

# Teim



## OPEMAM Analysis

### ELECTION REPORT:

## BAHRAIN/Parliamentary by-elections 24 September and 1 October 2011

### Marc Valeri

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## Background to the elections:

Bahrain's 2011 parliamentary by-elections were held following the resignation in February of 18 MPs from the main opposition association, *al-Wefaq*, who had been elected in October 2010 (see report on Bahrain's 2010 parliamentary elections<sup>1</sup>). This decision was taken in reaction to the government's violence against protesters who gathered at the Pearl Roundabout in Manama to demand a new Constitution with an elected Prime Minister and full legislative powers for the Council of Representatives.

Since February, Bahrain has experienced one of the darkest periods of its history, with the military intervention of Saudi and UAE troops (on behalf of the Peninsula Shield Force) on March 14, the death of more than 30 people in clashes between the protesters and the security forces,<sup>2</sup> the implementation of the state of emergency law between March 15 and June 1, and the only independent newspaper *al-Wasat's* arbitrary suspension in April, followed by the prosecution of four of its staff. More than 1,500 people (0.4% of the national population aged over 15) were arrested and repeatedly tortured,<sup>3</sup> and around 200 were brought before military courts. Among them, the leaders of the unlicensed *Haq* and *al-Wafa'* associations ('Abd al-Wahhab Hussein and Hassan Mushaima')<sup>4</sup> and the Secretary-General of *Wa'ad* Ibrahim Sharif, as well as other non-violent opposition figures, were sentenced in June to life in prison and five years respectively for their alleged role in "plotting to topple the regime."<sup>5</sup> Two other protesters were sentenced to death.

The election campaign period itself coincided with the call on September 23 by the *14 February Coalition* to march to the Pearl Roundabout and reoccupy it. Severe clashes took place in Sanabis, in Bilad al-Qadim and other villages between security forces and protesters, with the former using tear gas, stun grenades and rubber bullets.<sup>6</sup> This led to the establishment of police checkpoints controlling all vehicles on the outskirts of several towns where elections were organised, like Sanabis (Manama Governorate – 4<sup>th</sup> Constituency), Dumistan (Northern – 9<sup>th</sup>) or Bilad al-Qadim (Manama – 8<sup>th</sup>), and access to these towns was denied to all non-residents on the day of the election.<sup>7</sup> Last but not least, between the two rounds of the by-elections, 20 doctors and nurses who treated anti-government protesters during demonstrations were sentenced by a military court to 15 years in prison for "crimes against the state."

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<sup>1</sup> Available here:

[http://www.observatorioelectoral.es/en/ImgBase/ER-Bahrain\\_parliamentary\\_2010.pdf](http://www.observatorioelectoral.es/en/ImgBase/ER-Bahrain_parliamentary_2010.pdf).

<sup>2</sup> The independent Bahrain Centre for Human Rights has recorded 43 people killed in clashes since 14 February, among whom are four security officers (three Bahrainis and one Saudi) and two expatriate workers (one from India, one from Bangladesh).

<sup>3</sup> See Human Rights Watch reports on Bahrain since February 2011, e.g. 'Medics Describe Torture in Detention,' 21 October 2011 (available here: <http://www.hrw.org/news/2011/10/21/bahrain-medics-describe-torture-detention>).

<sup>4</sup> For a detailed description of political associations mentioned in this report, see the electoral report on Bahrain's 2010 parliamentary elections.

<sup>5</sup> These sentences were upheld on 28 September. For a detailed account of sentences, see <http://www.observatorioelectoral.es/noticiasClienteDetalles.aspx?IdNoticia=2254>.

<sup>6</sup> Personal observation, Bilad al-Qadim, 23 September 2011. See also E. Bronner, 'Bahrain Erupts in Violence,' *The New York Times*, 24 September 2011.

<sup>7</sup> Personal observation, 24 September 2011.

## Quantitative indices of democracy:

Bahrain was classified in the following democratic performance rankings just before these elections:

