

## Bahrain: The Gathering Storm

Bahrain's international reputation is deteriorating dramatically as it persecutes peaceful protestors and other citizens. Despite claiming that it is urgently implementing reforms and that there is "real momentum" behind efforts to reform its criminal justice system, the regime continues to press baseless charges against those arrested for the peaceful expression of their views, and its security forces continue to attack civilians and illegally arrest them. There are fresh reports of torture and deaths in custody. Human Rights First documented these events in three visits to Bahrain in 2011.

In January 2012, Human Rights First was denied entry into Bahrain for the first time. Other international human rights organizations were also prohibited from entering, fueling fears that the regime does not want international observers present in the run-up to the February 14 anniversary of the start of the democratic uprising.

February 14 is a highly significant date, with large rallies expected to be mounted by the opposition in the days leading up to it. Shut out of the airwaves and most print media in Bahrain, those calling for reform have few options to make their dissent to the regime other than to take part in marches and rallies. The largest protest demonstrations since March last year are widely anticipated. The regime's security forces' preferred method of policing marches appears to be to attack them, and so significant clashes are very possible.

The U.S. government should state publicly in the coming days that Bahrainis have a right to protest peacefully, and that the Bahraini police and security forces have a responsibility to protect them in exercising that right. It should say publicly that the relationship between the United States and Bahrain depends on a respect for human rights in action and not just words. The next few

weeks are crucial for Bahrain's journey to democratic reform, and for Bahrain's international reputation, and the U.S. government should publicly urge the Bahrain government to allow international human rights observers and journalists free access to the country.

### Escalating Attacks

On January 29, the regime targeted at least 22 homes in predawn police raids and arrested five men. Two are believed to be recently released detainees. "Masked civilians and riot police targeted the homes," the Bahrain Center for Human Rights told us. "They started around 2 a.m. They came with police dogs and broke down doors – they didn't show any arrest warrants and just beat the people as they took them away. The whole village was covered in tear gas – women were screaming, dogs were barking, it was a real mess."

Tension is steadily increasing as the anniversary approaches. An employee at Bahrain's main hospital, the Salmaniya Medical Complex, told us that it is nearly impossible to be granted leave in February or March. "They want to stop doctors joining the protests," said the medical worker. Other medical workers fear that the hospital is anticipating large numbers of casualties in February.

Police and military checkpoints still operate at the gates of the Salmaniya hospital, and the officers there have arrested suspected protestors. Many have told us they were tortured after being arrested at the hospital last year. A hospital employee told us that "a few weeks ago a man with a head injury was brought unconscious to the hospital. Fifteen policemen surrounded him waiting for him to regain consciousness. There are even police in the operating theatres."

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People injured in protests rarely seek medical attention at the hospital because it is regarded as unsafe, a place they are likely to be arrested, or worse, and a network of underground treatment centers in private homes has emerged. The French organization Médecins Sans Frontières operated a small makeshift clinic in Bahrain for some months last year before the police raided it and shut it down.

On January 31, in anticipation of large protests expected to start several days before the anniversary, the Bahrain Ministry of Health issued a memo to all private medical centers, warning them to report all injuries to the police.

*The national committee for organizing medical professions would like to stress that these hospitals and private clinics (and without preventing the patient from his right in receiving the proper treatment for his case) should inform the police authorities when they receive cases that might have resulted from accidental events or that might have a criminal suspicion, **regardless of the causes of injury**. The national committee for organizing the medical professions and services hopes that everybody will be committed to what's in this announcement, as disobeying it could put them under the penalty of law.*



Above: January 31 Bahrain Ministry of Health notice to medical centers; translation below

## BICI Report

Mass protests began on February 14, 2011, and the regime responded with violence. Several months later—after national and international human rights organizations and media outlets had exposed the truth about the crackdown—the regime commissioned its own panel of experts to review the events and make recommendations.

The Bahrain Independent Commission of Inquiry (BICI), known locally as the Bassiouni Commission because of its chair Cherif Bassiouni, published its report in November 2011. It corroborated what Human Rights First and other organizations had been saying for months: dozens of people had been killed, including some in custody; thousands had been detained and many tortured; thousands more had been dismissed from their jobs; and hundreds had been subjected to unfair trials, including hundreds of civilians tried in military courts.

