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“Human Rights in Bahrain: Next Steps”

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Good morning honorable co-chairs and thank you for convening this hearing to examine the U.S. government’s response to the human rights crisis in Bahrain, and thank you for inviting me to speak - I was unfortunately out of the country when you asked me previously to come and speak about Bahrain, so I’m delighted to be here today.

Mr. McGovern, I say this not because of protocol or because of manners but because your tenacity on the struggle for human rights in Bahrain is an example to other members, to other parliamentarians around the world, and to NGOs and activists everywhere. You’ve stuck with this issue for years, whether it’s been in the headlines or not, fashionable or not, politically advantageous or not, not least with in your support of leading activist Nabeel Rajab, currently in jail facing a series of trumped-up charges.

You’ve enabled our work on this issue in Washington and I know — because they tell me — how much human rights activists in Bahrain appreciate your dedication to this issue.

Over 30 years ago when I interned for Senator Ted Kennedy, helping to research anti-apartheid legislation, South Africans struggling for democracy spoke about him the way many Bahrainis speak about you today. It’s not a comparison I make lightly, but they see you as a friend in Congress in difficult times, keeping issues of injustice on the agenda, demanding answers from an unhelpful administration, refusing to accept that it’s in the US’s best interests to be aligned with a repressive, reckless regime.

I know others here today will outline details of the worsening repression in Bahrain, and I intend to focus on three issues. First, briefly, the issue of access for journalists and NGOs, second on the failure of Bahrain’s security forces to properly diversify, and the US’s failure in pushing them to do so, and third the influence of Iran.

Denial of Access

Mr Chairmen and members of the Commission, in 2011 and 2012 I visited Bahrain several times on research trips and wrote a series of reports documenting human rights violation including attacks on medics, human rights defenders, students and others. Since March 2012, I have been refused entry to Bahrain despite repeated attempts to visit the country.

I am not alone in being de facto banned from the country - many other NGOs and journalists – including Nick Kristof of the New York Times - find it impossible to gain access and report firsthand on what is happening. You will recall, Mr Chairman, that in August 2014 you and I were refused access to the country despite going through the proper channels to request visas. The issue of access to Bahrain continues to be a serious problem, and while human rights researchers can't get in, many activists now can't get out with an alarming increase in travel bans against local human rights activists intending to speak at the UN Human Rights Council or other venues. Human rights lawyer Mohamed Al Tajer and women's rights activist Ghada Jamsheer are among those currently targeted and prevented from leaving the country. Jamsheer was arrested at the airport last month and taken into custody.

Security Sector Reform

The second issue, of security sector reform, is one we have followed for some years. Sectarianism is a major problem in Bahrain and in the region. Bahrain is unique among Gulf countries in having a Shia majority governed by a Sunni ruling family.

As in apartheid South Africa, the majority population is discriminated against, and excluded from key areas of government and security.

A lopsidedly sectarian makeup of security forces is an obstacle to stability in Bahrain, and so undermines U.S. national interests in the country and the region. A large, dissatisfied section of the country is barely represented in its security forces, contributing to wider grievances about a lack of job opportunities for Shias in the government, and political unrest.

This is true of both the police and the military in Bahrain, but today I will focus on the military because the State Department decided over a year ago to lift the ban on weapons to Bahrain's military despite its involvement in human rights violations.

The 2011 Bahrain Independent Commission of Inquiry (BICI), headed by international legal expert Cherif Bassiouni, found that the BDF were responsible for a hundred arrests, including of medics. One of the doctors, pediatric orthopedic surgeon Dr. Ali Alekri was seized by soldiers from the hospital where he worked and taken to a military facility, where he was beaten and forced to eat feces. He remains in jail to this day. He, like dozens of other medics, human rights activists and peaceful opposition leaders, were convicted after unfair trials in

courts run by Bahrain's military. No senior military official has been held to account for the torture or other human rights violations committed by the military.

The BICI report found that nine Shia mosques were "reportedly demolished ... with the involvement of the Bahrain Defence Force..." The commission recommended that the government "establish urgently, and implement vigorously, a programme for the integration into the security forces of personnel from all the communities in Bahrain," but this hasn't happened. This failure to integrate the security forces is a major problem, one long recognized by the U.S. government.

During Bahrain's United Nations Universal Periodic Review in 2012 the United States recommended that Bahrain "Create a more diverse, inclusive police force, reflective of society". Former Secretary of Defense Bob Gates says in his 2014 book that when he met the king of Bahrain in March 2011 he told him that "Time is not on your side," and that the king should take some urgent steps to reform, including to "move forward in integrating the Shia into the security services and the Bahrain defense force..."

