li “Internet World Stats,” *Market Research*, 2011 <http://www.internetworldstats.com/stats5.htm>.
- lii Reporters Without Borders, *Bahrain*, March 11, 2011, <http://en.rsf.org/bahrain-bahrain-11-03-2011,39748.html>.
- liii Gregg Keizer, “Bahrain clamps down on Web traffic as violence escalates,” *Computer World*, February 17, 2011, [http://www.computerworld.com/s/article/9210099/Bahrain\\_clamps\\_down\\_on\\_Web\\_traffic\\_as\\_violence\\_escalates](http://www.computerworld.com/s/article/9210099/Bahrain_clamps_down_on_Web_traffic_as_violence_escalates).
- liv Reporters Without Borders, “No concessions to media as indiscriminate repression continues in countries with pro-democracy protests,” news release, April 12, 2011, <http://en.rsf.org/bahrain-no-concessions-to-media-as-12-04-2011,40009.html>.
- lv Madison Shimoda, “Bahraini Dissident Blogger Ali Abdulemam Missing For One Year,” *The Daily Beast*, March 25, 2012, <http://www.thedailybeast.com/articles/2012/03/25/bahraini-dissident-blogger-ali-abdulemam-missing-for-one-year.html>.
- lvi Reporters Without Borders, *Bahrain*, March 12, 2012. <<http://en.rsf.org/bahrain-12-03-2012,42055.html>>.
- lvii U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 1.
- lviii *Ibid.*, 2.
- lix *Ibid.*, 4-5.
- lx *Ibid.*, 5-6.
- lxi *Ibid.*, 6.
- lxii *Ibid.*, 6-7.
- lxiii *Ibid.*, 7.
- lxiv U.S. Department of State, “Country Reports on Human Rights Practices for 2010: Bahrain,” April 8, 2011, 3. <http://www.state.gov/documents/organization/160073.pdf>.
- lxv “Bahrain to Lift Ban on a Political Association,” *Bahrain News Agency*, June 18, 2011, <http://bna.bh/portal/en/news/461301>.
- lxvi Lara El Gibaly and David Jolly, “8 Bahrain Activists Get Life Sentences,” *The New York Times*, June 22, 2011, <http://www.nytimes.com/2011/06/23/world/middleeast/23bahrain.html>.
- lxvii Ned Parker, “In Bahrain, Sunni activist’s plight seen as a cautionary tale,” *The Los Angeles Times*, February 25, 2011, <http://articles.latimes.com/print/2011/feb/25/world/la-fg-bahrain-sunnis-20110225>.
- lxviii Martin Chulov, “Bahrain doctors jailed for treating injured protesters,” *The Guardian*, September 29, 2011, <http://www.guardian.co.uk/world/2011/sep/29/bahrain-protester-death-sentence>.
- lxix U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 5.
- lxx Amnesty International, “Re-trial for Bahraini medics an ‘important step towards justice,’” news release, October 6, 2011, <http://www.amnesty.org/en/news-and-updates/re-trial-bahraini-medics-%E2%80%98important-step-towards-justice%E2%80%99-2011-10-06>.
- lxxi “المواطنون يهددون بالاعتداء على تدي الأمن بحماية مسددة مدنية مجموعات” [“Armed civilian groups under the protection of the security [forces] assault citizens”], 2012, Al-Wefaq National Islamic Society, January 7. <http://alwefaq.net/index.php?show=news&action=article&id=6124>.
- lxxii U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 1.
- lxxiii Fatema Alzubairi, “Kuwait and Bahrain’s Anti-terrorism Laws in Comparative and International Perspective,” (master’s thesis, University of Toronto, 2012), [http://tspace.library.utoronto.ca/bitstream/1807/30158/6/Alzubairi\\_Fatemah\\_201107\\_Master\\_thesis.pdf](http://tspace.library.utoronto.ca/bitstream/1807/30158/6/Alzubairi_Fatemah_201107_Master_thesis.pdf).
- lxxiv United States Department of State, *Country Reports on Terrorism 2010: Bahrain*, August 18, 2011, <http://www.state.gov/j/ct/rls/crt/2010/170257.htm>.
- lxxv Noor Toorani, “Terror plot pair jailed,” *Gulf Daily News*, January 27, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=269341>.