The regime publicly promised to implement all the report's recommendations, which include:

*(1722a) To conduct effective investigations...of all the deaths that have been attributed to the security forces. Likewise, all allegations of torture and similar treatment be investigated by an independent and impartial body....*

*To all hospitals and private clinics*

*According to the letter from the ministry of health's undersecretary, and in reference to the letter from the vice-president of Public Security, it turns out that there is a number of hospitals and clinics which receive cases that have the possibility of being related to felonies or accidental events; workers in these hospitals and clinics treat them and in some cases perform surgeries without informing the concerned security authorities.*

(1722d)...all detention should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant and no person should be held incommunicado...

But there is little evidence that these or other important reforms are being properly implemented and human rights violations have continued daily. Charges have not been dropped against civilians inappropriately tried in military courts, security forces continue to attack peaceful protestors and other civilians, and internal investigations into police crimes have no credibility. In an interview with De Paul TV in the United States on January 25, Cherif Bassiouni noted, "I think the public is going to come out in the end and say, 'You know what? You're holding all these investigations behind closed doors and this is a whitewash,' and I think they would be perfectly justified in saying so."

The regime appears unwilling to make anything beyond token political reforms despite the urging of the United Nations, the Bassiouni Commission, and others.

On December 21, 2011, U.N. High Commissioner for Human Rights Navi Pillay called on authorities in Bahrain to take immediate steps to address the "deepening mistrust" between the government and civil society, saying, "The Bahraini authorities need to urgently take confidence-building measures including unconditionally releasing those who were convicted in military tribunals or are still awaiting trial for merely exercising their fundamental rights to freedom of expression and assembly.

"We continue to receive reports of the repression of small protests in Bahrain and although some security officers have reportedly been arrested, we have yet to see any prosecution of security forces for civilian injuries and deaths," she said. "Such impunity – at all levels – is a serious impediment to national reconciliation."

The abuses last year and the failure to implement adequate reforms so far this year have led international bodies to downgrade Bahrain's human rights and economic ratings and rankings.

- On January 19, the U.S.- based human rights organization Freedom House

published its annual survey of political rights and civil liberties, *Freedom in the World 2012*. It noted that "Bahrain's civil liberties rating declined from 5 to 6 due to the government's brutal response to the February 14 popular democracy movement, the imprisonment and torture of detainees, a clampdown on critical media, and the use of military trials for civilian activists."

- On January 25, Reporters Without Borders published its *Press Freedom Index 2011-2012*. It gave Bahrain its lowest-ever ranking, falling 29 places from last year to 173 of 179, above only China, Iran, Syria, Turkmenistan, North Korea, and Eritrea. It described Bahrain and Vietnam as, "quintessential oppressive regimes."
- Leading anti-corruption organization Transparency International published its Corruption Perceptions Index December 1, 2011. It ranks countries and territories according to their perceived levels of public sector corruption. It draws on assessments and opinion surveys carried out by independent, reputable institutions, and these surveys include questions related to the bribery of public officials, kickbacks in public procurement, embezzlement of public funds, and the effectiveness of public sector anti-corruption efforts. It ranked Bahrain 46<sup>th</sup> out of 183 countries and territories, behind regional competitors Qatar and the United Arab Emirates.
- On January 25 the economic rating agency Standard and Poor's (S&P) released a damning report on Bahrain's lack of political progress. "In our view, the dynamics of Bahrain's internal political conflict remain unchanged, with entrenched polarization indicating prolonged tensions," it said. "We are therefore affirming our long- and short-term sovereign credit ratings on the Kingdom of Bahrain at 'BBB/A-3'."

S&P further explained:

The ratings are constrained by our view of severe domestic political tensions, high geopolitical risks, stagnating real GDP per capita, and its fiscal dependency on sustained high oil prices.

Nearly a year after major unrest in Bahrain, tensions still remain. Violent street protests with occasional fatalities occur regularly and there is entrenched polarization between the two sectarian communities, which both also appear internally divided. The authorities have made efforts to defuse tensions, notably with the November 2011 report of the Bahrain Independent Commission of Inquiry (BICI) on the events of March 2011, as well as the King's announcement of constitutional reforms on Jan. 15, 2012. In our view, however, these measures have failed to revive a broader political process that includes opposition representatives. As such, we believe challenges to government legitimacy will persist and the potential for unrest remains acute. In our view, this could continue to undermine Bahrain's international image as a business-friendly location."

