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Implementation of the Bahrain Independent Commission of Inquiry Report
Tom Lantos Human Rights Commission Hearing
Rayburn House Office Building – 2237
2120 Rayburn, Washington, D.C. 20515
Wednesday, August 1, 2012, 1:00pm-3:00pm

On Wednesday, the U.S. House of Representatives Tom Lantos Human Rights Commission held a hearing on the Bahrain Independent Commission of Inquiry (BICI). The hearing consisted of three panels. The first panel featured Sen. **Ron Wyden** (D-OR). The second panel featured **Michael H. Posner**, Assistant Secretary of State for Democracy, Human Rights, and Labor. The third panel consisted of: **Matar Ebrahim Matar**, former member of Bahrain’s Parliament; **Leslie Campbell**, senior associate and regional director of the Middle East and North Africa Programs at the National Democratic Institute; **Tom Malinowski**, Washington director of Human Rights Watch; and **Richard Sollom**, deputy director of Physicians for Human Rights. Members present were Co-Chairman Rep. **James McGovern** (D-MA), Rep. **James Moran** (D-VA), Rep. **Lynn Woolsey** (D-CA), Rep. **Keith Ellison** (D-MN), and Rep. **Dan Burton** (R-IN).

In his [opening remarks](#) Rep. **James McGovern** stressed that the BICI reforms remain incomplete, and expressed concern “that some of the most important recommendations – in particular, the recommendations calling for accountability at all levels of the chain of command for human rights abuses, the release of individuals who have only engaged in peaceful political expression, and integration of all Bahraini communities into the security forces – have not been implemented.” While noting the close security relationship between the U.S. and Bahrain, he argued that, “U.S. security interests in the Middle East will be best served by the implementation of reforms,” and urged the administration to “withhold any further arms sales to Bahrain until there is major progress toward full implementation of all of the BICI recommendations.”

Rep. **Dan Burton** recalled that in his recent trip to Bahrain he found that there are concerns about people coming in from Iran to take advantage of the unrest. He also noted that, according to Bahrain’s government, 18 of the 26 recommendations have been complied with, and seven others are in the stages of implementation. Burton said he truly believes that Bahrain is trying to fix the problem, and urged the opposition to sit down and work things out. Rep. **Lynn Woolsey**, who also recently traveled to Bahrain, noted that she “came away with a greater sense of urgency and a conviction that Bahrain needs reform.” She argued that, though Bahrain’s human rights record may not be as poor as some, “No country should be left off the hook because it is not the worst in the neighborhood.”

Sen. **Ron Wyden** then [addressed](#) the commission arguing that “The root causes of the severe unrest Bahrain has experienced for the last 17 months remain unaddressed and unresolved,” adding, “when you add up the response to the BICI recommendations you see mostly inaction and foot-dragging,” the result of which is frustration and a “downward spiral” of violence. According to Wyden, the government of Bahrain has targeted children, and attempted to silence dissidents and civil society groups, and the response of the United States has been to reward

“this bad behavior by continuing to move forward with arms sales to Bahrain.” “My concern,” Wyden argued, “is what message does this send to the wider region, and to the world at large, when America – that country revered for its values and commitment to freedom – looks the other way when democratic aspirations are crushed and peaceful activists are repeatedly hauled off to jail? To make matters worse, he said, the government of Bahrain has begun to deny all requests for peaceful protest, running the risk that “Bahrainis will become even further disenchanting with the pace of reform, thus potentially turning peaceful moderates into extremists,” adding, “Time is running out for a real, sustainable, political solution to be reached in Bahrain.” Wyden urged the United States to use all its levers of influence with the Bahrainis, noting that one of these is “to ensure that Bahrain’s labor commitments pursuant to the U.S. Bahrain Free Trade Agreement are fully implemented.” He closed by observing that Bahrain is becoming increasingly less stable, “And if the U.S. continues to blindly support the regime, we run the risk of turning a population that has been friendly to the U.S. military presence on the island against us.”

The second panel’s speaker, **Michael Posner**, [contended](#) that Bahrain “serves as a pillar of our regional security strategy in the Gulf region,” adding, “The U.S. – Bahrain relationship is particularly important in the face of rising threats from Iran.” Posner argued that in many ways Bahrain is more stable than it was a year ago, and that King Hamad deserves credit for instigating the BICI and “allowing an independent body to take a critical look at Bahrain’s human rights record and to report so extensively on its findings.” However, his recent visit to the country revealed deep divisions between Bahrainis and their government. The government’s move to deny organized protest while it conducts a study to find suitable locations “must not be used as a mechanism to restrict the universal right to peaceful protest.”