The U.S. government's 2015 Human Rights Report found that "Sunni citizens often received preference for employment in sensitive government positions, notably in the managerial ranks of the civil service and the military. Shia asserted they were unable to obtain government positions, especially in the security services, because of their religious affiliation," and the 2015 report from the U.S. Commission on International Religious Freedom also stated that "According to interlocutors, members of the Shi'a community still cannot serve in the active military, only in administrative positions, and there are no Shi'a in the upper levels of the Bahrain government security apparatus, including the military and police."

Last week's new report from the Congressional Research Service notes that "The BDF, as well as Bahrain's police forces, are run by Sunni Bahrainis, but supplement their ranks with unknown percentages of paid recruits from Sunni Muslim neighboring countries, including Pakistan, Yemen, Jordan, and elsewhere" and has previously noted that Shias "have also been highly underrepresented in the security forces, serving mainly in administrative tasks".

It's hard to know just how few Shia are in the Bahrain military because the BDF hasn't provided statistics. The BICI report estimated the whole force at around 12,000 personnel, but educated guesses put the representation of Shias as tiny, a few percent at most.

Nonetheless, despite the failure of Bahrain's military to reform the U.S. continues to train and equip the BDF. \$7.5m was earmarked in Foreign Military Financing (FMF) for Bahrain in 2015, and nearly \$600,000 spent from the International Military Education and Training (IMET) program to train 100 Bahraini students. For FY2017, the administration has requested \$800,000 for the IMET program for Bahrain.

The security assistance and military training between Bahrain and the U.S. goes back decades as the two countries signed a formal [Defense Cooperation Agreement \(DCA\)](#) in 1991. Currently

there are over 8,000 U.S. military personnel deployed in the gulf kingdom focused on implementing various security related missions.

The State Department's decision in June 2015 to lift restrictions on selling arms to the Bahrain military was a significant mistake, as we warned it would be. It has not resulted in reform and since the lifting of the restrictions there has been a crackdown on dissent more severe than anything since 2011. As our friend and colleague Nabeel Rajab said in the New York Times last week: "Recent American [statements](#) on Bahrain's human rights problems have been strong, and that is good. But unless the United States is willing to use its leverage, fine words have little effect."

But there is something direct and significant Washington can do to push for the integration of Bahrain's security forces. It could link the training and equipping of Bahrain's military forces to their progress on recruiting and promoting Shias. The U.S. government provided expertise and technical help in the decade between 2001-2011 to the police service in Northern Ireland, which upped its Catholic representation in the force from 8 per cent to 30 percent. The U.S. government should insist that its continued cooperation with the BDF, including training and equipping the force, depends on a commitment to integration, starting with producing the numbers of Shias and Sunnis currently in its ranks.

The Question of Iran

The third issue is that of Iran and its part in Bahrain's unrest. In 2011 the BICI report said the Bahraini government couldn't produce evidence of Iranian involvement in the uprising and five years on it's hard to assess the degree of Iran's influence in Bahrain today. Although the government claims to have obtained confessions from people it says admit to colluding with Iran these confessions should be viewed with some skepticism. The attacks on security personnel - although some have been fatal - don't bear the hallmarks of advanced strategy or sophisticated training by Iran's Revolutionary Gard or Hezbollah, as Bahrain's government claims.

As I mentioned earlier, in the mid-1980s, I was researching anti-apartheid legislation for Sen. Ted Kennedy (D-Mass.) and the concerns I heard then about the anti-apartheid movement are similar to today's worries about Iran. I was asked if Bishop Desmond Tutu was an unwitting Politburo puppet? If the Kremlin secretly funded the democracy activists? Whether Mandela was unduly influenced by communists?

Did Moscow enjoy the unrest in South Africa? Yes, just as Tehran revels in Bahrain's current turmoil. Iran's Press TV covers Bahrain's turmoil with the enthusiasm Pravda used to report on South African protests. But this doesn't mean there's a hidden hand at work, controlling the struggles for human rights and democracy. In fact, what Moscow most feared then and Tehran fears now is real democracy, allowing for political inclusion and an end to unrest.

I hear administration officials now say that Iran might not have instigated the pro-democracy demonstrations in Bahrain, but it's waiting for an opportunity to exploit them. That sounds eerily and depressingly like what used to pass, 30 years ago, as sophisticated analysis about the relationship between South African democracy activists and the Soviet Union.

