



United States Department of State

Washington, D.C. 20520

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JUN 21 2016

The Honorable
Bob Corker, Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to the Bahrain Section of Senate Report 114-79, we are forwarding a report on the specific steps taken by the Government of Bahrain to implement the recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry, including further steps the government should take to fully implement the recommendations and an assessment of the impact of the findings of the Report for U.S. security in the region.

We hope this information will be helpful. Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Julia Frifield".

Julia Frifield
Assistant Secretary
Legislative Affairs

Enclosure:
As stated.

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Steps Taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry

This report complies with the Bahrain Section of Senate Report 114-79, calling for a report “describing the specific steps taken by the Government of Bahrain to implement the recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry (BICI), including further steps the government should take to fully implement the recommendations and an assessment of the impact of the findings of the Report for U.S. security in the region.”

The Government of Bahrain has made progress toward implementing the reforms recommended by the BICI following the 2011 unrest. The Bahraini government has rebuilt demolished religious structures; reinstated employees dismissed in 2011; investigated claims of torture, which led to convictions in numerous cases; and compensated families of victims of state violence. Police and security forces have undergone human rights training.

However, more work remains to be done. While the Government of Bahrain has established new state institutions, like the Special Investigative Unit, that provide accountability to address many of the problems the BICI identified, these entities could benefit from greater independence. Recommendations relating to the protection of freedom of expression, particularly as related to nonviolent dissent and the press, remain unimplemented. Due process protections – including access to counsel, defense access to state-held evidence, and not being compelled to testify against oneself or having a case built around a forced confession – are not provided in a manner consistent with Bahrain’s international obligations. Efforts to build trust across Bahraini society and foster an environment conducive to national reconciliation have stalled, diminishing the effect of government actions to implement BICI recommendations, and minimizing popular acceptance of newly established government institutions.

The United States continues to encourage Bahrain to make additional progress implementing political and human rights reforms; further progress will enhance long-term stability. As a longstanding ally and the host of the U.S. Navy’s Fifth Fleet, Bahrain’s security and stability is central to U.S. security interests in the Gulf region and beyond.

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We urge the Government of Bahrain to work with all sectors of society, including opposition groups and civil society, in continued pursuit of full implementation of the BICI recommendations in an inclusive manner that meets international standards. By doing so, the Bahraini government can bring about enduring reforms that are responsive to the aspirations of all Bahrainis, while marginalizing those who support violence and strengthening Bahrain's stability and security.

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Analysis

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 National Commission, established by King Hamad's 2011 royal decree, was administered by Ali bin Saleh al-Saleh. Nineteen individuals were nominated to serve on the commission, including four from the political opposition, though two opposition members declined. The commission published a report in 2012. The cabinet created a follow-up unit under the Ministry of Justice (MOJ), which released reports in 2012, 2013, and 2014. The First Deputy Prime Minister chaired a ministerial-level committee to coordinate initiatives between ministries and ensure full implementation. The MOJ has not made public the follow-up unit's membership; we are not able to assess whether it included civil society and the political opposition. On May 9, 2016, the Chairman of the Bahrain Independent Commission of Inquiry (BICI), Professor Cherif Bassiouni, returned to Bahrain on an unannounced visit to meet with the king and the national commission and received an award. The Bahrain News Agency reported that Bahrain had fully implemented the recommendations of the BICI report, and suggested Professor Bassiouni concurred. On June 5, Professor Bassiouni published a statement on his website recognizing Bahrain's accomplishments on BICI implementation, but made clear his view that Bahrain has not yet fulfilled all of the recommendations of the BICI report. Among outstanding recommendations, Bassiouni said that Bahrain should prioritize the release of prisoners convicted on the basis of their political beliefs and expression, and accountability for those responsible for deaths resulting from torture.

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": In 2011, the government announced all cases of alleged cruel, inhuman, or degrading treatment committed by security officials had been transferred from the Ministry of Interior (MOI) to the Public Prosecutor's Office (PPO). The PPO then established a Special Investigative Unit (SIU) in 2012 to pursue these cases. It is led by public prosecutor Nawaf Hamza, and its members include former prosecutors with support from independent consultants. The Unit

has four sub-divisions: Forensic Medicine and Psychiatric support, which includes two doctors and a psychiatrist; information and administrative work; Judicial Police (two police officers and four former-prosecutors, who investigate and prosecute cases); and communications and media division, which communicates with civil society organizations, as well as the MOI Ombudsman, and the Inspector General at the National Security Agency. The SIU can appeal verdicts in cases against security officials accused of abuse or torture where it believes a tougher verdict is more appropriate (see also recommendation 1722a). The Government of Bahrain claims that the SIU hires its own forensic experts and occasionally consults externally with forensic and medical specialists. Because it is housed under the PPO, human rights organizations have questioned the impartiality and independence of the SIU.

