

**Assistant Secretary Michael H. Posner Statement
Tom Lantos Human Rights Commission Hearing:
“Implementation of the Bahrain Independent Commission of Inquiry Report”
August 1, 2012**

Thank you, Mr. Chairman, for holding this hearing and for your sustained concern about Bahrain and the current challenges there. I appreciate the opportunity to appear here today to outline the administration’s views with respect to Bahrain.

Context: Bahrain is an important strategic partner at a crossroads

We all recognize Bahrain’s importance as a longtime partner of the United States in the Gulf region. For more than 60 years, the United States military has worked closely with its Bahraini counterparts. The Fifth Fleet is based in Bahrain, and the country serves as a pillar of our regional security strategy in the Gulf region. The U.S. – Bahrain relationship is particularly important in the face of rising threats from Iran.

Our longstanding alliance with Bahrain is based on shared political, economic, and security interests. And it is in part because of this important strategic relationship that we have devoted so much attention to Bahrain in the last 18 months. The demonstrations and violent confrontations that shook Bahrain last February and March were traumatic to all segments of Bahraini society. And although the violence has diminished significantly in recent months, Bahrain is still a deeply divided nation struggling to regain its equilibrium.

As partners and friends who care deeply about Bahrain’s future, we must be straightforward in our assessments. This is not a time for complacency or wishful thinking. It is a time for the United States and others to work with the government and the political opposition and to urge a new approach to dialogue, about which I will say more in a moment.

It is in this challenging political context that I have traveled to Bahrain five times in the last 18 months, most recently in June, each time meeting with senior government officials, lawyers, journalists, medical professionals, civil society groups, human rights advocates, and several political societies. This visit, my meetings focused on 1) the current situation for human rights in Bahrain following the unrest in February and March of last year, 2) the need for inclusive dialogue and negotiation, and 3) implementation of the Bahrain Independent Commission of Inquiry report.

The current situation for human rights in Bahrain

In a number of ways, Bahrain today is more stable than it was a year ago. Last year, the government showed courage in inviting Cherif Bassiouni to initiate the Bahrain Independent Commission of Inquiry (BICI). The BICI process was unprecedented both in its scope and the unfettered access the BICI team were granted. King Hamad deserves great credit for initiating this commission and for allowing an independent body to take a critical look at Bahrain’s human rights record and to report so extensively on its findings. We also commend the King for accepting and committing to implement the recommendations of the BICI report. And after a

worrying period of rising violence in the streets by both demonstrators and police, violence has subsided this summer.

Despite these positive accomplishments, my recent visit revealed deep divisions within Bahraini society and between many Bahrainis and their government. Almost nightly confrontations, including a number that end in violence between young protestors and the police, and the recent discovery of sophisticated bomb-making materials in Salmabad and Hamad Town punctuate the need for urgent action to heal the divisions in society and bring peace and prosperity to all of its people.

We are concerned that more than a year after the release of the BICI report, we see reports of continuing reprisals against Bahraini citizens who attempt to exercise their universal rights to free expression and assembly. For example, on March 31, 2012, Ahmed Ismail Hassan, a 22-year-old videographer, was shot and killed while filming a pro-reform demonstration. This is one incident in a pattern of reports of activists and demonstrators being injured and mistreated in interactions with the police.

Moreover, permits for organized demonstrations are often denied. Over the past month, Bahrain has stopped granting permits for organized demonstrations in central Manama, and has announced a study to identify suitable locations for protests away from the downtown area. While the study may be a useful opportunity to initiate constructive dialogue, including with the opposition, it must not be used as a mechanism to restrict the universal right to peaceful protest. At the same time, we urge Wifaq and others who organize demonstrations to do their utmost to ensure that those gatherings remain peaceful.

Urgent need for dialogue

Since February and March 2011 there have been numerous calls – including by Crown Prince Salman bin Hamad Al Khalifa, President Obama, Secretary Clinton, and members of the international community – for broad political dialogue that will lead to a way forward on political reform.