S&P's analysis that "challenges to government legitimacy will persist and the potential for unrest remains acute" looks accurate, especially in the run-up to the February 14 anniversary. The reforms announced by King Hamad on January 15 included his issuing a "Royal Decree" to outline the process for appointing cabinet members and ministers. The reforms will also give the parliament increased input into creation of the state budget and emergency budget powers. The reforms notwithstanding, Bahrain remains ruled by an old-fashioned monarchy.

As the U.S. Congressional Research Service noted in its November 29, 2011 report *Bahrain: Reform, Security, and U.S. Policy*, "To preserve its power, the Al Khalifa family has, to date, held onto all strategic ministry positions and at least half of all ministerial slots. Even before the 2011 unrest that has seen most senior Shiites in government resign, there were only four Shiite ministers out of 23 cabinet positions (plus one out of the four deputy prime ministers), and those ministries run by Shiites have been considered

less critical. Shiites have also been highly underrepresented in the security forces, serving mainly in administrative tasks...According to the constitution, the King, through the prime minister, makes all cabinet appointments and thus exercises direct rule."

The king also has the authority to amend the constitution, and the king's uncle has been the unelected prime minister since 1971.

## Security Sector Reform

Other obstacles to democratic reform include an overwhelmingly Sunni security sector. In the short- and long-term this needs urgent attention. Many Shiites feel they are not properly represented in the security forces, and that the police – often Sunnis recruited from Pakistan, Yemen, Jordan, and elsewhere – are inherently antagonistic towards them. Without urgent security sector reform, the disconnect and distrust between many in Bahrain and the police looks set to deepen, making the emergence of a security sector which enjoys the confidence of the whole community increasingly difficult to achieve.

Detailed statistics on the country's demographic composition are unavailable, although most observers agree there is a Shiite majority in the country.

Justin Gengler at the University of Michigan studied the Sunni/Shiite ratios as part of his PhD research in 2009. He notes, "The last time the government of Bahrain reported official demographic statistics on its Sunni and Shi'i communities was in its very first census in 1941, which put the percentage of Shi'a at 53% of the island's population."

Gengler's estimates, which included research from over 400 household interviews, suggests Shia comprised 58 percent of his survey sample, Sunnis 42 percent. This, he concedes, is a lower number of Shia than commonly cited, and gives examples from 2011 estimates made by media outlets. The New York Post in April 2011 said Shia constituted 76 percent of the population, while Bloomberg said, "Shiites make up about 70 percent of Bahrain's population,"

and the New York Times referred to "... the 70 percent of the country that is Shiite."

Gengler suggests that his estimate "calls attention to the pace and scope of Bahrain's program of politically-motivated naturalization of Sunnis."

These numbers are of particular importance in addressing the imbalance of representation in the security services, and how that influenced the police and army reaction to the protests last year.

The U.S. State Department, in its July-December 2010 *International Religious Freedom Report*, published on September 13, 2011, noted, "Although there were exceptions, the Sunni Muslim citizen population enjoyed favored status. Sunni citizens often received preference for employment in sensitive government positions, in the managerial ranks of the civil service, and in the military. Only a few Shia citizens held significant posts in the defense and internal security forces, although more were in the enlisted ranks. Although the police force reported it did not record or consider religious belief when hiring employees, Shia continued to assert that they were unable to obtain government positions, especially in the security services, because of their religious affiliation. Shia were employed in some branches of the police, such as the traffic police and the fledgling community police."

The BICI report also addressed the issue of underlying sectarian bias: "(70.) Sectarian relations in Bahrain are not solely affected by questions of theology. Socio-economic factors exert an influence as well. For example, many Shia claim to be victims of systematic discrimination on religious grounds. This, they argue, is evident in the limited numbers of Shia who serve in important government agencies, such as the [Bahrain Defence Force], the [National Security Agency] and the police. Discontent among Shia is further heightened by the large number of expatriates who are employed by these agencies, which generates the impression among many that this policy reflects governmental mistrust of Shia who believe that, as Bahraini citizens, they ought to staff these positions."