There were communists in the anti-apartheid movement (and in the U.S. civil rights movement) but that didn't mean they controlled or delegitimized those campaigns for democracy.

We're not naïve. Does Iran enjoy Bahrain's difficulties and would it like to get involved in making them worse? Of course. But that doesn't negate the legitimate grievances of the Bahraini opposition.

Removing Iran from the equation doesn't solve Bahrain's problems of unrest and instability and the longer the repression continues the greater part Iran is likely to play in the equation, as it's presented with further opportunity to exploit real and imagined grievances.

Bahrain activists I speak to say they don't want to swap one dictatorship for another, and are eager to distance themselves from the contamination that would come with association with Tehran.

But Bahrain's government is likely to push angry young people into the arms of Iran if it continues to choke all avenues of peaceful dissent.

As Senator Rubio said when opposing arms transfers to Bahrain: "I appreciate Bahrain's concern about Iranian ambitions in the region and the potential threat to the country's stability, but I believe the government's response to the disturbances actually threatens the country's long-term stability, jeopardizes the United States' standing in Bahrain and the Middle East, and plays into the hands of Iran."

Future Outlook and Way Forward

Human Rights First has produced a series of reports and testimony over the last five years, including *How to Reverse Five Years of Failure on Bahrain*, February 2016; *Recommendations to the U.S. Government on Bahrain*, November 2015; *How to Bring Stability to Bahrain*, February 2015; *Plan B for Bahrain What the United States Government Should Do Next*, November 2013; *Human Rights First Lantos Testimony on Bahrain*, August 2012; *Bahrain's Reforms—No Backdown on Crackdown*, May 2012; *Bahrain: The Gathering Storm*, February 2012; *Bahrain: A Tortuous Process*, July 2011; and *Bahrain: Speaking Softly*, May 2011.

The leading civil society and nonviolent political opposition figures arrested and tortured in 2011 remain in prison and there seems to be no prospect of any political dialogue between the government and opposition groups. The protests have not stopped, and a minority have taken on a violent edge, with over a dozen policemen killed since 2011. The country's prisons are bulging with political detainees, many of whom were sentenced in mass trials after an unfair judicial process.

Though the smallest country in the Middle East, Bahrain exemplifies several of the major challenges for U.S. policy in the region. 2016 promises to be a defining year as a series of issues converge to threaten Bahrain, including: sectarian tensions exploited by ISIL and other Sunni extremists and by Shi'a-dominated Iran; economic vulnerability linked to sharply falling oil prices; corruption and political instability; a lack of reform leaving the root grievances of the large scale public protests unresolved; and U.S. government support for an authoritarian status quo seen as the best way of protecting major military investments—in Bahrain's case, the U.S. Naval Fifth Fleet base.

These remaining months of 2016 will be important as President Obama shapes his legacy in the Middle East.

In 2009, at the start of his presidency, he delivered a message of hope in Cairo: "America does not presume to know what is best for everyone, just as we would not presume to pick the outcome of a peaceful election. But I do have an unyielding belief that all people yearn for certain things: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn't steal from the people; the freedom to live as you choose. These are not just American ideas; they are human rights. And that is why we will support them everywhere."

Much has changed in the intervening years. In his speech to the U.N. General Assembly in September 2015, President Obama opted for analysis rather than exhortation, noting, "repression cannot forge the social cohesion for nations to succeed. The history of the last two decades proves that in today's world, dictatorships are unstable. The strongmen of today become the spark of revolution tomorrow." He continued: "I believe a government that suppresses peaceful dissent is not showing strength; it is showing weakness and it is showing fear. History shows that regimes who fear their own people will eventually crumble, but strong institutions built on the consent of the governed endure long after any one individual is gone."

Yet the U.S. government's handling of the enduring crisis in Bahrain has too often failed to draw obvious conclusions from the administration's own analysis of the detrimental impact of human rights violations on stability and progress. As a result, in the absence of actions and policies that would suggest the contrary, many in Bahrain and across the region view the Obama Administration as supportive of the repressive leadership in Manama. This support for the dictatorship is rendering Bahrain less stable, undermining U.S. efforts to prevent violent extremism, and further damaging Washington's credibility in the region.

Continuing reports of mass arrests, often in the name of countering terrorism, continue to emerge from Bahrain. So do reports of torture in custody. Leading human rights defenders including Abdulhadi al Khawaja and Naji Fateel are in prison. Others, including Maryam al Khawaja, Zainab Al Khawaja, Hussain Jawad, and Said Yousif Almuhafehdah, have been forced into exile.

