

Americans for Democracy



& Human Rights in Bahrain

# **United States of America**

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## 1. Introduction

Americans for Democracy & Human Rights in Bahrain (ADHRB) is a non-governmental organization (NGO) that fosters awareness of and support for democracy and human rights in Bahrain and the Middle East.

In this document, ADHRB examines how United States (US) security assistance to Bahrain is used by the Bahraini government to commit human and cover up human rights abuses.

In 1948, the Bahrain became the host of the US' Fifth Fleet. Since then, the US has had a close security relationship with Bahrain, leading to the signing of a formal Defense Cooperation Agreement (DCA) in 1991. As a result of these close security ties, Bahrain received about 85 percent of its defense equipment from the US.<sup>1</sup> Overall, since 2000, the US has given Bahrain \$417,846,151 of security assistance.<sup>2</sup>

As the US has continued to supply Bahrain with security assistance since 2011 and despite evidence of Bahrain's widespread and systematic human rights abuses, this assistance can be classified as de facto unconditional. ADHRB is deeply concerned that the US' security assistance to Bahrain aids, and abets Bahrain's human rights abuses, including censorship and restrictions on freedom of expression, restrictions on freedom of assembly and association, a deeply flawed judicial system, and the harassment and incarceration of individuals exercising their right to criticize the government and its policies online and offline. We are particularly alarmed that the Government of Bahrain uses US security assistance and support as a cover to arbitrarily detain, torture, and abuse human rights defenders, journalists, religious leaders, peaceful protestors, and civil society members.

## 2. Review of US-Bahrain Security Relations

The cornerstone of the US-Bahrain security relationship is the US' access to Bahrain's naval facilities, which dates to the end of World War II, before Bahrain's independence. This relationship has grown significantly since then, and in 1991, the US and Bahrain signed a formal Defense Cooperation Agreement (DCA), initially for a period of 10 years, although it remains functional.<sup>3</sup> The agreement grants the US to access Bahrain's air bases and to direct its munitions, as well as permits it to manage consultations if Bahrain's security is threatened, and to promote joint exercises and US training of Bahrain's security forces.<sup>4</sup> With the establishment of the US' Fifth Fleet base in Bahrain, the US has stationed troops in the country. There are currently about 7,000 U.S. military personnel deployed in Bahrain, mostly in the Navy, involved in different operations, including against the Islamic State.

<sup>5</sup>

In March 2002, President George W. Bush designated Bahrain a "major non-Nato ally," which allows Bahrain to purchase certain US weapons, receive excess defense articles (EDA), and be eligible to cooperate with the US in conducting joint defense research. Since the beginning of the EDA program in 1993, Bahrain has received grants worth more than \$400 million from the U.S.<sup>6</sup>

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<sup>1</sup> "Bahrain: Unrest, Security, and U.S. Policy." EveryCRSReport.com. Congressional Research Service, August 20, 2019. [https://www.everycrsreport.com/reports/95-1013.html#\\_Toc17382200](https://www.everycrsreport.com/reports/95-1013.html#_Toc17382200).

<sup>2</sup> "US Security Assistance to Bahrain." Data | Security Assistance Monitor, 2019. <https://securityassistance.org/data/program/military/Bahrain/2000/2020/all/Global//>.

<sup>3</sup> "U.S.-Bahrain Defense Pact Renewed." Agence France Presse, August 5, 2011

<sup>4</sup> "Bahrain: Unrest, Security, and U.S. Policy." EveryCRSReport.com. Congressional Research Service, August 20, 2019. [https://www.everycrsreport.com/reports/95-1013.html#\\_Toc17382200](https://www.everycrsreport.com/reports/95-1013.html#_Toc17382200).

<sup>5</sup> "Bahrain: Unrest, Security, and U.S. Policy." EveryCRSReport.com. Congressional Research Service, August 20, 2019. [https://www.everycrsreport.com/reports/95-1013.html#\\_Toc17382200](https://www.everycrsreport.com/reports/95-1013.html#_Toc17382200).

<sup>6</sup> "Bahrain: Unrest, Security, and U.S. Policy." EveryCRSReport.com. Congressional Research Service, August 20, 2019. [https://www.everycrsreport.com/reports/95-1013.html#\\_Toc17382200](https://www.everycrsreport.com/reports/95-1013.html#_Toc17382200).

### 3. US Security Assistance and Arms Transfer to the Bahrain's Security Forces

The Bahrain Defense Force (BDF), which has nearly 8,000 active duty personnel, is a major recipient of US military assistance. Bahrain's armed forces, such as the BDF and police forces, are run by the ruling AlKhalifa family, a Sunni family amidst a Shia majority country. The government supplements the ranks of its armed forces by recruiting from neighboring Sunni majority countries, such as Pakistan and Jordan.

