

**Written Testimony of Richard Sollom, MA, MPH**

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**Before the Tom Lantos Human Rights Commission**

**Hearing: "Implementation of the Bahrain Independent Commission of Inquiry Report"**

**Wednesday, August 01, 2012**

**1:00 PM – 3:00 PM**

**Rayburn 2237**

### **Introduction**

Good morning, Mr. Chairman and distinguished members of the Tom Lantos Human Rights Commission. On behalf of Physicians for Human Rights (PHR), I would like to thank Chairman McGovern and Chairman Wolf for holding this important hearing today, and for the invitation to testify before you.

Mr. Chairman, I ask that my full testimony be entered into the record, as well as our two reports on Bahrain.

Physicians for Human Rights (PHR) uses medicine and science to investigate and expose human rights violations. We work to prevent rights abuses by seeking justice and holding offenders accountable. As PHR's Deputy Director, I have had the opportunity to travel to Bahrain three times over the past 18 months to investigate human rights violations, most recently this April. During this April 2012 investigation, I assessed the ongoing human rights situation on the ground, and observed continuing human rights violations committed by Bahraini security forces against civilians. This investigation resulted in the publication of two separate reports. The first, which we released in May 2012, is entitled "Under the Gun: Ongoing Assaults on Bahrain's Health System." The second report, released today, August 1, is entitled "Weaponizing 'Tear Gas': Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians." Both reports were co-authored by myself and Holly Atkinson, MD, FACP, Past President of PHR, Assistant Professor of Medicine and Director of the Human Rights Program at Mount Sinai School of Medicine, Assistant Professor of Public Health at Weill Medical College of Cornell University.

Bahrain still smolders amid ongoing civil unrest 18 months after protesters began calling for political reform. Governments in the region have resorted to lethal force or have precipitated outright civil war in response to the outcries for political reform and human rights in the context of the "Arab awakening." Bahrain's Sunni monarchy notably has silenced dissent and punished the opposition by rounding up doctors and peaceful protesters, torturing many of them, filing trumped-up charges, and imposing harsh prison sentences. The vicious crackdown in Bahrain has received global attention and warranted a special international commission of inquiry into Bahrain's excessive use of force and human rights

violations. Throughout this time, Physicians for Human Rights has played a leading role in defense of our medical colleagues whose rights have been severely violated in Bahrain.

Last year, following international pressure, the King of Bahrain established the Bahrain Independent Commission of Inquiry (BICI) to investigate alleged human rights violations in response to the February and March 2011 protests. The final report details myriad abuses on the part of the Bahraini security forces, including acts of torture and excessive use of force. The Government of Bahrain then established a National Commission to implement recommendations from the BICI final report, but the Government has yet to take substantive action on key recommendations. Since the crackdown began in 2011, Bahraini security forces continue to operate with impunity.

I will focus my comments today on three categories of rights violations I have documented in Bahrain: the targeting of doctors, the militarization of Bahrain's health system, and excessive use of force.

### **Attacks on Medical Professionals**

Last year, 48 of Bahrain's leading medical specialists were targeted, detained, tortured, and forced to sign false confessions. A military court convicted them of fabricated charges, including inciting hatred of the regime, occupying Salmaniya Hospital (the country's largest hospital, which employs some 4,000 staff), and attempting to overthrow the government. The BICI devotes 10 percent of its 500-page report to the events at Salmaniya Hospital and concluded that allegations against the medics were unfounded. Following international pressure, the Government of Bahrain transferred some of the medics' trials from military to civilian court. While nine medics were acquitted last month, another nine face up to five years in prison. The Court of Cassation will issue its verdict on the doctors' final appeal on October 1, 2012.