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: In 2012, King Hamad appointed by royal decree, an ombudsman within the MOI to investigate complaints concerning policing and detentions. The office became operational in 2013. From May 2014 to April 2015, the Ombudsman Office received 908 complaints and requests for assistance and as a result of investigations by the Ombudsman, 19 police were referred to criminal courts and 14 to disciplinary courts. The office has made recommendations to the MOI, which have resulted in increased prisoner protections and better policing. The office has a permanent office at Jaw Prison to accept complaints and has installed complaint boxes at other facilities. The office investigated every death of a detainee or inmate, including those that were the result of natural causes and suicide. We assess that the office is able to operate independently from the MOI hierarchy and control its own operating budget.

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: In 2011, King Hamad revoked the NSA’s law enforcement and arrest powers by royal decree. There are no verified reports of NSA officers arresting civilians since 2011. An independent Inspector General Office and a Professional Standards Office have been created within the NSA.

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: In 2012, the cabinet approved legislative amendments that identified the Attorney General as having jurisdiction to investigate claims of torture and other forms of cruel, inhumane or degrading treatment or punishment. The legislation does not require the Attorney General to investigate all credible claims of torture. While the SIU has and continues to investigate allegations of torture and mistreatment, to more fully implement this recommendation, Bahrain could implement further legal measures to mandate that the Attorney General investigate all credible claims of torture, whether through the Special Investigative Unit or other domestic or international mechanisms.

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: The government disbanded the National Security Courts (NSC) in October 2011 and transferred all misdemeanor cases that had not yet been completed by the National Security Courts (NSC) to civilian courts for adjudication in November 2011. However, felony cases that had started in the NSC as their courts of first instance were completed in those courts. Once a judgement was rendered, these cases were re-examined in civilian courts through the appeal process. Likewise, felony cases tried in the NSC as the court of first instance and appealed to the National Security Courts as the court of second instance (before the courts were disbanded) were appealed to Bahrain's Civilian Court of Cassation as the third and final instance. The Supreme Judicial Council, a body tasked with supervising the work of the courts and the performance of judges, court recorders, and clerks, reviewed all remaining NSC judgments. While the Government of Bahrain successfully transferred cases to civilian courts, it is unclear whether the civilian courts that reviewed NSC judgments gave sufficient consideration to the claims by some that their incriminating testimony was given under coercion. To more fully implement this recommendation, Bahrain could re-examine cases in which evidence was allegedly obtained under duress.

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 amended the penal code on torture in 2012, defining and criminalizing such acts and ensuring that the statute of limitation does not apply to crimes of torture. In December 2011, the Government of Bahrain announced all cases of alleged or actual cruel, inhuman, or degrading treatment committed by security forces had been transferred from the MOI to the PPO. The PPO established the Special Investigative Unit (SIU) in 2012 in order to pursue these cases. (See also Recommendation 1716). From January to October 2015, 227 cases were referred to the SIU. Eight cases were referred by the SIU to the courts, one of which was acquitted because the victim refused to testify in court, and seven others were ongoing. On January 10, 2016, the SIU reported receiving 40 complaints in December 2015. On January 5, 2016, the SIU was successful in the appeal of the two-year sentence for two policemen in the 2011 death-in-custody case of Isa Saqer. The policemen were re-sentenced to seven years in prison. On December 6, 2015, the Unit successfully prosecuted a policeman who received a 2-year sentence. In May 2015, six Ministry of Interior personnel, including three high-ranking officers, received jail terms ranging from one to five years for the November 2014 beating death of inmate Hasan Al-Shaikh at Jaw Prison's Reform and Rehabilitation Center. Security officials facing serious charges of abuse, however, are typically released and are not suspended from duty during the duration of their trials, including while waiting for appeals. Most low-level officers facing charges are held pending trial. To more fully implement this recommendation, we encourage the Government to increase transparency regarding incarceration policies and suspension from duty in cases involving security personnel and ensure these are consistent with the gravity of the charges and that those found to be responsible for abuses, including through command responsibility, be held accountable, regardless of their seniority or role.