| Measurement  | Name and year of report or database   | Institution   | Index  | Points, ranking and classification   |
|--|---|---|--|--|
| Political rights and freedom                               | <a href="#">Freedom House Report 2011</a>                                   | Freedom House (FH)  | PR: political rights<br>CL: civil liberties  | PR: 6, CL: 5 (Scale of 1, free to 7, not free)<br><b>Classification: Not free</b>  |
| Degree of democracy in earlier elections                   | <a href="#">Polyarchy 2.0 2004</a> (referring to 2002)                      | Peace Research Institute of Oslo and Tatu Vanhanen                              | ID: Synthetic democracy index, Part: participation, Comp: competition  | ID: 0, max. 49<br>Part: 0, max. 70<br>Comp: 0, max. 70<br>(Democracy minimum: ID: 5, Part: 10, Comp: 30)<br>Classification: No open election held before latest report |
| Consolidation of authoritarian and democratic institutions | <a href="#">Polity IV 2010</a>  | Center for International Development and Conflict Management, Univ. of Maryland | Democracy: consolidation of democratic institutions<br>Autocracy: authoritarian consolidation<br>Polity: synthesis of both | Democracy: 0<br>Autocracy: 7<br>Polity: -8<br>(Scale of +10, very democratic to -10, very authoritarian)<br><b>Classification: Average authoritarian consolidation</b> |
| Perception of corruption                                   | <a href="#">Transparency International Corruption Perception Index 2010</a> | Transparency International (TI)   | TICPI: corruption perceptions index  | TCPI: 4.9 points out of 10<br>(Scale of 1, very corrupt to 10, not at all corrupt)<br>Rank: 48 out of 178 countries  |
| Management of political and economic change                | <a href="#">Bertelsmann Transformation Index(BTI) 2010</a>                  | Bertelsmann Foundation  | MI: Management Index, quality of transformation management   | MI: 4.36 points out of 10, Rank: 85 out of 128 countries<br><b>Classification: management with moderate success</b>  |
| Democracy, including press status and corruption           | <a href="#">World Democracy Audit Nov. 2010</a>                             | World Audit   | World Democracy Rank: political freedom (FH) + press and corruption (TI)   | World Democracy Ranking: n.a.  |

## Definition of the political system

See the electoral report on [Bahrain's 2010 parliamentary elections](#).

## Electoral system

Bahrain has a majority two-round system (TRS) for parliamentary elections.<sup>8</sup> No minimum percentage of votes is required as a threshold. In the first round candidates must obtain at least 50% of the votes cast to be declared the winner. In the event of no candidate achieving this, the first and second candidates go forward to a second round of voting, in which the one with the highest number of votes will be declared the winner.

Polling stations were organised on a uniform model all over the country. There were specific areas with curtains where the voters could tick the name and picture of the candidate on the ballot. The vote is put into the ballot box directly, without an envelope. All Bahrainis carry an identity card with an electronic strip containing personal details, which are included on the central electoral roll. When a voter presents his ID card at the polling station, this electronically verifies his right to vote and his inclusion on the voters lists, and possibly if he has already voted. After casting the vote, a stamp is put in the passport of the voter.

The country is divided into 40 constituencies electing one member of the Council of Representatives each. Only 14 constituencies voted on the occasion of these by-elections, after four candidates won unopposed in their constituency. There were 14 polling centres (one per constituency) open from 8am to 8pm, but voters could also go to one of the seven (7) general polling centres which were set up across Bahrain. Bahraini citizens living abroad were allowed to exercise their right to vote. 30 Bahraini embassies, consulates and permanent missions abroad conducted the election process on September 20 (1st round) and September 27 (2nd round) from 9am to 6pm.

## Results

Four of the candidates (including one woman) were elected by default as there was no competitor in their constituency. Five deputies were elected in the first round (September 24) while the remaining nine, including two women, were chosen in the run-off elections (October 1). Due to the non-participation of all major political associations (see 'Competition' below), all 18 winning candidates, officially labelling themselves as 'independent', are pro-government MPs.

### Composition of the Council of Representatives by political association, after 2011 by-elections

| Political association                    | Number of seats             |
|--|-----------------------------|
| al-Asala (Salafists)                     | 3                           |
| al-Minbar al-Islami (Muslim Brotherhood) | 2                           |
| Independent (pro-government)             | 35 (17 previously + 18 now) |
| <b>Total</b>                             | <b>40</b>                   |

<sup>8</sup> The names of the electoral systems are those used by IDEA, International Institute for Democracy and Electoral Assistance. For details, see the Electoral System Design on their webpage: <http://www.idea.int/esd/world.cfm>.

## Qualitative analysis of the elections

### Participation:

The number of registered voters in the 18 constituencies was 187,080. The Minister of Justice and Head of the By-Elections' safety supervisory Supreme Committee, Khaled bin 'Ali Al Khalifa, announced that the total 1st-round turnout was 51.4%. But this official participation rate is misleading, given that all the electors of constituencies where candidates won by default (because there was no competitor) were arbitrarily registered as participants in the elections to raise the participation rate. The effective 1st-round turnout was 18.8%, taking into account the number of votes cast (27,205) and that of registered voters in the 14 districts where elections took place (144,423). The effective 2<sup>nd</sup>-round turnout in the nine districts where elections took place was 16.8%.<sup>9</sup> The participation was ridiculously low in towns where repression of the protests has been the toughest and where the majority of political prisoners hail from, like Nuwaidrat (Central – 5<sup>th</sup>), with 10% in the 1<sup>st</sup> round and 7.9% in the 2<sup>nd</sup> round; Dumistan (Northern – 9<sup>th</sup>), with 5.7% in the 1<sup>st</sup> round, and Sanabis (Manama – 4<sup>th</sup>), with 4.2% in the 1<sup>st</sup> round and 3.6% participation in the 2<sup>nd</sup>.