In addition to the 48 medics arrested and detained last year, three others currently languish in Jaw prison. They are Younis Ashouri, Hassan Salman al-Maatouq and Ahmed al-Mushatat. Contrary to the Government of Bahrain's assertions, these three cases demonstrate that indeed not all of the medics' cases were transferred to civilian courts and that not all medics have been released from detention. Although the BICI report recommended that the Government of Bahrain independently and impartially investigate allegations of torture according to the standards in the United Nations "Istanbul Protocol," to date no investigation has been conducted regarding the medics' allegations of torture while in detention.

In addition to facing judicial proceedings, these medical professionals were removed from their positions at Salmaniya Hospital. Many of those who held high-level positions at the hospital were removed from their posts without being reinstated to other positions. Other physicians and nurses were removed from their posts and transferred to departments outside of their area of expertise. So far, the Government of Bahrain has not rectified this injustice and has not offered reparations. What has happened to Bahrain's health care system is a reflection of the broader problem facing the country –

that suspected political opponents are silenced, harassed, or outright attacked and perpetrators of abuse face no accountability for their actions.

### **Militarization of Health Care**

Over the past 18 months, the Government has implemented policies and committed acts that instill widespread fear among many who seek medical treatment. Eight months following the BICI report, our assessment is that the Government continues to violate principles of medical neutrality, harass Shi'a medical workers, and impede patients from receiving care. According to sick and wounded civilians whom I interviewed in April 2012, this fear is due to:

1. The ongoing presence of State security forces inside Salmaniya Hospital
2. The systematic interrogation of incoming patients and visitors, and
3. The subsequent beating, detention, and prosecution of untold numbers of Shi'a who are suspected of having participated in street protests.

On 16 March 2011, the Bahraini government invited 1,500 Arab Gulf-state soldiers (two-thirds from Saudi Arabia) into the Kingdom. It also stationed light infantry tanks outside Salmaniya Hospital. At the same time, the Government of Bahrain sent its own heavily armed and masked security forces inside hospital wards where they beat, tortured, and interrogated wounded protesters and the medical workers who treated them. Physicians for Human Rights documented these serious breaches of medical neutrality in its April 2011 report, "Do No Harm: A Call for Bahrain to End Systematic Attacks on Doctors and Patients."

According to four family members of patients at Salmaniya Hospital whom PHR interviewed in April 2012, guards stop all incoming cars and pedestrians. They first ask each person his or her name and village of residence, from which the guards can easily discern whether that person is likely Shi'a or Sunni. Next, the guards demand to know from visitors the reason they are there, and from incoming patients the nature of their medical issues. Anyone presenting with physical wounds or suspected teargas-related injury is brought to security forces inside Salmaniya Hospital for further interrogation. Three patients also reported that anyone driving a wounded protester to Salmaniya Hospital is suspect, and one such person was even accused of having caused the injury. Throughout the hospital, there are now 400 newly installed security cameras operated by the Ministry of Interior, according to an engineer PHR interviewed.

As a result of the continuing presence of security forces at the facility, wounded individuals are instead seeking treatment at private facilities or in private homes that are used as makeshift clinics, where treatment options are often limited. Even patients who have injuries unrelated to involvement in protests are afraid to go to Salmaniya Hospital because they fear that security forces there will suspect them of being a protestor. The ongoing militarization of Bahrain's health care system thus leaves injured protestors and politically inactive civilians alike without accessible treatment for their injuries.

In addition to targeting medical professionals at Bahrain's public hospital, the government has also made it difficult for private medical workers to perform their jobs independently. On January 31 of this year, the Ministry of Health issued a "circular" to all private hospitals and clinics stating that all private facilities were required to report to government security authorities all incoming patients "with injuries due to suspected criminal activities and/or accidents irrespective [of] their causes," and citing criminal penalties for noncompliance. This interference with medical professionals' duty to provide impartial care forces medical workers to become agents of the state, and constitutes an overt violation of medical neutrality.