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: See also 1716, 1717, and 1722a. The government established the Prisoner and Detainee Rights Commission (PDRC) by royal decree in 2013, composed of civil society and chaired by the Ombudsman. The PDRC, which has received training from British experts, has the authority to make unannounced inspections of all detention facilities, including police stations. The PDRC inspected a number of facilities, including nine unannounced visits, and published reports online in English and Arabic. The government also re-

established the National Institution for Human Rights (NIHR) in 2012 and awarded it functions and powers in line with the Paris Principles relating to the Status of “National Institutions for the Promotion and Protection of Human Rights.” While the NIHR receives its budget from the government, we assess that it is administratively independent. It has the authority to visit detention facilities and question ministries at any time. Its first annual report (in 2014) criticized the Ombudsman and SIU for lacking independence and impartiality; urged the Government to schedule a visit by the UN Special Rapporteur on Torture; named ministries that failed to comply with requests for information or failed to follow-up on matters, and made numerous other important recommendations for improving human rights conditions. The NIHR published a second report in December 2015. The NIHR has established working relationships with the Ombudsman, the SIU, civil society groups (including opposition political societies), and international NGOs.

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:

Outside advisors, including the United Kingdom’s Royal Academy of Police and Royal College of Command and General Staff, have worked with the MOI on rules on the use of force to show more restraint, to use less teargas and birdshot, and to improve transparency. The Government passed a new police code of conduct in 2012. The MOI issues a handbook to all officers detailing police guidelines based on international policing standards. The Government of Bahrain claims that over 8,000 police officers and related personnel have received public order training since 2011. To enhance accountability, the Government of Bahrain notes its widespread use of video cameras to document police activity. The SIU has trained police and security forces through seminars and lectures aimed at promoting and protecting human rights, especially those related to the rights of individuals accused and/or detained. The NIHR conducts frequent seminars and training for police. According to the government, the Bahrain Defense Force has also received human rights training; the NSA is now positioned as an intelligence-gathering agency (see Recommendation 1718) and its members have undergone training in human rights and investigative techniques. We assess that these institutional reforms have been generally effective, resulting in fewer incidents of use of excessive force by police against public demonstrations, no reports of protester deaths in 2015, and no reports of inmate deaths stemming from abuse in 2015.

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: CCTV cameras have been installed in police facilities, including prisons interrogation rooms, and holding cells. The Ombudsman's Office monitors detention and corrections facilities through announced and unannounced visits. The Prisoner and Detainee Rights Commission made a number of unannounced inspections in 2014 and 2015, as did the NIHR (see 1722b). The Northern Ireland Cooperation Organization and other international organizations visited Jaw Prison in 2015. The Ombudsman has an office at Jaw prison to receive prisoner complaints and has complaint boxes in police stations. According to the government, prisoners are given instructions on how to appeal sentences and prisoner-rights posters are displayed prominently throughout the prisons and detention centers. Wardens ask prisoners to sign forms stating they understand their rights while in detention. Each prisoner is entitled to one phone call upon arrival and when transferred to a new detention facility, and phone calls are registered and tracked. Family members report receiving calls within 24 hours. But there are also numerous reports of authorities carrying out detentions, beatings, and interrogation at unofficial locations and holding individuals incommunicado. Local and international human rights organizations report that arresting officers detain individuals without showing arrest warrants and deny timely access to legal counsel. Defendants and their legal representation reported difficulty accessing one another at all stages of the detention and judicial process. There are additional reports that interrogating officials blindfold detainees while compelling them to sign documents "confessing" to crimes and other charges. To more fully implement this recommendation, the government should ensure that all those arrested and detained have access to legal representation at all stages in the process by simplifying the process by which a lawyer gains access to his/her client; the government should further ensure that all detainees are treated in conformity with international obligations and relevant and applicable provisions of the United Nations Standards and Norms on Crime Prevention and Criminal Justice, including the Standard Minimum Rules on the Treatment of Prisoners. Noting that some independent third-party organizations have been permitted to meet with detainees while other organizations have been denied access, we encourage the government to establish a transparent process through which international organizations and human rights organizations can request to meet with detainees and monitor their treatment appropriately.