The majority of US military assistance to Bahrain is under Foreign Military Financing (FMF) programs, which help Bahrain purchase and maintain US manufactured weapons. Recently, certain FMF funds have been utilized to build up the kingdom's Special Operation Forces, as well as to help the BDF use its US supplied Blackhawk helicopters.

<sup>7</sup>

Some funds are provided to Bahrain under "Section 1206" of the National Defense Authorization Act (NDAA). From 2006 to 2015, about \$65 million, were provided under the NDAA to supply coastal patrol boats, equip and train Bahrain's special forces, support coastal surveillance, and fund biometric equipment to support the kingdom's security forces to detect movement of terrorists within its territory.

The US also provides assistance to Bahrain's Ministry of Interior (MoI), mainly through programs funded by Nonproliferation, Antiterrorism, Demining and Related Programs (NADR) funds, to help the country counter extremism and terrorist groups. For Fiscal Years 2017 and 2018, the US provided Bahrain's MoI with \$400,000 in NADR funds. As the MoI violently suppressed protestors following the Arab Spring, the Obama Administration reviewed its use of the NADR assistance to Bahrain's MoI, to ensure that its funding was not used against protestors. Upon the review, the State Department's report on international terrorism for 2014 indicates the Bahraini government has not complied with the Leahy Law, which seeks to ensure that US funds do not go to security forces that have been determined to commit human rights violations. This finding prompted the cancelation of planned antiterrorism assistance. However, these restrictions were lifted by the Trump administration in 2017.<sup>8</sup>

Upon becoming President of the United States in 2016, President Donald Trump lifted Obama-era restrictions on US arms sales to Bahrain that had been levied following the massive pro-democracy protests in 2011. Since then, Bahrain has significantly increased its military spending. In 2017 and 2018, publicly known defense procurement contracts with the US reached more than \$6 billion, which is telling, as Bahrain's entire budget is about \$10 billion per year. Indeed, of its military equipment, about 85 percent is supplied by the US.<sup>9</sup>

### 4. Bahrain's use of US security assistance to repress rights

On April 3, 2019, ADHRB released a comprehensive report titled "*Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior*"<sup>10</sup> that examines the role that Bahrain's MoI forces play in the kingdom's repression of dissent. The report reveals that the MoI has

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<sup>7</sup> "Revealed: America's Arms Sales to Bahrain amid Bloody Crackdown," op. cit.

<sup>8</sup> "Bahrain: Unrest, Security, and U.S. Policy." EveryCRSReport.com. Congressional Research Service, August 20, 2019. [https://www.everycrsreport.com/reports/95-1013.html#\\_Toc17382200](https://www.everycrsreport.com/reports/95-1013.html#_Toc17382200).

<sup>9</sup> Vittori, Jodi. "Bahrain's Fragility and Security Sector Procurement." Carnegie Endowment for International Peace, February 26, 2019. <https://carnegieendowment.org/2019/02/26/bahrain-s-fragility-and-security-sector-procurement-pub-78443>.

<sup>10</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior." Americans for Democracy & Human Rights in Bahrain, April 3, 2019. <https://www.adhrb.org/2019/04/anatomy-of-a-police-state-systematic-repression-brutality-and-bahrains-ministry-of-interior/>.

led Bahrain's devolution into a police state even as it has received millions of dollars from countries like the US and made repression a matter of government policy. Drawing upon ADHRB's documentation of over 1,000 discrete incidents of abuse comprising more than 3,000 specific rights violations attributable to MOI agencies from 2011 through to the present day, as well as government sources, ADHRB has concluded that the level of repression in Bahrain would not be possible without ongoing support from the US, including a significant amount of security assistance funding. These abuses encompass arbitrary detention, torture, rape, extrajudicial killing. The report finds a clear pattern of police brutality, repression and impunity at every command level of the MOI, with the same types of violations perpetrated by the same units consistently over time.

