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**IMPLEMENTATION BY THE GOVERNMENT OF BAHRAIN OF THE
RECOMMENDATIONS BY THE BAHRAIN INDEPENDENT
COMMISSION OF INQUIRY**

This report responds to a request in Conference Report 112-705 to accompany H.R. 4310, the National Defense Authorization Act for FY 2013 on efforts undertaken by the Government of Bahrain to implement recommendations in the report of the Bahrain Independent Commission of Inquiry (BICI). It also provides an overall assessment of the Government of Bahrain's level of compliance, concluding with analyses on how the reform efforts are shaping the Bahraini government's overall respect for, and progress towards, democracy and human rights, as called for. Information gathered independently of the BICI process is not meant to be supplemental to the BICI process itself. The recommendations correspond with paragraphs 1715 through 1725 in the BICI.

In general terms, the Government of Bahrain has taken some important steps toward implementing BICI recommendations, but much work remains. The king's appointment of Crown Prince Salman bin Hamad al Khalifa as first deputy prime minister signaled his interest in a long-term reform program to create a national consensus dialogue and begin to repair societal damage experienced in 2011-2012. During the crown prince's June visit to Washington, the United States expressed strong support for strategic partnership with Bahrain, encouraged full implementation of the BICI recommendations, and committed to assisting the crown prince to advance reform.

Recommendations and Analyses

1715 – To establish an independent and impartial national commission consisting of personalities of high standing representing the Government of Bahrain, opposition political parties, and civil society to follow up and implement the recommendations of this commission: The Government of Bahrain has thus far taken steps to partially implement this recommendation. King Hamad established the National Commission by royal decree in 2011, which issued its lone report in March 2012. The minister of justice established a follow-up unit for additional monitoring and coordination. The commission nominated 19 participants, including four members of the political opposition. Two of those four individuals declined to serve. As a result, two out of 19 members represent the political opposition. Civil society has had no role in the implementation, follow up, or assessment of this commission. The follow-up unit, led by Dana al-Zayani, published reports in June and November 2012.

UNCLASSIFIED

UNCLASSIFIED

- 2 -

International human rights organizations question the accuracy of the follow-up unit's information, claiming some information is unverifiable.

1716 – To establish a national independent and impartial mechanism to determine the accountability of those in government who have committed unlawful or negligent acts resulting in the deaths, torture, and mistreatment of civilians with a view to bringing legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of “superior responsibility”: Bahrain has thus far taken steps to partially implement this recommendation. The public prosecutor established a special investigations unit (SIU) in February 2012 with Public Prosecutor Chief Nawaf Hamza as the unit's leader. Five of the eight SIU members are former ministry of interior (MOI) prosecutors. The attorney general has the power to refer any cases deemed appropriate to the SIU. According to press reports, the SIU completed dozens of reviews and referred a similar number of other cases. The high criminal court acquitted one ruling family member and one high-ranking interior ministry official of torture. There is no indication any other officials are being held responsible or prosecuted for overseeing or committing acts leading to abuse, mistreatment, torture or death.

1717 – To place the office of the inspector general in the MOI as a separate entity independent of the ministry's hierarchical control, whose tasks should include those of an internal “ombudsman's office,” such as that which exists in many other countries: Bahrain has fully implemented this recommendation. In 2012, King Hamad appointed by royal decree an ombudsman within the MOI to investigate complaints on policing and detentions. King Hamad issued a royal decree in 2013 expanding the office's responsibilities to include monitoring detention facilities, visiting juvenile prisoners, ensuring legal procedures are properly applied and prisoners have been informed of their legal rights, and evaluating whether detainees are subjected to torture or inhuman treatment. The office is hiring staff and initiating outreach campaigns to develop relationships with NGOs. The office began receiving complaints immediately following the royal decree and before it formally opened July 2. Sources indicate at least one investigation was completed, with the result of a referral to the public prosecutor's office. The ombudsman's office will report to the MOI through an annual report, but is otherwise independent of the MOI's hierarchy, and has an independent operating budget.

UNCLASSIFIED

1718 – To amend the decree establishing the national security agency (NSA) to ensure the organization is an intelligence gathering agency without law enforcement and arrest authorities: The Government of Bahrain has fully implemented this recommendation. King Hamad revoked the NSA's law enforcement and arrest powers by royal decree in 2011. There are no verified reports of NSA officers arresting civilians since November 2011. Local human rights organizations claim the masked individuals conducting nightly raids on homes and arresting individuals are actually members of the NSA, although the government maintains the officers are from the MOI.

