



Human Rights in Bahrain: Next Steps

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Chairman McGovern, Chairman Pitts, members of the Commission, thank you for the invitation to testify on Bahrain. This hearing comes at the end of a week when Bahrain's most notable human rights defender had [an op-ed in the *New York Times*](#), only to be charged the next day with "deliberate dissemination of false news and spreading tendentious rumors that undermine the prestige of the state." In response, the *Times* ran [a stinging editorial](#) which notes that relying "on rulers who have responded to dissent with torture, tear gas, jail cells and travel bans is not a defensible long-term strategy."

As you know, the majority of Bahrainis are Shiite but the country is ruled by the Al Khalifa family, a Sunni-dominated autocratic monarchy that has shown a clear aversion to meaningful reform, despite a number of cosmetic initiatives. In 2011, the authorities used lethal force to suppress a largely peaceful pro-democracy movement, which proved to be a turning point and required the government to engage more directly – and publicly – on structural reform. Unfortunately, although King Hamad appointed an independent commission – the Bahrain Independent Commission of Inquiry (BICI) – to document human rights violations and dutifully accepted all of its recommendations, he has done little to implement the most substantive ones.

Current Context

It may look from afar that the government's crackdown has kept political unrest at bay: street protests have dwindled significantly and the November 2014 parliamentary election did see strong voter turnout. However, if you scratch the surface ever so slightly, you'll quickly see that demonstrations have decreased predominately because so many activists are incarcerated or exiled. And the election had high participation mainly from the Sunni community – which in turn endorsed a majority of the ruling family's supporters. The Shia-dominated main opposition – *Al Wifaq* – boycotted because of extreme gerrymandering and the government's hostility to meaningful reform. The cleavage reflects a deepening societal polarization to the point where the main opposition felt that participation in the election was an exercise in futility that would actually further their political disenfranchisement and badly undermine their standing with their supporters.

Indeed, since 2011, successive efforts to resolve the political impasse in Bahrain have been undermined by hardliners in the government who see the unrest exclusively as a security problem that requires a repressive and, increasingly, a sectarian response. The jailing of people like Nabeel Rajab and *Wifaq* leader Ali Salman, combined with intimidation of other dissenting voices, leaves frustrated youth with few political outlets other than violence. It also has the potential to confirm a political dynamic the hardliners, who now dominate the government, appear to be fomenting with repressive tactics. Ultimately, this can only backfire since the absence of space for peaceful dissent is likely to ripen the possibility for radicalization and instability.

On a trip to Bahrain earlier this year, Secretary Kerry asserted that Bahrain remains a "critical security partner" and an important member of the US-led coalition to fight ISIS, also known as Operation Inherent Resolve. And, while he did meet with Nabeel Rajab and several other critics of the government while in Manama, since that visit we've actually seen a marked deterioration in the human rights situation.

High profile activists are imprisoned on trumped up charges, creating a climate of fear for lower level activists. The government has started going after Shia clerics in a systematic campaign of harassment and subjected key civil society leaders and independent journalists to arbitrary travel bans. Statements calling for the release of Rajab and other opposition activists are important but their

impact is limited given the mutual security interests that tend to drive the US-Bahrain partnership. An immediate shift in the partnership may not be imminent but these days it does seem dangerously narrow and perhaps even wholly inconsistent with the wider US interests laid out by the president himself, who [noted in 2015](#) that, “When people are oppressed, and human rights are denied – particularly along sectarian lines or ethnic lines – when dissent is silenced, it feeds violent extremism.”

Efforts to Stifle Activists

In March 2016, well-known activist Zainab al-Khawaja spent three months in jail, on the basis of five convictions, four of which violated her right to free expression and one of which was the result of an unfair trial. Once she was released in June, Al-Khawaja fled the country under the threat of renewed detention. In May, the country’s most prominent opposition leader, Sheikh Ali Salman, saw his prison sentence doubled, by the First High Court of Appeals, from four to nine years despite strong evidence his initial trial was unfair. In June, Bahraini authorities dissolved *Al Wifaq*, the largest of approximately 20 licensed political societies (a term used because political parties are prohibited) on unsubstantiated accusations that they provided “a nourishing environment for terrorism, extremism, and violence.” Also in June, Bahrain authorities once again detained Nabeel Rajab, solely on charges that violate his right to free expression. He was already facing 15 years in prison for criticizing Bahrain’s participation in Saudi Arabia-led military operations in Yemen, and “offending national institutions,” based on comments about the alleged torture of inmates in Bahrain’s main prison. He now may face additional prison time as a result of his *New York Times* op-ed. Authorities have repeatedly denied his request to be released on bail – a clearly arbitrary and punitive move by the government. A verdict in his case is scheduled for early October.