While dialogue and negotiation can only occur among Bahrainis themselves, as a friend and partner of Bahrain, the United States has encouraged dialogue in a variety of different forms over the last 18 months. But despite numerous attempts, attempts at dialogue have broken down. There is little evidence that Bahrain is moving toward a negotiated political agreement on issues such as the powers of parliament and electoral districting.

On my recent visit, I observed that both people in the government and the political opposition felt that time is on their side. This is a misguided and dangerous perception. Bahrain needs dialogue and negotiation to build a strong national consensus about its political future, strengthen its economic standing, and make it a more prosperous country and a more stable ally of the United States. We are pursuing a two-track strategy to reinforce those elements within Bahraini society that are working to promote meaningful dialogue and negotiation.

On the first track, we continue to encourage the government, all political organizations, and civil society to come to the table for a broad, open negotiation about the political future of the country. The current stalemate requires bold leadership from all sides – people who are ready to negotiate now, without preconditions, and to trust the other sides to come to the table in a spirit of investment in Bahrain’s political, economic, and social future. As we have said, the country’s political future is a matter for Bahrainis to negotiate themselves. But as the government did with the BICI process, there is room to invite technical facilitation of Bahraini-led dialogue.

On the second track, we also are encouraging the government to sit down with political and civil society organizations, and ordinary citizens, to try to make progress on issues that matter to people’s everyday lives, such as safety, health, education, labor, and policing.

One positive example of this kind of engagement is the Tripartite Committee’s work with the International Labor Organization (ILO), Bahraini employers, the Bahrain Federation of Trade Unions, and the Ministry of Labor to resolve the longstanding issue of reinstatement of more than 2,000 dismissed workers. We are encouraged by the success of this effort, both in terms of a fair outcome for many of the dismissed workers and the process that led to this outcome. Working with the ILO, the different stakeholders negotiated with each other over the course of several weeks to agree on an inclusive approach for evaluating and making decisions about how to resolve the issue of dismissed workers. While there will no doubt be bumps in the road, there the partners developed a framework for making decisions that shared power among the different stakeholders.

The issue of public safety and policing practices is another area that we see as being ripe for this kind of dialogue and negotiation. We are encouraged by steps undertaken by the Ministry of Interior to initiate some institutional reforms that will make the police more accountable and professional. The change in leadership in the police under General Tariq al Hassan, a career police officer, also is an encouraging sign. We await the results of the announced plan to hire 500 new officers who represent all elements of Bahraini society. And we welcome the announcement earlier this week by the Minister of the Interior that his office will launch investigations of the human rights violations by police officers documented in the BICI report.

But it is not enough for the government to dictate solutions to problems with policing amidst ongoing reports of the abuse of tear gas, birdshot, and other disproportionate mechanisms to control crowds and silence peaceful protestors. While we have consistently condemned the use of Molotov cocktails and other violent measures by some demonstrators, we also have been consistent in our criticism of the use of excessive force by some police.

What underlies the use of excessive force by police and the use of violent tactics by protestors is a fundamental lack of trust between the police and the people whom the police are meant to serve. Trust can only begin to be established through genuine dialogue between the police and the communities they serve. We encourage the government to take the lead in establishing a forum or a process – perhaps with outside technical facilitation – for discussion of public safety and policing practices.

One model we have discussed regularly with the government and others is the Patten Commission, which worked over the course of several years to redefine the mission and practices of police in Northern Ireland. For such a process to work, citizens, community and religious leaders, and civil society organizations must be willing to engage with the government and the police to begin rebuilding the trust that will lead to genuine stability and peace in Bahraini communities.

BICI implementation

The United States continues to encourage the Government of Bahrain to fulfill its commitment to fully implement the recommendations of the BICI report. We understand that full implementation will take time. We commend the government for the initial steps it took toward implementation, particularly in the period leading up to the release of the National Commission report in March 2012.