Meanwhile, the Bahraini government continues to speak of reform and make token gestures to that end. A police code of conduct has been introduced, ombudsman offices have been set up, and some junior officers have been prosecuted for some of the torture that took place in custody in 2011. There has been some redistricting of electoral boundaries and minor reforms to how parliament works.

But the fundamental problems remain: an unelected ruling family controls the government; no senior official has been brought to account for torture or killings since 2011; key peaceful political leaders and human rights activists remain in jail on politically motivated charges and without fair trials; members of civil society are harassed and intimidated across a number of fronts; peaceful political protests and other forms of dissent are almost never tolerated; political activists are among hundreds of people who have had their nationality stripped since 2012; and there has been a rise in the number of death sentences passed in recent years. A much-vaunted national political dialogue that began in mid-2011 produced no meaningful results and appears dead. Local human rights organization the Bahrain Centre for Human Rights (BCHR) reported that 237 children under the age of 18 were detained in the year 2015.

There has recently been a sharp rise in sectarianism, fueled partly by government-loyal media, leading to increased polarization in Bahraini society between Sunni and Shi'a communities. The country's security forces remain overwhelmingly drawn from the Sunni sect, many of whom have recently arrived from other countries. Human Rights First has spoken to many people who report being attacked in their homes, including with tear gas, by Bahrain's security forces.

Washington's immediate response to the outbreak of the crisis in 2011 was a series of mixed messages to the government of Bahrain. The United States government scurried to cope with the repercussions of popular uprisings elsewhere in the region as its long-term repressive allies were overthrown by street protests, including President Ben Ali in Tunisia and President Hosni Mubarak in Egypt. The Obama Administration's signals to Bahrain were as confused as they had been to Egypt, simultaneously supporting the right of peaceful protest and the repressive regime that was threatened by them. Secretary of State Hillary Clinton noted, "Bahrain, as the home base for the U.S. Navy in the Persian Gulf, was an exceptionally complicated case for us."

Secretary Clinton's response on February 17, 2011 to Bahrain's crackdown on protestors was that "the United States strongly opposes the use of violence and strongly supports reform that moves toward democratic institution building and economic openness. I called my counterpart in Bahrain this morning and directly conveyed our deep concerns about the actions of the security forces... We believe that all people have universal rights, including the right to peaceful assembly. And Bahrain is a friend and an ally, and has been for many years. And while all governments have a responsibility to provide citizens with security and stability, we call on restraint. We call on restraint from the government to keep its commitment to hold accountable those who have utilized excessive force against peaceful demonstrators, and we urge a return to a process that will result in real meaningful changes for the people there." She was, as she explained later, trying "to walk and chew gum at the same time" on Bahrain, meaning somehow attempting to balance the apparent contradictions of encouraging reform while supporting a dictatorship uninterested in sharing power.

Throughout much of 2011 the Obama Administration's public messaging was along these lines—offering strong political support for a "Major Non-NATO ally" while voicing concern at the torture and jailing of political dissidents, medics, and others.

The administration's high-water mark for public support for reform came in May 2011, when the president himself castigated Bahrain publicly in a speech, declaring "mass arrests and brute force are at

odds with the universal rights of Bahrain's citizens, and such steps will not make legitimate calls for reform go away. The only way forward is for the government and opposition to engage in a dialogue, and you can't have a real dialogue when parts of the peaceful opposition are in jail."

The peaceful opposition figures Obama referred to in his speech almost five years ago are all still in jail, and have been joined by others since, notably Sheikh Ali Salman, leader of the recently-banned largest opposition group, al-Wefaq. Neither President Obama nor any other senior administration official have since publicly repeated this call for jailed opposition leaders to be released to join political talks. Washington has retreated since 2011 from such public criticism of the regime despite a steadily worsening human rights and political crisis.

The Bahraini government appointed the Bahrain Independent Commission of Inquiry (BICI) to investigate the events surrounding the mass protests. When BICI reported its findings and recommendations in November 2011, Secretary Clinton applauded them: "We are deeply concerned about the abuses identified in the report, and urge the Government and all elements of Bahraini society to address them in a prompt and systematic manner. The Government of Bahrain has committed to establish a follow-up committee to implement the report's recommendations, and we urge full and expeditious implementation of these recommendations. The United States will continue to promote the fundamental freedoms and human rights of all of Bahrain's citizens. We believe the BICI report offers a historic opportunity for all Bahrainis to participate in a healing process that will address long-standing grievances and move the nation onto a path of genuine, sustained reform."