**Countries at the Crossroads**  
**Draft – Not for Attribution or Redistribution**

- 
- <sup>lxxvi</sup> United States Department of State, *Trafficking in Persons Report 2011: Country Narratives: Countries A through F*, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2011/164231.htm>.
- <sup>lxxvii</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2010: Bahrain*, 74.
- <sup>lxxviii</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 27.
- <sup>lxxix</sup> *Ibid.*, 26.
- <sup>lxxx</sup> Sandy Russell Jones, 2007, “The Battle Over Family Law in Bahrain,” *Middle East Research and Information Project* 37, (2007): 33.
- <sup>lxxxii</sup> Human Rights Watch, *World Report 2010: Bahrain*, 2010, <http://www.hrw.org/world-report-2010/bahrain-0>.
- <sup>lxxxiii</sup> The World Economic Forum, *The Global Gender Gap Report 2011*, <http://www.weforum.org/reports/global-gender-gap-report-2011>.
- <sup>lxxxiv</sup> Fakir Al Gharaibeh, “Women’s Empowerment in Bahrain,” *Journal of International Women’s Studies* 12, no. 3 (2011): 106.
- <sup>lxxxv</sup> Habib Toumi, “New milestone for Bahraini women as two more win in elections,” *Gulf News*, October 2, 2011, <http://gulfnews.com/news/gulf/bahrain/new-milestone-for-bahraini-women-as-two-more-win-in-elections-1.883335>.
- <sup>lxxxvi</sup> Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy*, Congressional Research Service, June 29, 2012, 5. <http://www.fas.org/sgp/crs/mideast/95-1013.pdf>.
- <sup>lxxxvii</sup> United States Department of State, *Country Reports on Human Rights Practices for 2006: Bahrain*, March 6, 2007, <http://www.state.gov/j/drl/rls/hrrpt/2006/78850.htm>.
- <sup>lxxxviii</sup> Clive Holes, “Dialect and national identity: the cultural politics of self-representation in Bahraini *musalsalāt*,” in *Monarchies and Nations: Globalization and Identity in the Arab States of the Gulf*, Paul Dresch and James Piscatori, eds., (Reading: LB Tauris, 2005), 60.
- <sup>lxxxix</sup> Cf. note 6.
- <sup>xc</sup> Justin Gengler, “Ethnic Conflict and Political Mobilization in Bahrain and the Arab Gulf.”
- <sup>xc</sup> According to the authoritative database compiled by the Stockholm International Peace Research Institute: <http://www.sipri.org/databases/milex>.
- <sup>xcii</sup> Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy*, 5.
- <sup>xciii</sup> International Coalition for Religious Freedom, *Bahrain*, November 25, 2009, [http://www.religiousfreedom.com/index.php?option=com\\_content&view=article&id=243&Itemid=29](http://www.religiousfreedom.com/index.php?option=com_content&view=article&id=243&Itemid=29).
- <sup>xciv</sup> United States Department of State, *International Religious Freedom Report 2010: Bahrain*, November 17, 2010, <http://www.state.gov/j/drl/rls/irf/2010/148815.htm>.
- <sup>xcv</sup> *Ibid.*
- <sup>xcvi</sup> Habib Toumi, “Controversial Friday sermon preacher in Bahrain suspended,” *Gulf News*, January 5, 2009, <http://gulfnews.com/news/gulf/bahrain/controversial-friday-sermon-preacher-in-bahrain-suspended-1.43432>.
- <sup>xcvii</sup> Bahrain Freedom and Justice Movement, “Justice Minister sends threatening letter to prominent Shi’ite leader,” news release, August 22, 2011, <http://www.bahrainjdm.org/2011/08/22/justice-minister-sends-threatening-letter-prominent-shi%E2%80%99ite-leader>.
- <sup>xcviii</sup> Salah al-Bandar, “الإقضاء واليات الديد موقراطي الخيار: البحرين” [“Bahrain: The Choice of Democracy and the Machinery of Exclusion”], unpublished report prepared by the Gulf Centre for Democratic Development, 2006, <http://www.bahrainrights.org/files/albandar.pdf>.
- <sup>xcix</sup> International Crisis Group, *Popular Protest in North Africa and the Middle East (VIII): Bahrain’s Rocky Road to Reform*, 12.
- <sup>c</sup> Laurence Louër, “Houses Divided: the Splintering of Bahrain’s Political Camps,” *Sada* (blog), *Carnegie Endowment for International Peace*, April 4, 2012, <http://carnegieendowment.org/sada/2012/04/04/houses-divided-splintering-of-bahrain-s-political-camps/a6ej>.
- <sup>c</sup> BICI, *Report of the Bahrain Independent Commission of Inquiry*, 319.
- <sup>ci</sup> “Bahrain seeks to dissolve main opposition group,” *Gulf News*, April 14, 2011, <http://gulfnews.com/news/gulf/bahrain/bahrain-seeks-to-dissolve-main-opposition-group-1.792483>.
- <sup>cii</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 31-32.
- <sup>ciii</sup> *Ibid.*, 33.
- <sup>civ</sup> BICI, *Report of the Bahrain Independent Commission of Inquiry*, 268.