1719 – To adopt legislative measures requiring the attorney general to investigate claims of torture and other forms of cruel, inhuman, or degrading treatment or punishment, and to use independent forensic experts: The Government of Bahrain has thus far not taken meaningful steps to implement this recommendation. Bahrain modified the criminal code in January 2012, granting the attorney general jurisdiction over cases of death and torture in detention. Bahrain is reportedly investigating 16 police personnel at various levels for cases of death and torture during detention. The Government of Bahrain acquitted two officers investigated for allegations of torturing medical professionals. While judges in some cases order investigation into allegations of torture, including the cases of 14 high-profile activists, there is no use of independent experts. While the attorney general requests complainants to take medical exams to verify claims of torture, these exams reportedly occur months after the complaint is filed, by which time, evidence of abuse may no longer be visible. The allegations of torture are often then dismissed. The Government of Bahrain postponed a May visit by the UN Special Rapporteur on Torture.

1720 – To make subject to review in ordinary courts all convictions and sentences rendered by the National Security Courts, where fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony were not respected, be subject to full review in the ordinary courts: Bahrain has thus far taken steps to partially implement this recommendation. Bahrain established a panel in January 2012 to evaluate convictions and review cases initiated by the National Security Courts (NSC). Authorities transferred a majority of high-profile cases from the NSC to civilian courts. The transfers generally do not result in new trials. Judges continue to permit trial records and evidence used in the NSC to be used in the civilian courts, including confessions allegedly extracted under torture or duress. Many individuals remain in detention while the appeal and review processes are carried

UNCLASSIFIED

- 4 -

out. There are also reports of individuals who have never had their cases transferred to, or reviewed by, civilian courts, including two medical professionals. On March 28, the High Criminal Court acquitted 21 medical professionals previously found guilty of misdemeanor charges. In June 2012, courts acquitted nine medical professionals facing felony charges.

1722 – with regard to *the use of force, arrest, treatment of persons in custody, detention and prosecution in connection with the freedom of expression, assembly and association...*

1722a – To conduct effective investigations in accordance with the principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions of all the deaths that have been attributed to the security forces. Likewise, all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles: Bahrain has thus far not taken meaningful steps to implement this recommendation. Bahrain amended the penal code on torture, defining and criminalizing such acts and clarifying that the statute of limitations does not apply to crimes of torture. In February 2012, the public prosecutor established the SIU. Of the officers who were investigated for murder, many were subsequently charged with “beating leading to death” or “killing without intent to murder” due to the lack of pre-conceived intent. The courts sentenced two officers to ten years in prison for beating Ali Sager to death, and sentenced a policeman to seven years in prison for beating Ali Mushaima to death. As of July 2013, the courts acquitted two officers charged with torturing six medical professionals; acquitted five officers of beating Ali al-Asheeri to death; acquitted two officers of killing Fadel Matrook; and acquitted two officers of killing Ali al-Mumin and Isa Abdulhassan. Additionally, the courts reduced one security officer’s prison sentence to six months (originally five years for permanently disabling a protester). On May 26, a court reduced from seven years to six months in prison a security officer’s sentence for beating Hani Juma’a to death. According to Bahrain’s second follow-up report, only 12 cases out of 92 deaths were prosecuted, with the other 80 still said to be under investigation. While some high-ranking officials are being investigated, with a few facing charges, the majority of investigations have targeted lower-ranking officers. Officials facing charges are typically released on bail during the duration of their trials, including while waiting for appeals of their convictions, while most non officials facing charges are held pending trial. Authorities have not fully completed any trials involving security personnel. All are still moving through the litigation or appeals processes. All officers and police

UNCLASSIFIED

UNCLASSIFIED

- 5 -

personnel accused of “ill-treatment” instead of “torture” were acquitted and no one is serving time in prison. The SIU did not investigate 290 claims of destruction and theft of property that took place between March 22 and June 1, 2011.

1722b – To establish a standing independent body to examine all complaints of torture or ill-treatment, excessive use of force or other abuses at the hands of the authorities: Per the information in 1716 and 1722a, the Government of Bahrain has thus far taken steps to partially implement this recommendation.

1722c – To implement an extensive program of public order training for the public security forces, the NSA and the Bahrain Defense Force, including their private security companies, in accordance with UN best practices: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahrain is working with the United Kingdom’s Royal Academy of Police and Royal College of Command and General Staff. Bahrain hired outside advisors John Timoney and John Yates. Although Yates no longer advises the Government of Bahrain, Timoney is working with the MOI on rules of engagement to show more restraint, use non-lethal crowd-control measures, and improve transparency in communication. The Government of Bahrain passed a new police code of conduct in 2012. Sources report good faith increases in both quantity and scope of training programs. The MOI issues a handbook to all officers detailing police guidelines based on international policing standards. Human rights organizations still report that those arrested are sometimes mistreated. Overall, behavior by security force officers appears to be improving. There are fewer reports of deaths and injuries than there were in 2011 and 2012.