Posner stressed the urgent need for dialogue, but felt that despite numerous attempts, efforts toward dialogue have broken down. “Both people in the government and the political opposition, he observed, felt that time is on their side. This is a misguided and dangerous perception.” Posner claimed that the United States is pursuing a two-track solution to reinforce meaningful dialogue. It is both encouraging the government, political organizations, and civil society to come together in “broad, open negotiation about the political future of the country,” while “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. He argued that Bahrain has taken many important steps toward the institutional reforms identified in the BICI, but yet needs to take action on the full range of recommendations. Posner expressed disappointment that the government “sought and received convictions in nine of 18 felony cases against medical professionals,” and called on the government “to hold accountable those officials responsible for the violations described in the BICI report.”

McGovern asked Posner if the introduction of a high-level international mediator as a means to reconciliation had been proposed to the Government of Bahrain, and if so what their response was. Posner answered that the U.S. is quietly encouraging them to come together, adding that we need an environment to restore confidence on both sides, and the best role for the U.S. is on the outside being a quiet supporter of talks. McGovern then asked what had been the administration’s assessment of the many reports from human rights organizations, and if they felt those reports to be credible. Posner replied, noting that he had outlined the administration’s assessment in the longer statement submitted for the record and said “we can debate the particulars, but the key is how do we move forward and look for ways to address the day-to-day issues.” McGovern wanted to know if the administration had called for the release of Nabeel Rajab. Posner noted that the case of Nabeel Rajab is “a bit more complicated on its facts.” In cases like these, he said, “we want an expeditious process.”

Rep. **James Moran** asked how many television or radio stations are state-owned in Bahrain, if opposition voices can readily be heard, and if there has been government suppression of those voices. Posner replied that yes, “there are all kinds of views represented,” although there have been some cases of harassment of journalists. Rep. **Keith Ellison** asked about the status of those activists still in detention, and the truth of external opposition fueling unrest. Posner

noted that the trials of those in detention have been postponed and it is a situation that the administration continues to monitor. Concerning outside activists, Posner said that there are divisions within Bahrain that nothing to do with people outside. If these issues are not resolved, he argued, “the Iranians are primed to be the beneficiaries.” Finally, Ellison asked about the status of Nabeel Rajab, and Posner noted that he is still in detention until September for charges including illegal gathering and inciting attacks on police.

Matar Ebrahim Matar [opened](#) the third panel reflecting on the similarities between this hearing and the visit of Abduljalil AlSingace and Nabeel Rajab, who are now both in prison. Matar then stated, “I am here today to say that the opposition is ready for dialogue.” “Contrary to what has been said here today,” he argued, “we have had no serious invitation for dialogue since March 16 of last year, even though we sat with hardliners, including Khalid bin Ahmed. We are ready to meet with any representative of government without preconditions.” Matar noted that opposition leaders have always been against violence, but that there has been an exaggeration of numbers. “Let me ask you,” Matar stated, “how many policemen have been killed? How many protesters have been armed? The answer is zero.” He added that “when you look at the assessment of the international community and the U.S. there is a big gap.” “We’ve seen nothing from the U.S. on political rights for an elected government, or that the judiciary system is completely unfair.

Matar noted that according to the Economist Intelligence Unit Democracy index, Bahrain is an authoritarian regime and an absolute monarchy, and here is the root of Bahrain’s problems. No genuine step can be taken without facing this problem. Matar contended that while he was not there to ask for help fighting for democracy, the U.S. relationship with such a regime is unsustainable. “Change is coming,” he argued, and giving support to such a regime is the wrong strategy. Matar urged the members to support a 50:50 opposition/loyalists unity government, led by an agreed on Prime Minister, and responsible for implementing BICI in full, addressing reconciliation, and promoting dialogue. He also called for a Special National court, with international expertise and monitoring, to address accountability for all crimes committed since 14 February 2011 from all sides, a serious plan for police reform, and the stoppage all security and military engagement with Bahrain if this plan is not established.

Les Campbell [noted](#) that the National Democratic Institute had been welcomed to Bahrain in 2002, and the issues that were worked on then are the same as today. For the moderate opposition, it is not about an objection to a constitutional monarchy, but rather that there are systemic problems that don’t allow the system to function that way. Campbell argued that there should be elections run on more equal districts, and that today gerrymandering is a problem to the degree that votes will never accurately reflect the population. He held that Bahrain should institute a parliament with true power to govern – one whose appointed upper house has equal power to that of the lower elected house. These recommendations – a fully elected parliament, an elected and representative cabinet, and equitable electoral districts – are the same principles proposed by the Crown Prince himself. Campbell closed arguing that if political reform goes forward, then human rights concerns can be addressed.