The actual numbers of Shia represented in the military and police are also unavailable, though

most estimates put the percentage of Shia in the police as very small, with even fewer in the military. In both cases, Shia appear to be confined to the most junior ranks.

A significant number of soldiers and members of the police force refused to join in the government crackdown, and many, perhaps hundreds, were arrested and detained. We estimate that around 160 members of the police force and 20 soldiers were convicted for refusing to join in the crackdown. Most have been released and are waiting for an appeal date, but we estimate that several dozen remain in detention. Virtually all are Shia, although one lawyer told he has two Sunni clients who are former policemen being prosecuted for refusing to join the crackdown.

The members of the police force we spoke to said they were arrested in March or April after refusing to join the crackdown. In detention, according to consistent and credible accounts, they faced mistreatment that fits the pattern of widespread detainee abuse documented by Human Rights First and other human rights groups. They said they were blindfolded, handcuffed, tortured, and not given adequate access to lawyers. Some say they were also leg-cuffed. Several said they had been made to stand for long periods, and told that their female relatives would be sexually assaulted unless they signed a confession.

Hassan Hameed Hassan, 26, says he had served in the Bahrain police force for five years, but decided to leave when he witnessed attacks on protestors in March. He was phoned by his boss when he didn't turn up for work and told that if he didn't turn himself in, they would come and take his female relatives—his wife, his sister, and mother. He says on April 26 they attacked his house, took him in for interrogation, and then beat him. "I was forced to stand for two days and to confess I'd been at the Pearl Roundabout. They said if I didn't confess they would bring my wife and rape her."

Hussain Ali Ahmad, 40, has been in the Bahrain police force for 20 years, and played the bugle in the police band. He says he was arrested after conversations at work with colleagues when he said he was sympathetic to the

protestors. He has been sentenced to four years imprisonment and is awaiting an appeal date.

Ali Jasim Al Ghanmi is a 25-year-old member of the police force, married with a daughter. Ali likes reading history and eating Indian food, but his passion is soccer. He joined the police in 2004 after finishing high school, where he concentrated in science. He joined because he said he used to be a scout for more than 10 years and really liked to help people, and because he wanted to serve his country. When he first joined he worked on rescue patrols and then was transferred to the security guard division. He says he had great relationships with Sunni policemen, the junior staff. Other Shiite policemen, like him, held low-ranking positions.

On February 17, after hearing that protestors were being shot by the security forces, he went to the hospital and helped the medics treating the wounded.

Dressed in uniform, he went into the crowd of protestors and announced he would no longer work for the repressive dictatorship. He went into hiding after the security forces attacked and removed the protestors from the central protest area of the Pearl Roundabout in mid-March. His family said that they then received threats that he should turn himself in. He was eventually discovered on May 4 and arrested. His family says their house was raided twice after that date anyway, and his brothers and mother assaulted.

Ali said after he was arrested he was subjected to various forms of mistreatment and torture. He was doused with water while naked in a room with the air conditioning on high. He was blindfolded and beaten with hands and sticks, denied food, water, and access to the toilet for more than two days, and abused verbally. He was sentenced to 12 years and 3 months imprisonment on January 9, 2012.

Ali has been in solitary confinement since he shouted the anti-king slogan "Down, Down Hamad!" in the prison yard on September 24, for which he is facing separate charges. He is expecting the verdict in that case on February 8 and yet another court hearing on March 12 for allegedly taking part in an illegal gathering.

Another former member of the police, 32-year-old Mahmood Sayed Jamil Sayed Muhammad Alawi, served in the police for 11 years, and was working at the Central Province early last year. According to court documents obtained by Human Rights First, charges brought against him in May included being absent from work, and having messages on his Blackberry supporting the opposition.

Mahmood also voiced his opposition to the crackdown against protestors last year. His father told us that he was told not to come back to work at the police station where he worked and was arrested on April 29, 2011, beaten (resulting in partial loss of hearing), and burnt with cigarettes. His father said he was sentenced in July by the military court to 12 years in prison.