### Competition:

The degree of competition for these by-elections was extremely low. The three associations that were not licensed by the government (*al-Wafa' Islamic Movement*, *Bahrain Freedom Movement* and *Haq Movement*) and whose leaders had been sentenced to life in prison, called for a boycott, as they had done since 2002. More significantly, all major political associations registered under the Association Law decided not to participate. Five opposition associations (the Shi'i Islamist *al-Wafaq – National Accord Islamic Society*; the secular leftist *Wa'ad – National Democratic Action Society*; the secular leftist *Nationalistic Democratic Assembly – al-Tajammu'*; the secular leftist *Progressive Democratic Tribune Society – al-Minbar al-Taqaddumi*; the Shi'i Islamist *Islamic Action Society – al-'Amal al-Islami*<sup>10</sup>) decided in July and August to boycott the elections. In a political rally organised jointly by five opposition associations on September 22, *al-Wafaq* Secretary General shaykh 'Ali Salman explained that these by-elections were only a "mise en scène" and "a bereavement for democracy." Without calling explicitly for boycotting it, he considered that "insisting on running these by-elections" would lead to soon or later establish a "dictatorship à la Ben Ali."

Three pro-government associations, the Sunni Islamist *National Islamic Tribune (al-Minbar al-Islami)*, the Salafi *Islamic Authenticity (al-Asala)* and the Shi'i Islamist *Islamic League (al-Rabita)* announced that they did not intend to present candidates, due to their lack of preparation and political anchorage in the constituencies concerned, but supported independent candidates considered to have similar programmes.<sup>11</sup> Last but not least, the pro-government *National Unity Assembly*, founded in February 2011 by Shaykh 'Abd al-Latif al-Mahmood

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<sup>9</sup> Calculation by the author for the 14 constituencies where an effective election was conducted (based on the results available on vote.bh).

<sup>10</sup> Several board members of the association, among whom its Secretary General Shaykh Mohammed al-Mahfoodh, were arrested in May, tortured in detention and received sentences of between 5 and 10 years in October 2011 for "inciting hatred in an attempt to overthrow the regime and change the political system."

<sup>11</sup> *Al-Asala* supported, among others, Mohammed Bu-Qays (winner in Northern – 8<sup>th</sup>) and Jamal Bu-Shaqr (Central - 2<sup>nd</sup>).

to gather Sunnis “who have not had anyone to represent them,”<sup>12</sup> announced in May that it would not participate in order to preserve ‘national unity.’<sup>13</sup>

A total of 59 candidates, in their vast majority competing as ‘independent’ (*mustaqilun*), were finally in the running for the seats, four of them being declared winners two weeks before the polls, given that there was no competitor in their constituency.

#### Transparency and fairness:

These elections were held in the presence of international media representatives but the government did not allow international observers to monitor the elections. The Electoral Committee announced a few days before the elections that 174 observers from five local organisations<sup>14</sup> were allowed to access the polling stations and monitor the ballot counting process. Ten days before the 1<sup>st</sup> round, the independent Bahrain Transparency Society, that had supervised the 2002, 2006 and 2010 elections, announced that it would not monitor the by-elections, considering that the level of tension in the country did not allow a transparent monitoring able to meet international criteria. A number of irregularities were observed, like the frequent violation of the ban on candidates coming within 100 metres of polling stations (in order not to influence voters).<sup>15</sup> Heavy security (usually several armoured police vehicles and at least a dozen of officers) was observed in front of most of the polling stations.<sup>16</sup>

#### Candidate representation:

Attendance at campaign meetings and press coverage were both very low. While mainstream pro-government newspapers did their best to dedicate at least a couple of pages to the elections every day for the last week of the campaign, without attracting much attention from the population, the campaign was virtually absent from *al-Wasat* newspaper (independent). None of the political societies organised electoral rallies and the number of posters and electoral tents of independent candidates, though sometimes visible at crossroads, was incommensurably lower than in 2010.

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<sup>12</sup> See ‘Huge Bahraini counter-protest reflects rising sectarian strife,’ 21 February 2011 (<http://www.mcclatchydc.com/2011/02/21/v-print/109155/huge-bahraini-counter-protest.html>)

<sup>13</sup> The association’s Deputy Secretary General ‘Abd al-Hakim al-Shammari, who decided to run for the elections (winner in Manama – 7th), was considered as having resigned from his post by the association board in August 2011.