Tom Malinowski [argued](#) that the BICI was a golden opportunity. In the last few months, movement that followed the BICI report dissipated. Since then many detained for speech offenses are still in prison. The case of Nabeel Rajab is important because it exemplifies Bahrain’s problems. Nabeel was convicted and sentenced to three months in jail for a tweet, “his case is not pending,” Malinowski contended. Concerning the BICI’s recommendations on accountability, “no one in a position of real responsibility has been held accountable for torture,” he noted. Moreover, there has been no effort toward dialogue, not because the government offered and the opposition refused, but because it has not been offered. Malinowski argued that the United States has made efforts to shore up the moderates among Bahraini authorities, but asked “what will we do to shore up moderates in the opposition.” Malinowski also recommended a visa ban against those convicted of committing the worst of human rights crimes. He closed noting that U.S. military presence is not sustainable if violence grows. Moreover, “If Bahrain’s rulers believe the United States will continue to depend on them no matter what they do, they will be less likely to heed

U.S. concerns, increasing the likelihood of an outcome that forces a fundamental breach between the two countries. Showing a willingness to reconsider the partnership may be the best way to save it.”

Richard Sollom [believed](#) that the Bahraini government is fixated on rhetoric rather than results. He argued that “48 of Bahrain’s leading medical specialists were targeted, detained, tortured,” while a military court convicted them of fabricated charges. The BICI, he argued, “dedicated 10 percent of its reports to incidents at the Salmaniya Hospital and concluded that the charges were unfounded. The Bahraini government has militarized the hospital and “continues to violate the principles of military neutrality.” The use of excessive force continues to be a problem, with officials carrying out raids in Shia neighborhoods. Government assertions that human rights abusers are being held accountable are tenuous. No high-ranking officials have been held to account. However, these abuses could not have been committed without the knowledge of high-ranking members of the government. Sollom recommends that the U.S. government should support the Medical Neutrality Protection Act, introduced by Congressman McDermott, [H.R. 2643](#). 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. “I believe,” argued Sollom, “that through these efforts, the United States government can become an international leader in the protection and promotion of medical neutrality.”

The discussion then turned to the members for a period of question and answer. Burton made a number of observations and maintained that he felt that Crown Prince Salman was seeking dialogue, and remarked, “I hope you can tell me who marginalized the Crown Prince.” Malinowski responded, noting, “What I mean when I say he has been marginalized is that he has been stripped of his responsibilities. He is committed to a reform agenda, but is less capable of pursuing it today than he was.” Burton replied, “I do not believe he has been marginalized, but I hope you will carry back the message that the way to reform is not through firebombs.” Regarding problems with unequal election districts in Bahrain, he observed, “Gerrymandering is a way of life around the world, and I don’t think you can stop it . . . It’s a fact of life.” Noting that Bahrain had been a U.S. for many years, Burton claimed, “I think beating Bahrain over the head is not the best way to get them to change. The best way to get them to change is engagement.”

McGovern argued that trade issues are something that the U.S. ought to pursue, and that there must be consequences for those with poor human rights records. Such a move would act as a signal, he believed, “that the world is coalescing around the concept that when you commit human rights violations, you are held accountable.” He then questioned the panel regarding the Government of Bahrain denying entry to international NGOs. “Is the Bahraini government denying visas,” he asked, “because of what you write and say?” Malinowski responded that, “our researchers who specialize in Bahrain have been waiting for months for visas to be approved without response,” adding, “it is not just human rights groups, but also journalists and the USIP.” It is an “effective visa ban” based on what they have written or said.

Finally, McGovern asked what the United States might do now to ensure that the BICI is being implemented. Matar Matar urged the Congress to move forward to bridge the gap in assessment between the U.S. government and international observers. Campbell stressed that dealing with opposition figures like Matar is just as important as dealing with a minister. “The dialogue needs to be with the Bahraini people,” he insisted, adding, “We need to address our commitment broadly to the Bahraini people.” Malinowski maintained that “Assuming this crisis continues for the foreseeable future, the one thing we can do is keep the good guys alive on both sides. The administration has done a lot to keep the good guys alive on the government side, but needs to do more to keep the good guys alive on the opposition side.”