The Bassiouni Commission recommended that the Bahrain regime urgently address this issue of imbalance in policing:

*(1772e) The Commission recommends that the Government of Bahrain establish urgently, and implement vigorously, a programme for the integration into the security forces of personnel from all the communities in Bahrain.*

It is hard to see much progress on this, although the Bahrain regime did announce on January 1, 2012 that it would recruit 500 new policemen. "Bahrain's new head of public security has called for a fresh start in the country as he announced a new push for improving community policing," reported the Gulf News. "Tarek Al Hassan said that 500 more officers would be recruited from all segments of the Bahraini society to boost community relations. 'The officers will wear distinctive uniforms and will only police the local area from which they have been recruited,' Al Hassan said."

The regime has also hired American John Timoney, senior consultant for police and security matters for the consulting firm Andrews International, to advise it on police reform. Timoney is a former Miami and Philadelphia police chief with a controversial record. His handling of Miami street demonstrations during the Free Trade Area of the Americas summit in 2003 brought lawsuits from the American Civil

Liberties Union alleging excessive force and unlawful arrests.

During a January 18 interview, Timoney told U.S. National Public Radio that he sensed “good vibes” from the government of Bahrain on wanting police reform. “There are people with good intentions and so we’ll have to see where it takes us all, but at least there’s definitely a willingness as best as I can tell.”

That same day the government of Bahrain’s Committee to Implement the BICI recommendations announced “the Minister of Interior approved a new Code of Conduct for Bahraini Police. The Code of Conduct was drafted in consultation with Mr. John Timoney, as well as legal and policing experts, and is based on various international policing codes, including the U.N. Code of Conduct for Law Enforcement Officials and the European Code of Police Conduct. It adopts the ‘principles-based’ approach, setting out the broad duties of police officers in relation to various aspects of their work, including the use of force, respect for human dignity and maintaining the rule of law... the Code constitutes a new social contract between the police and the Bahraini community.”

However, in response to our request to see the new police code of conduct, the government of Bahrain wrote on February 1, “The Police Code of Conduct is expected to be released in the near future,” and appears to still be publicly unavailable.

In recent months, a minority of protestors have attacked policemen with a variety of missiles including petrol bombs. On January 28 Minister of Interior Lt-General Shaikh Rashid bin Abdullah Al Khalifa called for 15 year prison sentences to be imposed on those who target policemen. “The work to protect the general order has to continue; hence the targeting of policemen should, I think, be penalized with imprisonment of up to 15 years,” he said. “Such a penalty should cover both the instigators and the implementers.”

Bahrain policing methods have not noticeably changed since the publication of the Bassiouni Commission report. Hassan ‘Oun, an 18-year-old student accused of participating in an illegal public gathering, was arrested on January 3 and taken to the police station. He told a lawyer that

the police did not produce an arrest warrant. He managed to call his family but when members of the family went to the station, they were told no one by that name was held there. The police tortured him. His lawyer, Zahra Masoud, saw him on January 4 and reported: “Hassan could barely walk. One of his legs was very swollen and the handcuff marks are visible on his wrists.” He told Masoud that he had been forced to stand for about 11 hours and had been threatened with rape. He was sentenced to six months in prison on January 30.

The police use of tear gas is also problematic. Human rights groups estimate that over a dozen people have been killed by the firing of tear gas canisters in the last year, both before and since the publication of the Bassiouni report. There are reports of tear gas being fired into homes and other confined spaces. At the end of January, there were reports of tear gas being fired at prisoners in a cell in Jaw Prison. On January 29, about 250 political prisoners in Jaw Prison started a hunger strike, following the example of 14 imprisoned human rights leaders who were striking to protest their treatment and the country’s deteriorating human rights situation.

## The U.S. Government’s Response

The United States has a strong military relationship with Bahrain, which hosts the U.S. Fifth Fleet. The king of Bahrain studied at military colleges in the United States, and last year 26 Bahraini students attended U.S. military schools.

Press reports at the end of January showed that the United States is to sell a package of military equipment to the Bahrain regime. The U.S. State Department says “It does not include any new capabilities, nor would it include internal security items, such as small arms or tear gas.” A larger, \$53 million U.S. arms sale to Bahrain was put on hold last October when several members of Congress publicly opposed the sale. However, this smaller package, and others in the pipeline, designed to maintain the current relationship, seem to be going ahead. Providing military equipment to the regime at this

particularly tense time sends a worrying signal to opposition activists in Bahrain: The continuous supply to the regime's security forces stands in stark contrast to the support the United States is being seen to give those calling for democratic reform.