One by one the Bahrain government is picking off its political opposition and rights activists. The trumped up charges and flawed trials that have led to their imprisonment appear to be part of a strategy to silence governmental opponents and intimidate others from speaking out.

Efforts to Stifle Shia Clerics

With the moderate opposition and activists now behind bars, the authorities in Bahrain have also started going after Shia clerics in a very deliberate and methodical way. On August 18, 2016, for example, a Bahraini court convicted Sheikh Ali Humaidan of “illegal gathering” and sentenced him to one year in prison for being part of a peaceful gathering outside the home of the spiritual leader, who authorities arbitrarily [stripped of his citizenship](#) a few months prior. Media reports indicate that at least eight others are facing similar charges and credible local sources told us that since June, the government has questioned or brought charges against at least 56 Shia clerics.

We recently spoke to four Shia clerics who told us that they were charged with illegal gathering; another three said they were questioned about it. The interrogation and prosecution of these clerics is an attempt to intimidate and intensify discrimination against Bahrain’s Shia Muslim community. Inevitably, such tactics feed sectarian polarization in a manner that could lead to a greater political violence down the road – particularly if there is no outlet for the growing pressure amongst the wider population – none of which show any sign of diminishing.

Recommendations

Nearly five years after King Hamad accepted the findings and recommendations of the BICI report, hope for real change is virtually absent. That said, bold gestures by the government could generate a reset and break the political impasse it has created. The best way to do this would be to release

Bahrain's imprisoned opposition leaders and activists, give the non-violent opposition and the Shia clerics the space to protest peacefully, and – over time – resume a genuine dialogue.

What can the US do to re-energize momentum for reform in Bahrain?

Public statements from the administration – and from Congress – are important and should continue. The US maintains a high degree of influence with the authorities in Manama. This is largely because of the longstanding security alliance, including the presence of the US Navy's Fifth Fleet. Over the past few years these public statements, particularly from the administration, have gotten stronger – and bolder – as the repression has intensified. This has been a welcome development because it also lets the opposition and the activists know there is renewed urgency within US policy. These statements are also important if Bahrain's rulers are testing the alliance and looking to see how much the US will tolerate – particularly given the current geopolitical dynamics in the region.

One venue that the administration should use to **amplify its concerns is the UN Human Rights Council** – the upcoming regular session starts next week in Geneva. The US could and should play a leading role in generating a joint statement from like-minded governments that call out the Bahraini government regarding the critical state of human rights there.

It is important to note, however, that as the situation in Bahrain continues to deteriorate, statements ring hollow if they are not backed up by concrete measures. In part, this means ensuring that US security assistance to Bahrain is not used for or to assist with repression or abuse and is not used by security force units with such records. It also **means exploring alternative options for basing the Fifth Fleet and support to the aircraft now flying out of Isla airbase**. This last step is not only important to up the ante in pressing the Bahrainis to resume political reform but it demonstrates just how concerned the US is by the repression, particularly against the country's Shia majority.

Finally, a global sanctioning regime like the one the **Global Magnitsky** bill intends to authorize could help add general pressure to the administration's push for meaningful political reform. Specifically, by **denying visas and access to the US** (and its banking system) to members of the security forces and judicial system credibly linked to serious crimes such as torture. By doing this, Congress could lead the administration in reasserting the commitment to accountability and the rule of law in Bahrain – a key but very absent component of any meaningful path forward.

Ultimately, if the Bahraini government believes that Congress, and the Obama administration during its final months in office, will coddle them regardless of the human rights situation, they are sure to be less responsive to US concerns. Showing a willingness to reconsider the status quo may be the best way to encourage genuine reform and to ensure the partnership doesn't go up in flames over the long term.