Privately, the Obama Administration has adopted an approach to encourage the reputedly reform wing of the ruling family, centered around Crown Prince Salman bin Hamad al-Khalifa. Washington views the crown prince as an ally for reform and a natural partner in promoting U.S. interests, and has supported him in an effort to push the regime towards democracy and away from the repressive direction of the hardliners.

The logic of this approach is undermined by a lack of results. Former Defense Secretary Gates concluded that although the crown prince was "the voice of reason... he was powerless."

And the crown prince has proved a far from reliable ally for Washington. In 2013 he joined the vilification of U.S. Ambassador to Bahrain Thomas Krajeski, and in 2014 led a Bahraini government delegation to meet President Putin in the Kremlin at a time when the United States was trying to isolate President Putin over Russian aggression in Ukraine.

When in June 2015 the State Department announced it was lifting the restrictions on military sales to the Bahraini government, restrictions imposed at the end of 2011 in response to the regime's human rights violations, it cited "meaningful progress on human rights reforms and reconciliation. This includes implementation of many key recommendations from the Bahrain Independent Commission of Inquiry, and the recent release of a number of prisoners charged with crimes related to their political association and expression."

One of the prisoners released just before the lifting of the restrictions, political leader Ibrahim Sharif, was rearrested shortly thereafter.

The move by some members of Congress to introduce legislation in August 2015 to reimpose the ban on the sale of small arms to Bahrain was a significant and welcome step. S.2009, introduced by Senators

Marco Rubio (R-FL) and Ron Wyden (D-WA), would ban the sale of small arms and ammunition to Bahrain until the government fully implements all 26 recommendations made by the BICI. Representatives Joe Pitts (R-PA), Jim McGovern (D-MA), and Hank Johnson (D-GA) introduced the counterpart in the House (H.R.3445).

Human rights activists in Bahrain continue to complain of a lack of U.S. government coherence when it comes to protecting and promoting civil societies abroad—with some parts of the administration supplying weapons and political support to the Bahrain dictatorship that has cracked down on civil society, and other parts of the U.S. government speaking out against the repression.

Several human rights defenders told Human Rights First they wanted more public statements of support from Washington, and that when the U.S. Embassy in Manama sends a trial observer to court hearings, the United States should release a public statement commenting on whether the process reaches acceptable international legal standards.

In May 2013, the State Department issued a document entitled “U.S. Support for Human Rights Defenders,” which made headway in addressing concerns of inconsistent engagement by embassies with civil society and in setting realistic expectations about what the United States can and cannot do to assist human rights defenders. It is a useful document for diplomats and civil society in outlining the sorts of actions U.S. officials can take to support activists. But almost three years later, it has still not been translated into Arabic, the U.S. Embassy in Manama has not posted it on its website, and few Bahraini human rights defenders have even heard of it.

The presidential memorandum on “Deepening U.S. Government Efforts to Collaborate with and Strengthen Civil Society,” issued in September 2014, was another welcome measure, but its effect on activists’ lived experience in Bahrain has been limited. The administration’s rhetorical commitment to help civil society, especially those in repressive countries, has not translated into engagement with Bahraini civil society by other parts of the U.S. government beyond the traditional elements in the State Department. The Department of Defense has not demonstrated its shared responsibility for challenging undue restrictions on civil society and continues to issue statements praising the military partnership between Bahrain and the United States.

The U.S. government should live up to the rhetoric and adopt a coherent multiagency approach to Bahrain, one which is founded on securing stability through rights and inclusion.

Recommendations

- The U.S. government should reaffirm, via public statements from senior officials, President Obama's call 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 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.
- The U.S. Ambassador should publicly state whether or not trials of political opponents and human rights activists observed by U.S. government officials meet international standards.
- The State Department should promote its March 2013 guidelines entitled "U.S. Support for Human Rights Defenders," and all relevant agencies should promote the September 2014 presidential directive on supporting civil society. They should be featured in Arabic and English on the U.S. Embassy website in Bahrain.
- 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 under-represented groups.
- 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 United States, through the Departments of State, Defense, and/or Justice, should offer technical support and training in diversifying the security services.
- The State Department should press to reduce the influence of those responsible for human rights violations inside and outside of the government. It should consider imposing visa bans and freezing assets of those it believes guilty of human rights violations.
- The State Department should publicly call for international media and international human rights organizations to be afforded meaningful access to Bahrain.