The Government of Bahrain has taken many important steps toward the long-term institutional reforms identified in the report, such as removing arrest authority from the national security agency, drafting legislation concerning the investigation and prosecution of torture, and drafting a code of conduct for police based on international best practices. The government also has allowed the International Committee of the Red Cross access to its prisons. It has begun to rebuild religious sites, and engaged a team of qualified experts to advise on policing and legal reforms. These are signs of the government's commitment to address the underlying cause of last year's violence.

The Government of Bahrain needs to take action on the full range of other BICI recommendations that we believe will help lay the foundation for longer-term reform and reconciliation. These include dropping charges against all persons accused of offenses involving peaceful political expression including freedom of assembly, prosecuting those officials responsible for the violations identified in the BICI report, and ensuring fair and expeditious trials in appeals cases. It also means continuing work to professionalize and diversify Bahrain's security forces to reflect the communities which they serve.

First, there are several hundred pending criminal cases related to the events of February and March 2011. Many individuals have been in detention for over a year. The government continues to prosecute 20 political activists and appeals cases are ongoing in the prosecution of respected medical professionals. In addition to the ongoing cases against doctors and nurses, we are discouraged by the Court of Appeals' decision to issue a gag-order banning the media from reporting on trials for the 20 high-profile activists. We urge the Government of Bahrain to ensure fair and expeditious trials in appeals cases and to drop charges against all persons accused of offenses involving political expression and freedom of assembly.

The United States was deeply disappointed that, despite assurances to the contrary, the government sought and received convictions in nine of 18 felony cases against medical professionals before the appellate court, with sentences ranging from one month to five years. While we are not privy to all of the facts, we have consistently urged the government to exercise

prosecutorial discretion in these cases and to drop the charges in the interest of turning the page on the events of last year.

The prosecution of these cases is a sign of larger divisions within the health care system in Bahrain. I was alarmed to hear reports from all sides of Bahraini society during my recent visit about the tense environment for medical care in Bahrain. Young men often elect not to seek treatment in public clinics and hospitals when they are injured for fear of being turned in to the police by their doctors on allegations of participating in demonstrations. I also heard that Shi'a Bahrainis now only seek treatment from Shi'a doctors and Sunnis only seek treatment from Sunnis. And the ongoing felony cases against some of Bahrain's most highly specialized doctors means the country is facing a shortage of talent in critical specialties. There is much work to be done to heal the divisions in the health care system and restore the reputation of Bahrain as a regional leader in medical services.

Second, we call on the Government of Bahrain to hold accountable those officials responsible for the violations described in the BICI report. At the beginning of the year, the government reported that 48 people from the security forces were being investigated for their roles in suppressing protests. So far only nine policemen – five Pakistani and one Yemeni national and three Bahrainis – are known to have been brought to trial for human rights violations. Very little information has been made public about how these investigations were conducted and their trials have been repeatedly adjourned and postponed.

Third, as discussed above, further efforts need to be made to enhance the professionalization of the police. Ongoing violence in the streets between police and protesters points to the need for professional, integrated police and security forces that reflect the diversity of the communities they serve and that adopt a community policing approach.

Bahrain and the Arab Awakening

In conclusion, I want to say a word about Bahrain in the context of the Arab Awakening and the transitions occurring in places like Egypt, Tunisia and Libya. Many people wish to compare Bahrain to other countries in the region such as Tunisia or Egypt. While some comparisons may be valid, it also is very important to recognize the unique history and political and economic development in each of these countries, and to shape our policies accordingly. President Obama has said that stable, democratic societies make the best partners and allies. And so while there is no single path or timetable to forging a real democracy, there are a core set of underlying principles that, as Secretary Clinton recently noted “have to be enshrined not only in the constitution, not only in the institutions of government, but in the hearts and minds of the people.”

Our aim is to encourage all sides to come to the table so that meaningful dialogue and negotiation can get underway in a process that will begin to heal existing divisions within the society and set Bahrain on a course toward greater freedom and prosperity for all Bahrainis. As a partner and friend, the United States stands ready to support the government and the people of Bahrain as they seek pathways toward meaningful dialogue about the future of the country.