

114TH CONGRESS
1ST SESSION

S. 2009

To prohibit the sale of arms to Bahrain.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2015

Mr. WYDEN (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To prohibit the sale of arms to Bahrain.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “The Bahrain Inde-
5 pendent Commission of Inquiry (BICI) Accountability Act
6 of 2015”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) The Kingdom of Bahrain is a party to sev-
10 eral international human rights instruments, includ-
11 ing the International Covenant on Civil and Political
12 Rights, adopted December 16, 1966, and entered

1 into force March 23, 1976, and the Convention
2 Against Torture and Other Cruel, Inhuman or De-
3 grading Treatment or Punishment, done at New
4 York, December 10, 1984.

5 (2) The citizens of Bahrain significantly inten-
6 sified their calls for government reform and respect
7 for human rights in February 2011, with hundreds
8 of thousands participating in nonviolent demonstra-
9 tions.

10 (3) Article 1 of the Royal Order No. 28 of July
11 1, 2011, established the Bahrain Independent Com-
12 mission of Inquiry (BICI) and mandated the Com-
13 mission “to investigate and report on the events oc-
14 ccurring in Bahrain in February/March 2011, and
15 any subsequent consequences arising out of the
16 aforementioned events, and to make such rec-
17 ommendations as it may deem appropriate”.

18 (4) The BICI was composed of well-renowned
19 international human rights experts who were author-
20 ized to investigate human rights violations and rec-
21 ommend measures for accountability.

22 (5) The BICI received approximately 9,000
23 written complaints from both Bahraini citizens and
24 foreign residents who claimed to be victims of
25 human rights violations, and the BICI conducted

1 over 5,000 personal interviews with those individ-
2 uals.

3 (6) The 503-page BICI report “investigating
4 and reporting on the events that took place in Bah-
5 rain from February 2011, and the consequences of
6 those events” was submitted to the Government of
7 Bahrain on November 23, 2011.

8 (7) The BICI report made 26 “recommenda-
9 tions for reconsideration of administrative and legal
10 actions, and recommendations concerning the insti-
11 tutionalization of mechanisms designed to prevent
12 the recurrence of similar events, and how to address
13 them”.

14 (8) The King of Bahrain received the BICI re-
15 port on November 23, 2011, and pledged to “con-
16 ceive and implement reforms that satisfy all seg-
17 ments of our population” to achieve national rec-
18 onciliation.

19 (9) The Department of State stated on May 11,
20 2012, “While the Government of Bahrain has begun
21 to take some important steps to implement the rec-
22 ommendations of the Bahrain Independent Commis-
23 sion of Inquiry report, the country is becoming in-
24 creasingly polarized and much work remains to be
25 done.”.

1 (10) On August 14, 2013, the Department of
2 State submitted a report to Congress entitled “Im-
3 plementation of Recommendations by the Bahrain
4 Independent Commission of Inquiry”, which deter-
5 mined only 5 of the 26 recommendations of the
6 BICI report to be “fully Implemented” by the Gov-
7 ernment of Bahrain.

8 (11) The BICI report determined that the Bah-
9 rain Defence Force “was one of the main organs in-
10 volved in the implementation of Royal Decree No. 18
11 of 2011 pursuant to which the State of National
12 Safety was declared in Bahrain”.

13 (12) The BICI report found the Bahrain
14 Defence Force units “holding law enforcement pow-
15 ers executed arrest warrants against some individ-
16 uals, including doctors employed by the Salmaniya
17 Medical Complex (SMC) and former parliamentar-
18 ians”.

19 (13) Human Rights First has found that no of-
20 ficials from the Bahrain Defence Force have been
21 held accountable for excessive use of violence against
22 peaceful protesters since 2011.

23 (14) Amnesty International determined that op-
24 position leader Ali Salman is a prisoner of con-

1 science who was sentenced to four years in prison,
2 after an unfair trial, on June 15, 2015.

3 (15) According to the Project on Middle East
4 Democracy, the Government of Bahrain summoned
5 Bahraini opposition leader Khalil al-Marzooq over an
6 investigation into insulting a government ministry
7 and inciting hatred on June 30, 2015, and July 1,
8 2015.

9 (16) According to the Americans for Democracy
10 and Human Rights in Bahrain, the Government of
11 Bahrain re-arrested the recently released Bahraini
12 opposition leader Ibrahim Sharif in connection with
13 a speech in which he peacefully criticized the govern-
14 ment and called for political reform on July 12,
15 2015.

16 (17) The Department of State's 2014 Human
17 Rights Report on Bahrain released on June 25,
18 2014, found, "The most serious human rights prob-
19 lems included . . . arrest and detention of protesters
20 (some of whom were violent) on vague charges, occa-
21 sionally leading to their torture and mistreatment in
22 detention; and lack of due process in trials of polit-
23 ical and human rights activists, students, and jour-
24 nalists, including harsh sentences."

1 (18) The Department of State announced on
2 June 29, 2015, the decision to lift the holds on secu-
3 rity assistance to the Bahrain Defence Force and
4 National Guard that were implemented following
5 Bahrain's crackdown on demonstrations in 2011.

6 **SEC. 3. PROHIBITION ON SALE OF CERTAIN ARMS TO BAH-**
7 **RAIN.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the United States Government may not sell
10 or transfer to the Government of Bahrain any of the items
11 set forth in subsection (b) until the Secretary of State cer-
12 tifies that the Government of Bahrain has fully imple-
13 mented all 26 recommendations set forth in the 2011 Bah-
14 rain Independent Commission of Inquiry (BICI) report.

15 (b) PROHIBITED ITEMS.—The items referred to in
16 subsection (a) are as follows:

17 (1) Tear gas.

18 (2) Small arms.

19 (3) Light weapons.

20 (4) Ammunition for small arms and light weap-
21 ons.

22 (5) Humvees.

23 (6) Other items that could reasonably be used
24 for crowd control purposes.

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