As PHR documents in our report released in May 2012, I interviewed individuals who were injured during protests who were afraid to seek urgently needed medical care in private facilities for their injuries, for fear that they would be reported to the authorities. A tear gas injury, for example, would alert medical professionals that they could be a protester. Some physicians have refused to treat anyone with protest-related injuries, limiting treatment options for individuals who have been injured by state security forces. The militarization of the health system has caused a breakdown in access to health care and the trust of patients in Bahrain's medical facilities.

### **Excessive Use of Force**

Bahraini authorities have waged an unusually relentless campaign against its majority Shi'a population for over 500 days by weaponizing toxic chemical agents—so called tear gas. In Bahrain, law enforcement officials have deployed tear gas to punish protesters, inflict suffering, and suppress dissent. Usually perceived by the international community as a benign tool for crowd control, tear gas, especially when used in large quantities and in enclosed spaces, poses serious health risks and even causes death. Since February 2011, the Bahraini government has unleashed a torrent of these toxic chemical agents against men, women, and children, including the elderly and infirm. I spoke with 16 survivors of such attacks. One young man reported that Bahraini police fired a tear gas canister directly at him, fracturing facial bones and rupturing his left eye. His medical records showed that surgeons were unsuccessful in saving his eye. He is now permanently blind.

Yet Bahraini authorities go one malicious step further and carry out raids in Shi'a neighborhoods, storming down doors and breaking windows for the sole purpose of terrorizing families with tear gas inside their homes. I interviewed several members of a large family this past April, for example, who were forced from their home after police stormed it, attempted to abduct a 15-year-old boy, and fired canisters containing toxic chemical agents into the house causing a 14-year-old girl to fall unconscious. Law enforcement officials then reportedly surrounded the exits, inhibiting escape. I also met with two sisters who reported that police shot tear gas canisters directly into their home on five separate occasions. On the second occasion, they reported police ripped protective covers off of the family's air conditioners and pulled sealant away from the windows from the outside, before throwing tear gas canisters through a window and yelling, "If you want freedom, come out to us." They reported that in the third incident, police broke through the front door and threw a tear gas canister into their home. Such attacks appear to discriminate against Bahrain's Shi'a majority population. Preliminary analysis of

data suggests that the majority of Shi'a neighborhoods (comprising 80% of all neighborhoods in Bahrain) have been exposed to toxic chemical agent attacks at least once per week since February 2011. Sunni-dominated neighborhoods have largely remained free from toxic chemical agent attacks.

As PHR concluded in our report released today, the unlawful and unrestrained use of tear gas causes life-threatening harm to Bahraini citizens. Injured protesters whom PHR investigators examined suffered from blunt force trauma and lacerations to the head, torso, and limbs due to the impact of metal canisters being fired at them by law enforcement officials at close range; other civilians had family members die allegedly from complications related to toxic chemical agent exposure, or reported suffering miscarriages following persistent exposure to tear gas. PHR concluded that (1) Government authorities have routinely violated every U.N. principle governing police use of force, and that (2) Bahraini law enforcement officials have also effectively transformed toxic chemical agents into weapons used to assail Shi'a civilians inside their homes and cars. Such unprovoked and flagrant assaults on families—who pose no threat to the safety of others—flout international human rights law and constitute torture, cruel, and inhuman treatment. The weaponized toxic chemical agent attacks against Bahraini civilians are intentional—and may be official policy—because of the frequency of the attacks by officials throughout the police force and the lack of accountability for those who perpetrate the attacks.

These attacks on civilians demonstrate a complete lack of regard by the Government of Bahrain for the safety, health, and well-being of its own citizens. In the absence of a thorough and impartial investigation into law enforcement officials' excessive use of force and the establishment of credible accountability mechanisms, law enforcement officials will continue to assail civilians in a system of impunity. Government assertions that perpetrators of human rights abuses are being held accountable are tenuous, and allegations of torture persist. I received corroborated testimonies from three young protesters who reported being tortured by police in makeshift detention centers, for example, at the former international youth hostel next to an existing police station. Of the more than 2,900 arrests made during the 10-week state of emergency last year, the BICI received 559 allegations of torture. If the Government were committed to ending impunity, it would investigate these abuses and the 20 deaths that the BICI attributed to Bahraini security forces. As of last month, the Government of Bahrain has charged fifteen low-ranking security officials regarding abuses against protesters. To date, I am unaware of any high-ranking official who has been held to account, despite the BICI conclusion that such a pattern of abuse could not have happened without the knowledge of those in the higher echelons of the security forces.