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: Beginning in 2012, the Government of Bahrain planned to recruit 500 new police officers annually “from all communities” into a community policing program. Later that year, the government graduated 577 new police from its academy and said that the majority would be “working in the community.” In October 2015, the government reported 504 community police officers graduated from the same community policing program in 2015, bringing the total number of community police that have graduated from the Royal Police Academy to 1500. Contacts have confirmed that Bahraini Shia have been among those integrated into the community police and the police cadets, but not in significant numbers. The Government of Bahrain notes its difficulty recruiting Shia, likely due to a cycle of mutual mistrust, and that it continues actively to recruit and employ Shia throughout the Public Security Forces. We encourage the Government of Bahrain to increase efforts to ensure that all communities are included in the police force, noting this may require broader trust-building efforts with these communities beyond the scope of this specific BICI recommendation.

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 reported that, by 2013, at least two-thirds of the judiciary had received training in protecting human rights in criminal procedures during regular training programs and at foundations, including at the International Institute for Higher Studies in Criminal Sciences and the American Bar Association provided technical capacity building and general human rights training for lawyers, prosecutors, and judges. Despite training and technical improvements, political influence and the lack of judicial independence appear to compromise implementation of fair and transparent judicial procedures. Detainees have alleged torture and mistreatment in detention, and claimed that security officials used physical and psychological mistreatment and torture to extract confessions; the extent to which these claims of ill-treatment are considered during judicial proceedings varies by case, and confessions allegedly obtained under duress are rarely rejected as evidence. To more fully implement this recommendation, and be consistent with Article 14 of the International Convention on Civil and Political Rights which Bahrain ratified in 2006, the Government of Bahrain should ensure detainees have access to legal counsel, that defense counsel is able to question State evidence, and that no one is compelled to testify against himself or to confess guilt. The judicial system is making efforts with help from

the UK and the United States to refrain from reliance on confession-based evidence obtained by coercion or duress; this is also consistent with Article 15 of the United Nations Convention Against Torture.

1722g – There should be audiovisual recording of all official interviews with detained persons: As of 2014, all police stations, interrogation rooms, temporary detention rooms, and prisons are covered by CCTV cameras; officials from the U.S. Embassy have observed these cameras, and contacts have confirmed that statements to the police were filmed. Some human rights organizations have alleged that the Government of Bahrain does not always share recordings with lawyers when they request it as part of official court proceedings. Additionally, we are concerned by some reports that interrogations sometimes occur at unofficial sites.

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 interpreted this recommendation narrowly, as applying only to those arrested and charged during the period of National Safety in February and March 2011 for crimes in connection with political expression. The BICI report recorded that the number of persons arrested pursuant to Royal Decree 18 of 2011 on the *Declaration of a State of National Safety* was 2,929. Of these, 2,178 were released without charge and the BICI was able to secure the release of an additional 310. Per government reports, the remaining 441 were charged with crimes. In December 2011, the Attorney-General announced charges relating to the exercise of the right to freedom of expression were dropped against the remaining defendants; however, some of them had other charges pending which the Government of Bahrain continued to prosecute. NGOs and activists have claimed that some of those charged with violent crimes did not actually commit violent acts. The Government of Bahrain continues to charge and prosecute individuals with offenses involving political expression, including some who have not advocated violence. We encourage the Government of Bahrain, consistent with the substance and spirit of this recommendation, to include review of cases of others who have been arrested and imprisoned on charges involving non-violent political expression since March 2011, with a view to dropping charges or, for those who have been convicted, commuting their sentences.

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 death sentences of the four individuals sentenced to death in relation to the death of police officers in the February/March timeframe have been commuted, in many cases to life imprisonment.

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: In 2012 the government established a new Civil Settlement Office (CSO) and approved \$26 million to provide compensation to citizens and residents negatively impacted in 2011. The CSO received 39 applications from families of the deceased and disbursed \$6.2 million. Bahraini officials say they are reluctant to provide additional information about the families receiving compensation because many have requested anonymity for fear of reprisals by hardline anti-government activists.