**Countries at the Crossroads**  
**Draft – Not for Attribution or Redistribution**

---

- <sup>cv</sup> “The court of Cassation postpone appeal,” *Bahrain News Agency*, September 26, 2011, <http://www.bna.bh/portal/en/news/474190>.
- <sup>cvi</sup> International Commission of Jurists, *Attacks on Justice 2002 – Bahrain*, August 22, 2003, 44, <http://www.icj.org/download/database/pdf/bahrain.pdf>.
- <sup>cvi</sup> Jane Kinninmont, “Framing the Family Law: A Case Study of Bahrain’s Identity Politics,” *Journal of Arabian Studies* 1, No. 1 (2011): 53-68.
- <sup>cvi</sup> BICI, *Report of the Bahrain Independent Commission of Inquiry*, 60ff.
- <sup>cix</sup> *Ibid.*, 63.
- <sup>cx</sup> *Ibid.*, 423.
- <sup>cxi</sup> *Ibid.*, 299.
- <sup>cxi</sup> Human Rights Watch, *No Justice in Bahrain*, February 28, 2011, <http://www.hrw.org/reports/2012/02/28/no-justice-bahrain-0>.
- <sup>cxi</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Bahrain*, 11.
- <sup>cxiv</sup> Muhammad al-Sawwad, “المحكمة الدستورية تسقط قانون استملاك الأراضي” [“The Constitutional Court Overturns the Land Expropriation Law”], *Al-Waqt*, March 27, 2007, <http://alwaqt.com/art.php?aid=47562>.
- <sup>cxi</sup> Justin Gengler, “The Other Side of Radicalization in Bahrain.”
- <sup>cxi</sup> Justin Gengler, “Bahrain’s Sunni Awakening,” *Middle East Research and Information Project*, January 17, 2012, <http://www.merip.org/mero/mero011712>.
- <sup>cxi</sup> Quoted in Human Rights Watch, “Bahrain: Vital Reform Commitments Unmet,” Human Rights Watch, March 28, 2012, <http://www.hrw.org/news/2012/03/28/bahrain-vital-reform-commitments-unmet>.
- <sup>cxi</sup> Kristian Coates Ulrichsen, “The Hollow Shell of Security Reform in Bahrain,” *The Mideast Channel* (blog), *Foreign Policy*, April 12, 2012, [http://mideast.foreignpolicy.com/posts/2012/04/12/the\\_hollow\\_shell\\_of\\_security\\_reform\\_in\\_bahrain](http://mideast.foreignpolicy.com/posts/2012/04/12/the_hollow_shell_of_security_reform_in_bahrain).
- <sup>cxi</sup> Simeon Kerr, “Bahrain replaces state security chief,” *The Financial Times*, November 29, 2011 <http://www.ft.com/intl/cms/s/0/b61041de-1a67-11e1-ae14-00144feabdc0.html>.
- <sup>cxi</sup> *Gulf States Newsletter* 35, No. 900 (May 13, 2011): 8-10.
- <sup>cxi</sup> Mazen Mahdi, “Bahraini public lands sold and rented to private investors,” *The National*, March 25, 2010, <http://www.thenational.ae/news/worldwide/middle-east/bahraini-public-lands-sold-and-rented-to-private-investors>. Cited in BICI, 2011, *Report of the Bahrain Independent Commission of Inquiry*, p. 21.
