

Honorable Hillary R. Clinton
Secretary of State
2201 C Street, NW
Washington, DC 20520

September 10, 2012

Dear Secretary Clinton,

We are writing to alert you to credible reports that the security forces of the Government of Bahrain continue to engage in human rights violations against non-violent, pro-democracy protesters and to urge you to immediately suspend further U.S. military assistance and arms transfers to the responsible units, as required by law.

The United States Government has appropriated at least \$299 million in Foreign Military Financing (FMF) and "Section 1206" assistance to Bahrain since 2002, with \$10 million in FMF in the pipeline for FY 2012 and \$10 million requested for FY 2013.

As you know, Section 620M of the Foreign Assistance Act (the "Leahy Law") states that: "No assistance shall be furnished under this Act or the Arms Export Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights." We believe that the reports cited below constitute "credible information" and that attacks by the police and other security forces on unarmed, non-violent, pro-democracy activists rise to the level of "gross human rights violations," particularly so when the attacks resulted in death.

We provide the following information to assist you in carrying out the purposes of the law—namely, to avoid U.S. complicity with human rights violations and to create an incentive for the foreign government involved to bring human rights violators to justice.

In November 2011, the Bahrain Independent Commission of Inquiry (BICI) identified 35 people (including at least 19 protestors) killed by Bahraini security forces during the February-March 2011 demonstrations for political liberalization. BICI clearly attributed three of the deaths to the Bahrain Defense Force (BDF)¹ and found BDF, Ministry of Interior and the National Security Agency among those responsible for detaining and torturing protestors, including at BDF's Al Qurain site.² While the BICI was able in some cases to document specific units that were involved in multiple incidents, it did not name the units responsible.³ We assume, however, that the USG has sought access to this information,⁴ and that these units have been notified that they are ineligible to receive further U.S. security assistance until Bahrain takes "effective steps to bring the responsible members of the security forces unit to justice," as

¹ Report of the Bahrain Independent Commission of Inquiry (<http://www.bici.org.bh/BICIreportEN.pdf>), eg Section 848 a-e, p. 219

² BICI Report, eg Sections 1230-1238, pp. 296-298

³ BICI Report, eg Section 1020, p. 247

⁴ FAA Section 620M(d)(6) requires that the State Department "seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking".

required by Foreign Assistance Act Section 620M(b). We note that full application of this domestic law reinforces the U.S. government's call for Bahrain to implement fully the BICI Report's recommendation that investigations and prosecutions for torture and other serious crimes (such as unlawful killings) extend to higher ranks of the security forces.

In addition, Bahrain Watch has visually documented the use of some U.S. origin weapons during the initial phase of protests (February-March 2011).⁵ Members of the BDF can be seen in videos and photos attacking non-violent and unarmed pro-democracy protesters with U.S.-supplied arms, including M4 rifles sold to Bahrain as part of a 2008 arms sales package and .50 caliber machine guns mounted on M113 armored personnel carriers, of which the United States is the sole supplier to Bahrain. Again, we assume that the State Department has knowledge of which units operate U.S.-supplied arms, and that it has notified the Government of Bahrain that these units are ineligible to receive further U.S. taxpayer funded assistance until it takes the steps required by FAA 620M.

According to a June 2012 report from the Bahrain Center for Human Rights (BCHR), security forces killed 34 additional people in the five months following the release of the BICI report, bringing the total of those killed between February 2011 and June 2012 to 69. Gross human rights violations—including extra judicial killings, beatings, and torture—have continued to take place in at least four of the five police directorates (Capital/Manama, Central/Wusta, Muharraq, Northern/Shamaliyah) as well as in the Criminal Investigation Division, all controlled by the Ministry of Interior.⁶ Additionally, BCHR has documented cases of torture and extra judicial killings committed by the National Security Agency and the Special Security Force Command.⁷

International human rights organizations have also found continued evidence of gross human rights violations. Physicians for Human Rights conducted field research in Bahrain in April 2012, examining numerous cases of blunt force trauma in protestors whom had been directly targeted in their upper bodies and heads by police firing tear gas canisters at them, resulting in serious injury and death.⁸ The International Federation for Human Rights (FIDH), in a mission to Bahrain that same month, found that “peaceful demonstrations are being repressed with disproportionate use of force and the excessive use and abuse of tear gas by the security forces.”⁹ And a Human Rights Watch field research trip, also conducted in April 2012, found that police still regularly resorted to beating protestors, in some cases severely, at the time of arrest and during their transfer to police stations.¹⁰