On February 2 Senator Ron Wyden, Representative James McGovern, and 19 other senators and members of the U.S. Congress, signed a letter to U.S. Secretary of State Hillary Clinton opposing the administration's decision to proceed with the sale of a limited number of military items and services to Bahrain, noting, "We believe that any such sale at this time sends the wrong signal to Bahrain and to the world about America's commitment to the promotion and protection of human rights."

The administration's public condemnation of the Bahrain regime has been intermittent, with long periods of silence during the crackdown, much to the frustration of human rights activists in Bahrain. Voices in Congress have been more encouraging and steadfast, particularly urging the administration to reconsider arms sales, and the government of Bahrain to allow independent human rights organizations and observers access to the country. Human rights activists in Bahrain need a stronger message from the U.S. government that the course they are trying to pursue is justified and encouraged.

Rula al Saffar is president of the Bahrain Nurses Association. She studied, trained, and worked in the United States at Baylor medical facilities in Dallas, Texas and at Widener University in Pennsylvania. She was detained for over five months for treating wounded protestors and sentenced by the Bahrain military court to 15 years in prison. She told us, "The United States must realize the terrible signal providing military support sends to the Bahrain government and to the peaceful opposition. It looks like the United States is giving the green light to the Bahrain government to carry on the repression."

Abdul Jalil Khalil, who was the leader the Al-Wefaq parliamentary bloc before the bloc resigned in February 2011, told Human Rights First, "We urge the U.S. Congress to look into all the issues relating to Bahrain with a view of reversing the brutal nature of the regime, and the United States can only be more effective in the

region if it stands up for a principled approach whereby friendly governments do not use American friendship as a cover for their atrocities."

A young pro-democracy activist and student at Bahrain Polytechnic told us, "It's about time for the U.S. government to end its double standards and stop supporting oppressive regimes just to protect their own political and economic interests. It should ask the Bahraini regime to have free elections whereby people can elect their own government. If the U.S. government respects and supports human rights, it wouldn't even consider sending military equipment to the brutal Bahraini regime. U.S. government, stop your double standards, take a stronger stand, yes you can!"

# Recommendations

## For the U.S. Government

- Senior U.S. government officials, including President Obama, Secretary of Defense Leon Panetta, and Secretary of State Hillary Clinton should publicly condemn abuses by the Bahrain government and call for accountability.
- The U.S. government should publicly announce that it is closely monitoring developments up to and during the February anniversary to see if those expressing their freedoms of assembly and speech are properly protected, and that it expects the Bahrain government to ensure that its security forces adhere to international standards and law in protecting peaceful protesters.
- The U.S. government should publicly state that its current and future relationship with the Bahrain government is dependent on it respecting international human rights standards and holding violators accountable, and that a relationship of mutual benefit cannot be pursued unless Bahrain respects international human rights standards.

As the U.S. government moves forward with various packages of support to maintain its relationship with the Bahraini military, the Departments of State and Defense should consider the timing of such transfers as signals of support for current actions of the Bahraini government. They should also be able to certify that U.S. goods meant for strategic purposes will not be used by the Bahraini government for violations of human rights. The administration should continue to notify Congress and the public when such transfers are imminent to properly vet these standards.

- The U.S. government should urge the Bahrain government to urgently reform and diversify its security sector, to make its police force representative of the whole

community and to end discriminatory practices in hiring or promotion.

## For the Government of Bahrain

- Unconditionally release those convicted by military courts and end torture, arbitrary detention, and incommunicado detention.
- Publicly declare that everyone's right to peaceful expression and assembly will be respected and protected during February and afterwards.
- Allow and fully cooperate with independent human rights organizations and observers, permitting them immediate and unfettered access to Bahrain to monitor conditions and document human rights abuses;
- Investigate and hold accountable all individuals who authorized, condoned, or committed human rights abuses, including the use of violence or torture against peaceful protesters and detainees;
- Drop charges against all those who are being prosecuted under politically-motivated charges;
- Allow access by local and international journalists and human rights researchers to protest sites, hospitals and other public institutions; and
- Implement all of the rest of the BICI recommendations, including those such as 1722g which can be done immediately ("There should be audiovisual recording of all official interviews with detained persons").