As many as one in every 635 Bahrainis has been arbitrarily detained, disappeared, tortured, raped, killed, or otherwise abused by the police. In just our sample subset, the MOI is directly implicated in 570 cases of torture and 517 cases of arbitrary detentions, with personnel committing around 400 specific human rights violations annually. Moreover, Bahrain has the highest rate of mass incarceration in the Middle East, with thousands held in MOI detention centers that universally violate international standards. In spite of these violations, from 2007 to 2017, the American taxpayer provided nearly \$7 million in security assistance to the MOI and specifically the riot police – the national police force responsible for dozens of extrajudicial killings, countless protest raids, and reprisal attacks on prisoners.<sup>11</sup>

## **5. Harassment, intimidation and attacks against human rights defenders, journalists and civil society activists**

Since 2000, more than 30 civil society organizations have been dissolved,<sup>12</sup> including Bahrain's largest opposition group, Al-Wefaq Islamic Political Society,<sup>13</sup> and the Bahrain Teacher's Society and the Bahrain Nursing Society. The government has also intensified judicial harassment of human rights defenders; detaining and imposing travel bans on activists such as Nabeel Rajab, Essa Al-Ghayeb, and Ebtisam Al-Saegh.<sup>14</sup>

The Bahraini government frequently exploits vague and broad laws, particularly the Protecting Society From Terrorism Acts law and Article 214 of Penal Code, to criminalize freedom of expression, and justify the harassment, arrest, and detention of human rights defenders.<sup>15</sup>

In 2015, activists attending the United Nations (UN) Human Rights Council (HRC), were threatened and banned from traveling to Geneva.<sup>16</sup> For example, in 2016, security forces detained and threatened the wife and child of Sayed Ahmed Alwadaei, the Director of Advocacy for the London-based Bahrain Institute for Rights and Democracy (BIRD), after Alwadaei peacefully demonstrated in London in protest King Hamad's visit. Security forces interrogated Alwadaei's wife about his involvement in the protest and about BIRD's activities before allowing her and her child to leave

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<sup>11</sup> Ibid.

<sup>12</sup> More than 30 CSOs dissolved in since 200. Another one dissolved in 2016, El Wasat News, 21 August 2016, <http://www.alwasatnews.com/news/1150862.html>

<sup>13</sup> Further Restriction on Freedom of Association: Bahrain Dissolved Al -Wefaq, the Largest Political Society in the Country, Bahrain Centre for Human Rights, 17 July 2016 <http://www.bahrainrights.org/en/node/8009>

<sup>14</sup> "Authorities Impose Several Travel Bans as Crackdown on HRDs Continues," CIVICUS, 23 September 2016, <https://monitor.civicus.org/newsfeed/2016/09/23/crackdown-against-human-rights-defenders-and-activists-continuebahrain/>

<sup>15</sup> Limited Freedom of Expression in Bahrain: Arrested for Insulted the King, 30 December 2013, <http://bahrainrights.org/sites/default/files/Insulting%20the%20King%2C%20Test%20.pdf>

<sup>16</sup> NGOs call for an end to reprisals against human rights defenders as Nabeel Rajab arrested and Bahraini rights defenders banned from travel to Geneva, Bahrain Centre for Human Rights, 16 June 2016, <http://bahrainrights.org/en/node/7905>

Bahrain to join Alwadaei in London. Since then, authorities have arrested Alwadaei's mother-in-law, brother-in-law, and cousin on spurious charges, in an effort to intimidate Alwadaei.<sup>17</sup>

## **6. Freedom of expression, independence of the media and access to information**

The Bahraini government abuses media and cybercrime laws to target human rights defenders, politicians, journalists, and to censor information. It is estimated that the government has blocked more than 1,000 websites, including those for human rights organizations, newspapers and personal blogs. Since 2012, the government has sentenced at least 40 individuals to cumulatively more than 842 months in prison for charges relating to exercising their right to free expression on the internet.<sup>18</sup> Moreover, about 4,000 political prisoners are incarcerated on charges related to free expression and/or assembly. The government has targeted numerous journalists and activists through arrests, intimidation and travel bans. In addition to further crackdown on freedom of expression, the Information Affairs Ministry suspended *Al Wasat*, the last independent newspaper in Bahrain, in 2017.

## **7. Freedom of Peaceful Assembly**

In 2006, the same year that Bahrain signed the International Covenant on Civil and Political Rights (ICCPR), the government passed Law 32/2006 on Public Meetings, Processions and Gatherings, which "imposes broad restrictions on both time and location" of assemblies, and "requires both prior notification and authorization." Moreover, the law restricts the timing of protests and gatherings, denying them before sunrise or after sunset. Since the 2011 protests, the government has exploited this law to suppress protests. In July 2013, the Bahraini Parliament imposed a broad ban on sit-ins and demonstrations.<sup>19</sup> Article 13 of Law 32/2006 lists a number of criminal sanctions for violations, including up to six months imprisonment and/or a fine of not less than BHD100 (US\$265) against holding a protest without prior permission or despite a ban order. Additionally, the law allows the authorities to unilaterally cancel protests, modify their routes or change their times and locations.