Consistent with Section 620M(d)(6), the United States must make efforts to ascertain which units engaged in the abuses documented in these public reports. If it is not possible to identify the specific

⁵ See <http://bahrainwatch.org/arms.html>

⁶ See <http://www.hrw.org/news/2012/04/29/bahrain-police-brutality-despite-reform-pledges>, <http://www.bahrainrights.org/en/node/5304>, <http://www.bahrainrights.org/en/node/5354>, <http://www.hrw.org/news/2012/07/04/bahrain-hold-police-accountable-teargas-episode>

⁷ See <http://bahrainrights.hopto.org/en/node/5202>, <http://www.bahrainrights.org/en/node/5357>, <http://www.bahrainrights.org/en/node/5363>

⁸ PHR found that the Bahrain government violates UN principles and human rights law by its unprecedented transformation of riot chemical agents into weapons used methodically to attack civilians, resulting in superfluous and sometimes life-threatening harm to men, women and children. See https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf

⁹ See <http://www.fidh.org/Governmental-Declarations-on>

¹⁰ See <http://www.hrw.org/news/2012/04/29/bahrain-police-brutality-despite-reform-pledges>

unit that engaged in abuses, to ensure compliance with the mandate of Section 620M, the United States must suspend assistance to the overall unit known to have engaged in the abuse, in this case the BDF, Bahraini police or other security service. We believe that it would be inconsistent with U.S. law to continue assistance to the BDF, police or other security service knowing that units of those entities have engaged in abuses and that the perpetrators have not been brought to justice, even if the United States does not know which specific units are committing the abuses.

As you also know, the Leahy Law mandates that the U.S. government notify the government of Bahrain of any units that have been declared to be ineligible for U.S. assistance and offer assistance in bringing the individuals who committed human rights crimes to justice. We look forward to receiving your assurance that these steps—required by law—have been taken concerning Bahraini units engaging in assaults on unarmed civilian pro-democracy protestors.

Finally, we note that the U.S. conventional arms transfer policy (PDD-34) requires the administration to “examine closely” the human rights record of the recipient, and that security assistance to governments engaged in a pattern of abuses is generally prohibited by Foreign Assistance Act Section 502B. The interdependence of the Bahraini security forces—where the BDF and National Guard are both tasked with assisting the police and other forces with internal security,¹¹ and where equipment has been shared between them in the past¹²—make this law and policy particularly relevant. Whether pending arms transfers are “assistance” or “sales,” the human rights violations perpetrated with weapons and equipment previously supplied by the United States mandates that both assistance and sales to the BDF and police cease immediately.

We would welcome the opportunity to meet with you or others in the Department of State to discuss these gross violations of human rights and to answer any questions you may have about the information we have provided.

Sincerely,

Husain Abdulla, Director, Americans for Democracy and Human Rights in Bahrain

Souhayr Belhassen, President, International Federation for Human Rights (FIDH)

Christophe Deloire, Director, Reporters Without Borders

Brian Dooley, Director, Human Rights Defenders Program, Human Rights First

Charles W. Dunne, Director of Middle East and North Africa Programs, Freedom House

Hans Hogrefe, Director, Washington Office, Physicians for Human Rights

Stephen McInerney, Executive Director, Project on Middle East Democracy

¹¹ BICI Report, Chapter III, p. 139

¹² Jane’s Sentinel Security Assessment: The Gulf States, Bahrain, September 7, 2011

Robert Naiman, Policy Director, Just Foreign Policy

Stephen Rickard, Director, Washington Office, Open Society Foundations

Joe Stork, Deputy Director, Middle East Division, Human Rights Watch

James E. Winkler, General Secretary, United Methodist Church, General Board of Church and Society

cc: Honorable A. Elizabeth Jones, Acting Assistant Secretary of State for Near Eastern Affairs
Honorable Harold H. Koh, Legal Advisor, U.S. State Department
Honorable Thomas C. Krajeski, U.S. Ambassador to Bahrain
Honorable Patrick J. Leahy, U.S. Senator
Honorable Michael H. Posner, Assistant Secretary of State for Democracy, Human Rights and Labor
Honorable Andrew J. Shapiro, Assistant Secretary of State for Political-Military Affairs

Replies to this letter should be addressed to Cole Bockenfeld, Director of Advocacy, Project on Middle East Democracy, cole.bockenfeld@pomed.org, (202) 828-9660 (office) x21