1722d – To avoid detention without prompt access to lawyers and without access to the outside world for more than two or three days. In any event, all detention should be subject to effective monitoring by an independent body: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahrain placed pamphlets and stickers identifying prisoners’ rights in detention centers. Since August 12, 2011, Bahrain has permitted the International Committee of the Red Cross to visit prisons. The Government of Bahrain is working to install Closed-Circuit Television (CCTV) cameras in prisons. The installation of CCTV cameras is incomplete and there are reports of authorities carrying out detentions, beatings, and interrogations at unofficial locations. Local and international human rights organizations report arresting officers are detaining individuals without showing arrest warrants. The Government of Bahrain reports wardens ask prisoners to sign forms stating they

UNCLASSIFIED

UNCLASSIFIED

- 6 -

understand their rights while in detention. There are additional reports that interrogating officials blindfold detainees and tell them to sign documents “confessing” to crimes and other charges. In an effort to ensure prisoners are aware of their rights and are being held in safe and legal conditions, the ombudsman’s office is monitoring detentions and corrections, and initiates announced and unannounced visits to prisons. Independent third-party organizations have been permitted to meet with detainees.

1722e – The Commission recommends that the Government of Bahrain establish urgently, and implement vigorously, a program for the integration into the security forces of personnel from all the communities in Bahrain: The Government of Bahrain has thus far taken steps to partially implement this recommendation. In January 2012, Bahrain announced a plan to recruit annually 500 new officers from all segments of society. In 2012, the government recruited 355 new officers, including 100 female officers. On June 9, the government stated 577 police graduated and the majority would be “working in the community.” One of the officers in the graduating class reported that approximately 75 percent of the class was made up of Shia officers. The Government of Bahrain has noted publicly it has been difficult to attract Shia recruits. Bahrain has stated the new officers will perform police work in all Ministry departments and will have the authority and function of security officers.

1722f – To train the judiciary and prosecutorial personnel on the need to ensure that their activities contribute to the prevention and eradication of torture and ill-treatment: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahrain reported that at least two-thirds of the judiciary received training in protecting human rights in criminal procedures at training programs and foundations, including the International Institute for Higher Studies in Criminal Sciences (BICI lead investigator Cherif Bassiouni’s institution in Siricusa, Italy). Bahrain has also been cooperating with the American Bar Association as they provide training for lawyers, prosecutors, and judges. According to the Government of Bahrain, members of the Public Prosecution participated in other global conferences. Despite training, political influence and the lack of judicial independence appear to compromise implementation of fair and transparent judicial procedures. On May 5, judges sentenced 31 suspects to 15 years in prison for attacking a police patrol and reportedly injuring four security personnel. The judges reportedly denied the defense team’s requests to allow the suspects to testify that MOI officials subjected them to beatings and mistreatment during interrogations.

UNCLASSIFIED

1722g – There should be audiovisual recording of all official interviews with detained persons: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahrain reportedly installed 33 CCTV cameras, outfitted 26 audiovisual recording systems, and designated 18 private legal counsel meeting rooms in police stations and precincts. The Government of Bahrain reported difficulty in installing cameras in detention facilities with old wiring. Bahrain has yet to announce plans to install audiovisual recording equipment in separate riot police bases. There were reports from local and international human rights organizations alleging there are unofficial detention and interrogation facilities and that some rooms are not fitted with audiovisual recording equipment. We do not know how many interviews were recorded.

1722h – To review convictions and commute sentences of all persons charged with offenses involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them: The Government of Bahrain has thus far not taken meaningful steps to implement this recommendation. Bahraini officials frequently state there are no outstanding charges relating to freedom of expression. On May 19, Bahrain's attorney general stated 334 defendants benefited from dropped charges. There are few instances where officials have dropped charges against individuals related to protesting peacefully or expressing their opinions and political views. High-profile political prisoners remain detained on charges including "participating in illegal rallies" and "inciting the overthrow of the regime." On March 11, six individuals were arrested and charged with "undermining the traditions and societal norms" through comments on Twitter. They received one-year prison sentences on May 15. Dozens of individuals remain in detention on similar charges. In April, Bahraini courts acquitted over 20 medical professionals facing charges of "inciting hatred" and "participating in illegal marches."