In 2015, Al-Wefaq stated that the MoI rejected requests by opposition political societies to hold more than 140 peaceful gatherings. Significantly, in January 2017, Bahraini security forces violently suppressed on a peaceful sit-in in Duraz village, killing five individuals and arresting hundreds, in what was the bloodiest security force action since before 2011<sup>20</sup>. The sit-in was to protest the government's decision to revoke the citizenship of prominent Shia religious leader Sheikh Isa Qassim.

## **8. Recommendations to the US Government**

The US supplies the vast majority of Bahrain's weapons and allocates millions of dollars of support to Bahrain. This support enables Bahrain to further restrict fundamental rights in a myriad of ways. Given the role that US support plays in Bahrain's machinery of repression, ADHRB calls on the US

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<sup>17</sup> "Bahrain: Drop Charges Against Activist's Family," Human Rights Watch, 24 February 2019, <https://www.hrw.org/news/2019/02/24/bahrain-drop-charges-against-activists-family>.

<sup>18</sup> Digital Rights Derailed in Bahrain, BCHR, 2016, [http://bahrainrights.org/sites/default/files/BCHR\\_Derailed\\_Web\\_0.pdf](http://bahrainrights.org/sites/default/files/BCHR_Derailed_Web_0.pdf)

<sup>19</sup> Freedom of Assembly in Bahrain: Domestic law and practice violates international law obligations, Lawyers Rights Watch Canada, Canadian Journalists for Free Expression, Bahrain Centre for Human Rights, 13 June 2013, <http://www.bahrainrights.org/sites/default/files/LRWC.CJFE%26BCHR.Bahrain.Assembly%20Rights.June.13.pdf>

<sup>20</sup> "Two Years Ago Bahrain Police Violently Cracked Down on a Peaceful Sit-In in Duraz, Killing 5." Americans for Democracy & Human Rights in Bahrain. May 22, 2019. Accessed August 05, 2019. <https://www.adhrb.org/2019/05/two-years-ago-bahrain-police-violently-cracked-down-on-a-peaceful-sit-in-in-duraz-killing-5/>.

government to thoroughly review its security assistance to Bahrain, and to ensure that its assistance is not used to violate human rights. We call upon the US to pressure the Bahraini government to respect all human rights, as enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the US should ensure that Bahrain respects the following conditions, as prerequisites for US security assistance: freedom of association, freedom of expression, freedom of peaceful assembly, the right to seek and secure funding, and the state's duty to protect.

#### **The US Should Use its Leverage to Urge Bahrain to:**

- Take appropriate measures to promote a safe, respectful, and an enabling environment for civil society, which requires the removal of legal and policy regulations that unnecessarily restrict the right to association.
- Amend the 1989 Law of Associations to ensure that undue restrictions are removed, in compliance with articles 21 and 22 of ICCPR.
- Amend law 33/2002 of Workers and Trade Unions to guarantee that undue restrictions on freedom of Association are abolished, in compliance with articles 21 and 22 of ICCPR.
- Ensure the effective and independent functioning of trade unions, CSOs, HRDs, journalists, political activists and others.
- Ensure the protection of civil society members, journalists and human rights defenders, to release all those unfairly imprisoned, and to investigate cases of harassment and torture, and hold those responsible accountable.
- Repeal the Protecting Society From Terrorism Acts law and Articles 133, 215 and 216 of the Penal Code, in compliance with the ICCPR and the UN Declaration on human rights defenders.
- Amend its laws to promote and protect human rights, in accordance with resolution 27/31 of the UNHRC.
- Ensure the protection of freedom of expression and media, by reforming legal mechanisms and refrain from its abusive censoring practices.
- Amend the Penal Code, anti-terrorism laws, the Publication law, the Anti Cybercrimes Law and other media regulations, in compliance with international law.
- Reinstate all media outlets that are unjustifiably closed.
- Guarantee an environment free from harassment or prosecution, for journalists, writers and photographers.
- Remove restrictions on access to all national and international media outlets.
- Adopt best practices put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and association in his annual report (2012), which requests simple notification, instead of explicit permission to assemble.
- Amend Law 32/2006 on Public Meetings, Processions and Gatherings, to ensure the right to freedom of peaceful assembly,
- Unconditionally and immediately release all demonstrators, journalists and HRDs detained for exercising their right to freedom of peaceful assembly.
- To investigate cases of extrajudicial killings, torture, harassment, and to hold perpetrators accountable.