<sup>14</sup> All are government-organised NGOs: the Bahrain Human Rights Watch Society (no link with its homonym, Human Rights Watch), founded in 2005 by Faisal Fulad, a member since 2002 of the Parliament’s Upper Chamber; the Bahrain Dialogue Society; the Bahrain Jurists Society; the Bahrain Public Relations Society, and the Bahrain Society for Training and Development of Human Resources.

<sup>15</sup> In Jurdab (Central – 1st), one of the candidates spent more than thirty minutes at the entrance of the polling station shaking hands of voters coming to vote (personal observation, 24 September 2011).

<sup>16</sup> The officials’ extreme sensitivity was illustrated by the arrest of the author of this report on 24 September while taking pictures outside a polling station. Detained by a security agent in plain clothes and questioned for more than 45 minutes on his personal activity in Bahrain, his passport was integrally photocopied and all data on his camera and mobile phone were destroyed, following the instructions received by phone from the Ministry of Interior by the polling station’s police officer.

### Openness:

The degree of openness in these elections was limited. Even if some results were not totally predictable, the biased electoral districting, the lack of real political divergence among pro-government independent candidates and the absence of charismatic personalities explain why the final results lacked uncertainty.

### Significance:

The results of these elections are almost non-significant politically, given the combined very low participation and the boycott by all major associations, especially *al-Wefaq* and *Wa'ad*, the two main opposition associations that attracted together 50.6% of all votes cast in the country in 2010.

### **International political reaction and implications:**

Unsurprisingly, international political reactions to these by-elections were extremely rare abroad, while at the same time, the international community expressed unanimous condemnation of the "disproportionate" sentences handed out by special tribunals between the two rounds, against medical personnel, teachers and political opponents as a result of pre-democracy protests.

The UK Foreign Secretary William Hague noted that these verdicts were "worrying developments that could undermine the Bahraini Government's moves towards dialogue and the reform needed for long-term stability in Bahrain."<sup>17</sup> The UN Secretary-General highlighted "serious due process irregularities" and called for "the release of all political detainees and reiterated his appeal to the Bahraini authorities at the highest level to ensure the application of due process and respect for international human rights norms"<sup>18</sup> while the European Union "condemned the use of the death sentence," considering that it "risks further exacerbating tensions" and called on Bahrain to re-establish a moratorium on its use."<sup>19</sup>

### **Conclusions**

Due to the boycott of by-elections by all opposition societies, the Council of Representatives is now integrally composed of pro-government members, which completely invalidates the regime's claims about the Council's political representativeness. The population is now disillusioned and has low general expectations of the remaining legislative term (till 2014). The massive crackdown that followed the pro-democracy protests in February and March 2011 was orchestrated by the right-wing faction of the ruling family led by the Prime Minister Khalifa bin Salman, the Minister of the Royal Court Khalid bin Ahmad and his brother Khalifa, Head of the Defence Forces. This repressive strategy

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<sup>17</sup> 'UK Foreign Secretary concerned by sentences in Bahrain,' 29 September 2011 (<http://ukinbahrain.fco.gov.uk/en/news/?view=News&id=662942982>).

<sup>18</sup> 'Bahrain: UN voices concern at sentences given to medical staff, activists' 30 September 2011 (<http://www.un.org/apps/news/story.asp?NewsID=39894&Cr=Bahrain&Cr1>).

<sup>19</sup> 'Statement by EU High Representative Catherine Ashton on the recent trials in Bahrain', 30 September 2011 ([http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/124857.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/124857.pdf)).

supported by the Saudis as well as the other Gulf monarchies has proven successful in marginalising the less uncompromising component of the Al Khalifas. It has definitely illustrated the incapacity of the current leadership to propose a viable long-term model for the country. Even more, it has paved the way for a structural division of the society probably unknown since the 1970s. With a multitude of security checkpoints all over the island, recurrent police controls on a purely subjective basis and the ban on non-residents' entry in many Shi'i-majority villages, Bahrain is now physically and mentally segregated. While it is more than common to read slogans calling for the overthrow of the King on downtown Manama's walls, many houses in Sunni-majority villages exhibit the Saudi flag on their façade<sup>20</sup> and banners in the streets call for the "execution of the traitors" – i.e. the opposition leaders. There is no doubt that Bahrain's political future for the next few years looks darker than ever.

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<sup>20</sup> Several pro-government candidates in Sunni villages posted on their electoral tents the Saudi flag and pictures of King Abdullah of Saudi Arabia besides Prime Minister Khalifa bin Salman's photo, without references to King Hamad (personal observations, 20 September 2011).