1722k – To compensate and provide remedies for all victims of torture, ill-treatment or prolonged incommunicado detention: In 2012 the Government of Bahrain established a new Civil Settlement Office (CSO) with a \$26 million budget to provide compensation to citizens and residents negatively impacted in 2011. The CSO received 421 applications relating to 2011; 193 were selected for settlement. Beyond the settlements associated with 2011, the Government of Bahrain has continued to offer compensation to victims through other mechanisms. In 2015, the MOI received five claims for compensation for damages caused by police: two have been resolved through courts, three are outstanding. Also in 2015, the Police Court compensated one person for tear gas-related property damages. Human rights activists reported some families refused to accept compensation due to conditions that the government placed on accepting settlements, such as agreeing not to pursue additional lawsuits or settlements in the future.

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; 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: All public sector employees dismissed from their jobs in February-March 2011 have been reinstated, or have had their cases resolved, though several NGOs have reported that many dismissed employees were reinstated in lower-level jobs, positions outside of their specialty, or positions without actual responsibilities, and forced to sign loyalty pledges. It is not clear whether the reinstatements resulted from investigations into anti-union discrimination. The tripartite framework agreed between the Government, the General Federation of Bahrain Trade Unions, and the Bahrain Chamber of Commerce and Industry was instrumental. Of the 4,624 workers dismissed from their jobs following protests in 2011, as of January 2014, only 49 of the 2,462 private sector employees' cases were still unresolved. Of these 49, 37 workers were previously employed in small and medium-sized businesses that had gone out of business or were economically not able to re-employ workers. All 37 of these workers are in the Ministry of Labor's job placement program. We encourage Bahrain to pass anti-discrimination legislation that provides a clear process for proactive inspections as well as a mechanism for investigation and redress of discrimination in the public and private sectors.

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 University of Bahrain and Bahrain Polytechnic reinstated 419 students and re-awarded 97 scholarships, although many were required to sign loyalty pledges. These institutions changed procedures so that only students convicted of violence were not readmitted; all students, including expellees, were permitted to apply or re-apply. Some students at both institutions choose not to re-enter. The institutions now have procedures to reinstate students convicted of violent crimes after a reasonable period of time and have adopted new disciplinary measures. We encourage the Government of Bahrain to ensure these new measures are applied impartially and transparently.

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 pledged to rebuild all 30 Shia mosques identified in the BICI report. By February 2016, 22 of these specific mosques had been completely reconstructed; four appeared to have complete structures with utilities, but were not open; and 1 had a nearly complete structure, but a wall around the site implying construction was ongoing. Due to ongoing procedural and legal hurdles, the Government has not yet begun rebuilding three of the mosques that were identified in the BICI report. In an estimated seven cases, the local Shia community funded reconstruction. The Government says it reimbursed the Shia community for the cost of reconstruction through payments to the national Shia endowment, but members of that community dispute this.

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 Cabinet approved new regulations on media in September 2015 and cover all licensed outlets providing audio, video, written, and electronic news content, complementing the 2002 Publications Law. The new rules cover respect for Bahrain's sovereignty, form of governance, its rulers, its establishments, and authorities. The new regulations have not resulted in greater opposition access to media, and restrictions on media and speech appear to be increasing. *Al Wasat*, the only opposition-sympathizing newspaper of the nation's seven dailies, was suspended for two days in August 2015 for "repeated dissemination of information that affected national unity and the kingdom's relationship with other countries." In February 2015, the brand new pan-Arab Alarab TV station launched its programming by including an interview with an opposition leader, and the station was closed permanently hours later. In 2014 and 2015, numerous individuals were charged with crimes and sentenced to jail in relation to social media postings critical of the government. A draft media law that would have stipulated only non-custodial sentences for journalists and media professionals was approved by the Cabinet in 2014 but never approved by Parliament. To fulfill this recommendation, we encourage the Government of Bahrain to take additional steps to safeguard fundamental freedoms for the media, including strengthening legal protections for freedom of expression and ensuring that laws and regulations are applied evenly regardless of content or message. See also Recommendation 1724c.

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: In 2012, Royal Decree 24 established the Higher Commission for Media and Communication, a 10-member commission with authority to formulate a national media strategy, monitor content, and receive complaints, and Royal Decree 40 established the Ministry of State for Information Affairs to further centralize media regulations. The Information Affairs Agency (IAA), housed within the Ministry of State for Information Affairs, and the Bahraini Journalists Association introduced codes of ethics for audiovisual and print media developed in consultation with French regulatory firm IMCA, which also trained IAA employees and media professionals. The code of ethics set forth guidelines for responsible journalism and defined the rights of journalists and press institutions. It is unclear the extent to which this code of ethics has been publicized or promoted among journalists. We encourage the Government of Bahrain to work with the Parliament and journalists to pass a law that establishes professional media standards consistent with protections of freedom of expression, including for the media. We encourage the Government of Bahrain to provide accreditation to more professional local and international journalists to broaden the range of independent media voices and to promote journalistic credibility. See also Recommendation 1724c.