Employing international advisors, conducting human rights trainings, and establishing new codes of conduct are all well and good; but if the Government truly wanted to improve their human rights record, it would stop tear gassing families inside their homes, and it would simply stop torturing.

Key recommendations in the BICI report include the establishment of a standing independent body to investigate complaints of excessive use of force and an independent and impartial mechanism to hold government actors accountable for their responsibility in attacks on civilians. In the time since the BICI report was released, Bahraini law enforcement officials have continued to use excessive force against

protesters and bystanders alike. Those within the Bahraini security apparatus responsible for using excessive force, including weaponizing tear gas, have not been held to account.

Countries like Bahrain that have so profoundly abused tear gas as a means to preemptively assault civilians should lose access to these toxic chemical agents. All other countries that have deployed these chemicals as per U.N. principles and with due respect for human life and dignity should reevaluate their use given the dangerous health consequences wrought by tear gas and should utilize these agents with extreme caution. The Government of Bahrain should immediately implement the BICI report recommendations that call for impartial investigations of excessive use of force and attacks on civilians and for effective accountability mechanisms.

Twenty-five years ago, PHR documented the long-term health effects of tear gas used indiscriminately against civilian protesters in South Korea. As physicians we were then compelled to question whether the further use of these toxic chemical agents could be condoned under any circumstances. The extensive and persistent use of tear gas in Bahrain – unprecedented in the 100-year history of tear gas use against civilians throughout the world—compels PHR to once again call the international community’s attention to the known and still unknown serious health consequences of tear gas, including death. As human rights advocates and health professionals, we are ethically obligated to highlight the toxic and lethal effects of tear gas and its indiscriminate and illegal use in Bahrain.

## **Conclusion**

When I testified before this commission last year, I was hopeful that, with pressure from the United States Government and members of the international community, the Kingdom of Bahrain would begin to make meaningful and permanent reforms that would reduce, if not erase, the blemish of last year’s events from Bahrain’s human rights record. Instead I find a Government fixated on rhetoric rather than results. It is time for the Government of Bahrain to live up to its promises, and to the expectations of its citizens.

## **Recommendations**

I propose the following actions on the part of the US Government:

Members of Congress should support the Medical Neutrality Protection Act, introduced by Congressman McDermott, H.R. 2643, which would:

1. Suspend non-humanitarian foreign assistance to countries violating medical neutrality;
2. Ban the issuance of visas to officials who ordered or engaged in any violation of medical neutrality;
3. Add reporting on violations of medical neutrality to annual State Department human rights country reports; and

4. Encourage United States missions abroad to conduct investigations of alleged violations of medical neutrality.

The Administration should withhold all military assistance to Bahrain until the Government of Bahrain makes measurable progress on human rights, including an end to the militarization of its public health system. It should also continue to deny export licenses for tear gas to Bahrain until the Government of Bahrain adheres to U.N. Guidelines on the Use of Force regarding its tear gas use, investigates the weaponization of tear gas, and establishes accountability for law enforcement officials who use excessive force or otherwise violate the U.N. Guidelines. The Administration should, furthermore, take the lead on seeking the appointment of a U.N. Special Rapporteur on Medical Neutrality. Finally, the Administration should ensure that policy decisions regarding Bahrain support human rights protections and progress toward democracy.

I believe that through these efforts, the United States government can become an international leader in the protection and promotion of medical neutrality. I thank you again for the opportunity to appear before you today, and I am happy to answer any questions you might have.