1722i – To commute the death sentence imposed for murder arising out of the events of February/March 2011, in light of the preference of Article 6 of the international covenant on civil and political rights for the abolition of the death penalty and the concerns regarding the fairness of trials conducted by the National Safety Court: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahraini courts sentenced at least nine individuals to death for their roles in the killings of police officers in February and March 2011. The Court of Cassation overturned at least two death sentences in January 2012. On January 23, an appeals court upheld the death sentence of one

UNCLASSIFIED

- 8 -

of these two individuals. The accused, reportedly illiterate, claimed he was tortured into signing a confession he did not understand. The accused can appeal the ruling one final time.

1722j – To compensate and provide remedies for the families of the deceased victims in a manner that is commensurate with the gravity of their loss: The Bahraini government has fully implemented this recommendation. It approved a \$6.2 million budget to provide compensation for 39 families. In June 2012, Bahrain announced it dispersed \$2.6 million of the fund to 17 families (approximately \$153,000 per family). Bahrain is reluctant to provide additional information about the families receiving compensation as most families appear to be accepting compensation, but request their information be kept private for fear of reprisals by Shia hardliners. Local organizations complain families are not receiving promised funds.

1722k – To compensate and provide remedies for all victims of torture, ill-treatment or prolonged incommunicado detention: The Government of Bahrain has thus far taken steps to partially implement this recommendation. It approved a civil settlement initiative to compensate those affected by the unrest, including cases of murder, abduction, sexual harassment, medical negligence, and psychological trauma. Bahrain reported 409 applications for compensation for injuries were filed and 116 were selected for the first phase of settlement. Human rights activists reported some families refused to accept compensation due to conditions placed upon accepting settlement, such as agreeing not to seek additional lawsuits or settlements in the future. Bahrain set aside \$26.52 million for the initiative. It is unclear how efficiently funds were disbursed in non-murder cases.

1723 ...with regard to *demolition of religious structures, termination of employees of public and private sectors, dismissal of students and termination of their scholarships.*

1723a – To ensure that the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly: The Government of Bahrain has fully implemented this recommendation. Bahrain says it reinstated and rehired over 99 percent of the estimated 4,500-plus workers dismissed in 2011. Other sources put this number at 95 percent, with 214 workers lacking jobs. The General Federation of Bahrain Trade Unions reports some workers in the private sector are not being

UNCLASSIFIED

UNCLASSIFIED

- 9 -

rehired or reinstated, and that there has been discrimination in rehiring. Some private sector jobs and businesses no longer exist. There are reports that rehired workers are brought into different, lower-status jobs at reduced salaries. Bahrain accepted the United States Trade Representative's request for consultations pursuant to the bilateral free trade agreement. Consultations were held July 15-16.

1723b – To use all its powers to ensure that public corporations and other employers who dismissed employees for failure to appear for work at the time of the demonstrations treat them in a way that is at least equal to that provided by the Government of Bahrain to civil servants: The Government of Bahrain has thus far taken steps to partially implement this recommendation. There are reports that businesses suspend or dismiss workers who are absent on key anniversary dates or protest days. Many teachers report their bosses pass them over for promotions or relocate them to schools located further away as ongoing retribution. There are reports that companies who unjustly dismissed workers have not properly compensated these individuals.

1723c – To reinstate all students who have not been criminally charged with an act of violence and to put in place a procedure whereby students who were expelled on legitimate grounds may apply for reinstatement after a reasonable period of time, and to adopt clear and fair standards for disciplinary measures against students, and to ensure that they are applied in a fair and impartial manner: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahrain reported that all university students, faculty, and staff not convicted of violent crimes were reinstated. The Bahrain Teachers' Society reports there are approximately 80 students in jail. It is unclear what charges the students face or why they are being detained.

1723d – To follow up on the statement by King Hamad to the effect that the Government of Bahrain will consider rebuilding, at its expense, some of the demolished religious structures in accordance with administrative regulations: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahrain pledged to rebuild or relocate 28 demolished mosques identified in the BICI. In the November 2012 follow-up report, the Government of Bahrain claimed reconstruction was 70 percent complete on five mosques. Shia groups erected an estimated 20-40 temporary religious sites of varying permanence on their own and without Government of Bahrain approval. As of June 2013, the government completely rebuilt two mosques which are now open. Three other mosques are in the final stages of construction, and the Islamic

UNCLASSIFIED

Affairs Directorate announced their 2013-2014 construction plan to the media, naming six additional mosques to be rebuilt. Land titles and site selection for the remaining 17 mosques are ongoing, but taking longer than anticipated. Some members of the Shia community are concerned because certain new mosque sites are far away from main roads rather than on sites previously used.

1724 ...with regard to media incitement issues.

