

Recommendations to the U.S. Government on Bahrain

Anniversary of the 2011 Report of the Bahrain Independent Commission of Inquiry

On the fourth anniversary of the 2011 report by the Bahrain Independent Commission of Inquiry, the human rights situation in Bahrain remains grim. This anniversary of the report calls for a critical assessment of the United States' relations with Bahrain. In this fact sheet, Human Rights First evaluates the U.S. government's approach to its volatile military ally and offers recommendations to promote human rights and accountability in Bahrain.

In 2011, the Bahraini government convened the Bahrain Independent Commission of Inquiry (BICI), a group of senior international law and human rights experts, to develop a factual account of the violent crackdown on protestors and to issue recommendations on how to constructively address the situation. The BICI released its report on November 23 of that year, which included 26 specific recommendations to advance a political solution to the crisis and prevent the recurrence of similar events. At that time, the king of Bahrain welcomed the report and publicly committed to implementing its recommendations.

This promise has not been met. Civil society organizations have found that the reforms to date have been superficial at best—such as installing audio and video equipment in police stations but not turning on these devices. The government has failed to even begin to address the most vital measures, including the integration into the security forces of recruits from the majority Shia population. Opposition leaders and human rights defenders remain incarcerated on trumped-up charges.

The United States tiptoes gingerly around the dismal human rights situation in Bahrain, which is home to the Navy's Fifth Fleet. Bahrain, meanwhile, continues to bully the U.S. government. The regime expelled Assistant

Secretary of State for Democracy, Human Rights, and Labor, Tom Malinowski, in July 2014 after he met with opposition leaders. In August 2014, Representative James McGovern (D-MA), known for his long record on advocating for human rights, was denied entry to the country. Assistant Secretary Malinowski returned for another visit without incident in December 2014, but the situation remains delicate.

In June 2015, the United States lifted a ban on arms sales to Bahrain's military, citing "meaningful progress" on human rights reforms. This ban had been in place since the unrest of 2011, and originally occurred after objections from Members of Congress over a planned arms transfer to Bahrain on the heels of the violent crackdown.

A few weeks before the ban was lifted, the Bahraini government released Ebrahim Sharif from prison. Sharif, an opposition leader from the secular Waad party, had been tortured and convicted by a military court in 2011 for peacefully calling for reform. At the time of his release, he had served nearly all of a five-year sentence. But in July 2015, Sharif was rearrested for peaceful remarks made during a speech again calling for political reforms.

Other opposition leaders remain in prison. Sheikh Ali Salman, the leader of Bahrain's main peaceful opposition group Al Wafaq, was convicted in June 2015 on politically-motivated charges and sentenced to four years in prison after an unfair trial. The U.N. Working Group on Arbitrary Detention officially declared his detention to be arbitrary in November 2015, citing free expression and due process concerns.

Prominent human rights defenders continue to be imprisoned and forced into exile. Zainab Al Khawaja was

convicted in October 2015 for charges including insulting a Bahraini official, tearing up pictures of the king, and trespassing near the jail where her father Abdulhadi Al Khawaja—a leading human rights activist—is held under a life sentence.

Of the medics who were arbitrarily detained and tortured in 2011 after treating protestors during the crackdown, most have been released, but orthopedic pediatric surgeon Dr. Ali Alekri is still in prison.

Although U.S. diplomats have attended many of these politicized trials as monitors, and declared that they are “deeply concerned” about ongoing detentions, they have declined to make any public statements on the due process violations they observed at these trials where harsh sentences are routinely handed down.

Freedom of the press remains a major problem in Bahrain, where criticizing the king on Twitter can lead to jail. Even the lone independent newspaper that has been allowed to operate, Al Wasat, was shut down for a period in August 2015. Bahraini authorities publicly announced that the newspaper’s activities had been suspended due to “repeated dissemination of information that affects national unity and the Kingdom’s relationship with other countries.” Al Wasat is a widely respected and leading newspaper in the region, known for its balanced journalism for over a decade. In 2011, the paper was also forced to shut down temporarily, and its co-founder and board member, Karim Fakhrawy, was tortured to death in custody in April 2011, a week after he was arrested.