- <sup>cxi</sup> *Ibid.*
- <sup>cxi</sup> Mahmood Al-Yousif, “Google Earth Blocked in Bahrain,” *Mahmood’s Den* (blog), August 7, 2006, <http://mahmood.tv/2006/08/07/google-earth-blocked-in-bahrain>.
- <sup>cxi</sup> BICI, *Report of the Bahrain Independent Commission of Inquiry*, 271.
- <sup>cxi</sup> Jane Kinninmont, “Bahrain: Beyond the Impasse,” 22.
- <sup>cxi</sup> United States Department of State, *2008 Human Rights Report: Bahrain*, February 25, 2009, <http://www.state.gov/j/drl/rls/hrrpt/2008/nea/119113.htm>.
- <sup>cxi</sup> “MPs ratify the Convention against Corruption and the Interior Ministry vows to fight it,” *Bahrain Human Rights Monitor*, n.d., <http://www.bahrainmonitor.org/news/n-012-01.html>.
- <sup>cxi</sup> U.S. Department of State, “Country Reports on Human Rights Practices for 2011: Bahrain,” 24.
- <sup>cxi</sup> “Audit bureau may get more powers,” *Gulf Daily News*, April 14, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=275616>.
- <sup>cxi</sup> Rebecca Torr, “Bahrain may setup anti-corruption panel,” *Gulf Daily News*, January 14, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=321564>.
- <sup>cxi</sup> “Shura approves amendments to free trade accord,” *Gulf Daily News*, May 11, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=277715>.
- <sup>cxi</sup> “NDI Returns to Bahrain; Cabinet Change; Anti-Corruption Efforts,” *Sada* (blog), *Carnegie Endowment for International Peace*, October 18, 2007, <http://carnegieendowment.org/2008/08/18/ndi-returns-to-bahrain-cabinet-change-anti-corruption-efforts/6e8u>.
- <sup>cxi</sup> Simeon Kerr, “Bahrain spurred into economic change,” *The Financial Times*, February 21, 2008, <http://www.ft.com/cms/s/0/7ecfa59e-e0a4-11dc-b0d7-0000779fd2ac.html>.
- <sup>cxi</sup> Mazen Mahdi, “Bahraini ex-minister ‘laundered money for arms and drug dealers,’” *The National*, March 26, 2010, <http://www.thenational.ae/news/world/middle-east/bahraini-ex-minister-laundered-money-for-arms-and-drug-dealers>.

**Countries at the Crossroads**  
**Draft – Not for Attribution or Redistribution**

---

<sup>cxxxv</sup> “Vow to reveal ‘secret documents,’” *Gulf Daily News*, February 9, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=299117>.

<sup>cxxxvi</sup> Simeon Kerr, “Bahraini royal accused in \$6m bribe case,” *The Financial Times*, October 27, 2011, <http://www.ft.com/intl/cms/s/0/201b402c-0098-11e1-ba33-00144feabdc0.html>.