1724a – To consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media: The Government of Bahrain has thus far taken steps to partially implement this recommendation. Bahrain proposed a draft “media and communication” law to protect press and media freedom. Despite the proposed draft law it is unclear that the Government of Bahrain is doing anything to improve media access to the opposition. Restrictions on media and speech appear to be getting worse. The opposition owns one of seven daily newspapers (*Al Wasat*). Reports indicate *Al Wasat*'s requests for additional licenses go unanswered.

1724b – To establish professional standards for the media and other forms of publications that contain an ethical code and an enforcement mechanism, designed to uphold ethical and professional standards in order to avoid incitement to hatred, violence, and intolerance, without prejudice to internationally protected rights of freedom of expression: The Government of Bahrain has thus far taken steps to partially implement this recommendation. In June, the Government of Bahrain established the Higher Commission for Media and Communication. Royal Decree 24 was announced June 30, and gives the ten-member commission the authority to formulate a national media strategy, to establish standards, monitor content, and to receive complaints. Bahrain has not lifted ongoing freedom of expression restrictions. Members of parliament voiced support to increase and strengthen penalties for individuals who “insult the dignities of the nation.” Authorities arrested local journalists and bloggers on charges of “spreading false news” and “insulting the King.” Shia opposition groups also report a lack of representation on the government-owned Bahrain TV network.

1724c – To undertake appropriate measures, including legislative measures to prevent incitement to violence, hatred, sectarianism and other forms of incitement which lead to the violation of internationally protected human rights, irrespective of whether the source is public or private: The Government

of Bahrain has thus far not taken meaningful steps to implement this recommendation. Some members of the opposition are concerned with the slow pace of reform and government inaction in some areas. In violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, 31 Shia residents, including lawyers, religious clerics, activists, and former parliamentarians, had their citizenship revoked without due process on grounds of “damaging the security of the state.” A group of activists who presented statements at the universal periodic review in Geneva had their names and faces printed, and circled in red ink in state-sponsored newspapers. The newspapers reported these individuals “contributed to the distortion of Bahrain’s image abroad,” and labeled them “traitors.” Members of parliament verbally attacked Shia Ashura religious practices, labeled Shia clerics as “terrorists” and “terrorist sponsors,” and called for their deportation.

1725 ...with respect to *better understanding and appreciation of human rights including respect for religious and ethnic diversities.*

1725a – To develop educational programs at the primary, secondary, high school, and university levels to promote religious, political, and other forms of tolerance, as well as to promote human rights and the rule of law: The Government of Bahrain has fully implemented this recommendation. Bahrain is working with UNESCO’s International Bureau of Education to review curricula and textbooks. The Bahraini government updated four school books at the elementary, intermediate, and secondary levels. Bahrain organized in-house training courses to promote the culture of human rights including child’s rights, political and civil education, and methods for combating violence for citizenship and human rights educators. Bahrain organized training for education staff and other in-school activities including over 400 lectures.

1725b – In general, the Commission recommends to the Government of Bahrain the development of a national reconciliation program that addresses the grievances of groups which are, or perceive themselves to be, deprived of equal political, social and economic rights, and benefits across all segments of Bahrain’s population: Bahrain has thus far not taken meaningful steps to implement this recommendation. The Government of Bahrain initiated the *National Social and Economic Reconciliation Plan* (NSERP). In February 2013, the Government of Bahrain launched the latest round of national dialogue. The NSERP coordinated salary raises for at least 35,000 workers. Progress is slow on housing projects and youth programming geared towards Shia communities. The

UNCLASSIFIED

- 12 -

- National Dialogue has been ongoing since February and includes a wide spectrum of Bahraini society. Dialogue participants argue about procedure and have not discussed substantive issues.

Conclusions

King Hamad deserves credit for initiating the Bahrain Independent Commission of Inquiry, for accepting the recommendations put forward in the report, and for committing to implement the reforms. While the Government of Bahrain has made progress in implementing recommended reforms put forward in the BICI report, there is still work to be done. We continue to urge the Government of Bahrain to make additional progress in areas such as fully and transparently investigating claims of torture and cases that resulted in deaths. To foster an environment that recognizes freedom of expression and promotes dialogue, additional efforts can be made moving forward to ensure individuals are no longer charged nor detained in cases relating to peaceful political expression and free speech. We are urging the Government of Bahrain to recognize freedom of expression and promote dialogue. We are hopeful the appointment of the First Deputy Prime Minister and Crown Prince Salman bin Hamad Al Khalifa will reinforce and hasten the commendable progress already underway and also strengthen work in areas identified as meriting attention.

UNCLASSIFIED