As the government’s repressive tactics restrict the space for peaceful dissent, there has been a rise in violent attacks against the police. These attacks tend to be carried out with rudimentary explosives. The government responds to these incidents by conducting roundups of those it claims to be suspects, but the frequency of mistreatment in detention further fuels polarization and unrest. These attacks are yet another indicator of the mounting instability.

Defying the BICI report’s recommendations, Bahrain has not held senior officials accountable for the violent

crackdown and related human rights abuses—but creative litigation tactics abroad have recently drummed up some international scrutiny of Bahrain’s culture of impunity.

Swiss authorities have recently opened a case against Bahrain’s attorney general, for allegedly authorizing the incommunicado detention of a Bahraini citizen twice, despite the United Nations’ expressed concerns. This investigation is being undertaken under Switzerland’s “universal jurisdiction” principle, derived from the U.N. Convention Against Torture.

In October 2014, the High Court in London found that Prince Nasser bin Hamad al Khalifa was not entitled to diplomatic immunity in relation to allegations that he was involved in the torture of protestors detained in 2011.

Now another member of Bahrain’s ruling family, Sheikh Salman bin Ebrahim al Khalifa, is making a bid for the FIFA presidency but is dogged by the 2011 targeting of footballers and other athletes in Bahrain following the pro-democracy protests. Documents suggest he was a senior member of a special committee set up to identify athletes who took part in the demonstrations. The Associated Press estimates that more than 150 athletes, coaches, and referees were targeted, and some jailed for their perceived part in the protests. In November 2015, the FIFA ethics review cleared al Khalifa among the five candidates to succeed Sepp Blatter, but the media and civil society are still pressing him to explain his role in the crackdown.

Until Bahrain takes accountability seriously at home, those implicated in the 2011 crackdown will remain vulnerable abroad. Yet the Obama Administration has not changed course, and Members of Congress are stepping in to take corrective measures.

In August 2015, Senators Marco Rubio (R-FL) and Ron Wyden (D-OR) introduced S.2009, the Bahrain Independent Commission of Inquiry (BICI) Accountability Act of 2015. This bipartisan bill would ban the sale of small arms to Bahrain until the government fully implements all 26 BICI recommendations. In the House, Representatives Joe Pitts (R-PA), Jim McGovern (D-MA),

and Hank Johnson (D-GA) introduced a counterpart bill, H.R.3445. As of the time of writing, these bills are steadily gaining cosponsors.

Despite these developments, Obama Administration continues to send mixed messages on Bahrain.

The United States joined 32 other countries in signing a Swiss-led joint statement criticizing the human rights situation in Bahrain during the 30th Session of the Human Rights Council in September 2015.

In late October 2015, Deputy Secretary of State Antony Blinken traveled to Bahrain in for the Manama Dialogue, an annual regional security conference. In his public remarks, Blinken embraced Bahrain as a “close, valued, and longstanding partner of the United States.” This troubling statement demonstrates how the Obama Administration continues to welcome Bahrain as an ally despite its human rights record.

On November 19, 2015, during a meeting with met Sheikh Khalid al-Khalifa, the foreign minister of Bahrain, U.S. Secretary of State John Kerry said “I know that His Majesty, King Hamad, and the crown prince have worked diligently to try to reach out and engage in a [political] process”. Secretary Kerry is mistaken and such remarks are unhelpful to prospects for reform.