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: Several 2012 laws and amendments appear to strengthen the protection of freedom of expression, including Penal Code Article 168, which criminalizes the act of broadcasting false news, amended to include “the act has to be deliberate and damaging to public order, public security or public health, and must cause actual injury.” Article 169, however, was amended to stipulate that laws on freedom of expression must be “compatible with the values of a democratic society.” This type of overly broad language raises concerns over possible infringement on freedom of expression, as it can have varying interpretations. In 2014 the Ministry of Justice and Islamic Affairs banned Sunni cleric and Bahrain Quran Society Chairman Adel Hassan Al Hamad from delivering sermons on allegations that he incited sectarian hatred. In June 2015, the Ministry of Justice and Islamic Affairs suspended Sunni cleric Jassim Saeedi from preaching for inciting sectarian hate,

but ended the suspension in July 2015. In 2014, journalist Tareq Al Amer was fired from the newspaper *Al Bilad* for making anti-Shia comments in his column and a criminal case was filed against him for incitement; he was found not guilty on the grounds his comments were of a political nature and not against a religion, and he continues to write. In contrast, several opposition figures, including Wefaq Secretary General Sheikh Ali Salman and Ibrahim Sharif of the Wa'ad opposition party, remain imprisoned on incitement-related charges based on speeches they delivered. In February 2016, Sharif was sentenced to one year in prison for incitement to disobedience and hatred of the government for a June 2015 speech. In December 2014, Sheikh Ali Salman was arrested and initially charged with promoting the overthrow and change of the political regime by force and illegal means, inciting disobedience of the law, inciting hatred, and insulting public institutions. Most charges stem from 18 speeches and 1 interview from 2012 - 2014. In June 2015, Salman was acquitted of the regime change charge but convicted and sentenced to four years in prison for the other charges. In May 2016, he was found guilty on appeal of the initial charges, and his sentence was extended to nine years total. In both cases, we believe the offending speeches do not constitute incitement to violence and ought to be protected as political speech. Human rights organizations and international observers have raised concerns that laws are applied selectively to paint political speech as sectarian or accuse opposition members of stoking sectarian tensions. Bahrain should ensure that subsequent legislation and government actions protect freedom of expression as stated in its constitution and its international obligations. To more fully comply with this recommendation, the Government of Bahrain should differentiate more effectively between the narrow range of language that involves incitement to violence and legitimate, political and religious speech.

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 worked with UNESCO's International Bureau of Education to review curricula and textbooks, updating four school books at the elementary, intermediate, and secondary levels. Bahrain organized in-service training courses for educators to raise awareness about human rights, including children's rights, political and civil education, and methods for combatting violence, and it has offered teachers other school activities, including over

400 lectures, on religious and ethnic tolerance. In addition, human rights curricula were provided at public universities, and a specialized human rights curriculum was provided to law students at the University of Bahrain. The General Organization for Youth and Sport organized programs designed to bring together young people from different backgrounds including entrepreneurship, job-skills training, and sports programs. The Ministry of Social Development launched the “One Unity” campaign in collaboration with ministries and public and private sector associations. The Bahrain Federation of Expatriate Associations and the Bahrain Society for Tolerance and Religious Coexistence have both hosted “Prayer for Peace” events. The Bahrain Foundation for Reconciliation and Civil Discourse has hosted internationally recognized speakers, and in 2015 organized joint Sunni-Shia prayer services.

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: The Government’s 2014 National Dialogue with the political opposition and civil society resulted in modest political reforms but did not win broad support from the opposition or ultimately advance the reconciliation process. We assess that national reconciliation as envisioned by the BICI report has not yet been achieved. Accordingly, to more fully implement this recommendation, we continue to encourage the Government of Bahrain to take additional, meaningful steps to create conditions that foster reconciliation with the segments of Bahraini society that feel disenfranchised. Beyond the scope of the BICI, we also counsel our contacts throughout Bahraini society to take complementary steps.