RECOMMENDATIONS:

The BICI recommendations provide a basic framework for the Bahraini government. The following are recommendations for what the United States can do to urge Bahrain to advance human rights and implement the reforms that it committed to in 2011:

Review Bilateral Relationship with Bahrain

- The White House should convene all relevant interagency officials to conduct a thorough review of the bilateral relationship with Bahrain, in consultation with international and Bahraini civil society organizations. This review should examine the full range of U.S. engagement with and influence on Bahrain—including bilateral military cooperation and arms sales, security assistance and training, as well as the U.S.-Bahrain Free Trade Agreement, and the

Presidential Memorandum on support for civil society and targeted sanctions—in order to promote stability in the country by advancing the objectives listed below:

- Ending official corruption;
 - Integrating the security services; and
 - Ending the imprisonment and repression of peaceful political opposition and civil society leaders.
- U.S. officials should continue to meet regularly—and unapologetically—with diverse segments of society in Bahrain including opposition politicians.

Fight Against Official Corruption

- The State Department should vigorously implement Presidential Proclamation 7750, which would deny entry to the United States to corrupt Bahraini officials who solicit or accept bribes, as well as their family members and dependents who benefit from the corruption, thereby refusing to enable foreign corrupt officials to benefit from U.S. resources or find a safe haven in the United States.
- The State Department, working with other like-minded governments, should fund and provide other support to local projects investigating corruption and promoting awareness of corrupt practices in Bahrain.
- The White House, the State Department, and the U.S. Ambassador should publicly call for the admission of international NGOs and investigative journalists into Bahrain to report on corruption.

Reform of Bahraini Security Forces to Reflect the Communities They Serve

- The White House and Defense Department should withhold further arms sales and transfers to the police and military, contingent on human rights progress, starting with a request for the current representation levels of Shi'as in the police and military to be made publicly available along with recruitment and promotion targets for underrepresented groups.

- The U.S. Congress should support S.2009 and H.R.3445, a bipartisan bill that would ban the sale of small arms and ammunition to Bahrain until the government fully implements all 26 recommendations made by the 2011 Bahrain Independent Commission of Inquiry (BICI).
- The Defense Department should insist that all future training of Bahraini security force personnel include Shi'as.
- The United States, through the Departments of State, Defense, and/or Justice, should offer technical support and training in diversifying the security services.

An End to Imprisonment and Repression of Peaceful Opposition and Civil Society Leaders

- The U.S. government should call for the immediate release and end to the continued detention of Sheikh Ali Salman, the leader of Al Wefaq, and Ebrahim Sharif, a leader of Waad, and other political leaders.
- The U.S. government should reaffirm, via a public statement from a senior official, President Obama's declaration to Bahrain in May 2011 that "the only way forward is for the government and the opposition to engage in a dialogue, and you can't have a real dialogue when parts of the peaceful opposition are in jail."
- The U.S. Embassy in Manama should ensure that U.S. government officials are present at trials of political opponents and human rights activists and should publicly state whether the trials meet international standards.
- Publicly name international media and international human rights organizations that are denied access to Bahrain and call for them to be admitted.
- The U.S. Ambassador in Bahrain should assist relevant U.S. agencies to implement the September 2014 presidential memo directive that "Each [U.S. government] agency abroad shall incorporate inclusive outreach to civil society in their international engagement."

U.S. Ambassador to Bahrain William Roebuck should help facilitate this engagement between civil society and U.S. agencies. Whether Department of Defense officials are visiting Bahrain to monitor progress or Department of Commerce representatives are traveling there to explore new investment opportunities, or any other U.S. agency visits Bahrain, the Embassy should facilitate contacts between them and Bahrain's civil society representatives.

- Promote the State Department's March 2013 guidelines entitled "U.S. Support for Human Rights Defenders," and the September 2014 presidential directive on supporting civil society. They should be promoted and featured—in Arabic and English—on the U.S. embassy website in Bahrain.

Both these documents would help explain to the Bahraini government and civil society the standard approach and policies towards human rights by the U.S. government across the world; they lay out the expectations and limitations on what civil society and human rights defenders can expect from the U.S. government in Bahrain and elsewhere.