

112TH CONGRESS
1ST SESSION

S. J. RES.

Limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN introduced the following joint resolution; which was read twice and referred to the Committee on _____

JOINT RESOLUTION

Limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain.

Whereas the Kingdom of Bahrain is a party to several international human rights instruments, including the International Covenant on Civil and Political Rights, adopted December 16, 1966, and entered into force March 23, 1976, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas the Government of Bahrain had made several notable human rights reforms during the 2000s;

Whereas, despite those reforms, significant human rights concerns remained in early 2011, including the alleged mistreatment of detained persons and the discrimination

against certain Bahraini citizens in the political, economic, and professional spheres of Bahrain;

Whereas this discrimination has included the banning of particular religious groups from holding specific government positions, including the military and security services, without reasonable justification;

Whereas hundreds of thousands of protesters in the Kingdom of Bahrain have significantly intensified their calls for government reform and respect for human rights starting in February 2011;

Whereas independent observers, including the Department of State, Human Rights Watch, Human Rights First, Amnesty International, and Freedom House, found that the majority of protesters have been peaceful in their demands, and that acts of violence by protesters have been rare;

Whereas the Government of Bahrain has systematically suppressed the protests through a wide range of acts constituting serious and grave violations of human rights;

Whereas, according to the Project of Middle East Democracy, at least 32 people have been killed by the Government of Bahrain's security forces since February 2011;

Whereas at least three deaths occurred while the individuals were in detention, according to the Ministry of Interior of the Government of Bahrain;

Whereas there have been credible reports from Human Rights Watch, Human Rights First, Physicians for Human Rights, and the Bahrain Center for Human Rights of severe mistreatment of detainees, including acts rising to the level of torture;

Whereas the Government of Bahrain has investigated and prosecuted individuals who were only peacefully exercising their rights to freedom of expression, political opinion, and assembly;

Whereas the Government of Bahrain has continued to prosecute civilians, including medical professionals, in military-security courts;

Whereas cases continued to be tried in the military-security courts despite promises by the Government of Bahrain to transfer those cases to civilian venues;

Whereas the military-security courts' procedures and actions severely limited due process rights or complied with due process formally rather than substantively;

Whereas the Government of Bahrain's recent promises to have civilian courts hear the appeals from military-security courts are insufficient to rectify the due process violations that occurred at the trial stage;

Whereas the Government of Bahrain has moved quickly to prosecute and sentence political opponents to lengthy prison terms, while at the same time slowly investigating, or failing to investigate at all, government and security officials who appear to have committed or assisted in human rights violations against political opponents;

Whereas Physicians for Human Rights has documented that the Government of Bahrain's security forces have targeted medical personnel by abducting medical workers, abusing patients, intimidating wounded protesters from accessing medical treatment, and sentencing medical professionals to lengthy prison terms in the military-security courts for protesting the government's interference in treating injured protesters;

Whereas the Government of Bahrain has destroyed more than 40 Shi'a mosques and religious sites throughout Bahrain since February 2011;

Whereas Bahrain's legislative lower house, the Council of Representatives (Majlis an-nuwab) is constituted of disproportionately drawn districts that violates the principle of equal suffrage for Bahraini citizens, particularly the Shi'a community;

Whereas the Government of Bahrain employed tactics of retribution against perceived political opponents, dismissing more than 2,500 workers, academics, medics, and other professionals from their places of employment;

Whereas the Government of Bahrain has violated international labor standards through the dismissals of the aforementioned citizens;

Whereas the Department of Labor has received an official complaint regarding the failure of the Government of Bahrain to live up to its commitments with respect to workers' rights under its Free Trade Agreement with the United States;

Whereas the state-run media of Bahrain have gone beyond legitimate criticism of political opponents towards explicitly and implicitly threatening the physical safety and integrity of those opponents specifically and the Shi'a community generally, creating greater animosity amongst the entire population and making reconciliation of all Bahraini citizens more difficult;

Whereas the Government of Bahrain has expelled international journalists and stopped issuing visas to journalists on grounds that do not appear to be justified by legitimate safety or security concerns;

Whereas the Department of State included Bahrain among a list of countries necessitating additional human rights scrutiny in a June 15, 2011, submission to the United Nations Human Rights Council;

Whereas the Government of Bahrain has taken limited positive measures in recent months, including agreeing to allow the establishment of the Bahrain Independent Commission of Inquiry (BICI) composed of well-renowned international human rights experts who are authorized to investigate human rights violations and recommend measures for accountability;

Whereas the BICI human rights report is due to be submitted to the Government of Bahrain on October 30, 2011;

Whereas the Department of Defense notified Congress on September 14, 2011, of a proposed military arms sale to Bahrain worth approximately \$53,000,000;

Whereas the Department of State notified Congress on September 13, 2011, of a proposed obligation of Foreign Military Funds in the amount of \$15,461,000 for the upgrading and maintenance of certain military equipment;

Whereas other military allies of the United States, including the United Kingdom, France, Spain, and Belgium, have suspended or limited certain licenses and arms sales to Bahrain since February 2011;

Whereas evidence gathered from protesters by the Bahrain Center for Human Rights indicated that tear gas canisters used against peaceful protesters contained markings which showed they were manufactured in the United States; and

Whereas providing military equipment and provisions for upgrades to a government that commits human rights violations and that has undertaken insufficient measures to seek reform and accountability is at odds with United States foreign policy goals of promoting democracy, human rights, accountability, and stability: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. LIMITATION ON CERTAIN PROPOSED SALES OF**
4 **DEFENSE ARTICLES AND DEFENSE SERVICES**
5 **TO THE KINGDOM OF BAHRAIN.**

6 (a) **LIMITATION.**—The issuance of a letter of offer
7 with respect to each proposed sale of defense articles and
8 defense services to the Kingdom of Bahrain referred to
9 in subsection (b) is hereby prohibited unless the Secretary
10 of State certifies to the Committee on Foreign Relations
11 of the Senate and the Committee on Foreign Affairs of
12 the House of Representatives that—

13 (1) the Government of Bahrain is conducting
14 good faith investigations and prosecutions of alleged
15 perpetrators responsible for the killing, torture, arbitrary
16 detention, and other human rights violations
17 committed since February 2011;

18 (2) the prosecutions of alleged perpetrators in
19 paragraph (1) is being carried out in transparent ju-

1 dicial proceedings conducted in full accordance with
2 Bahrain's international legal obligations;

3 (3) the Government of Bahrain has ceased all
4 acts of torture and other inhumane treatment in its
5 detention facilities;

6 (4) the Government of Bahrain has released
7 and withdrawn criminal charges against all individ-
8 uals who were peacefully exercising their right to
9 freedom of expression, political opinion, and assem-
10 bly;

11 (5) the Government of Bahrain is permitting
12 nondiscriminatory medical treatment of the sick and
13 injured, and is ensuring unhindered access to med-
14 ical care and treatment for all patients;

15 (6) the Government of Bahrain is protecting all
16 Shi'a mosques and religious sites and is rebuilding
17 all Shi'a mosques and religious sites destroyed since
18 February 2011;

19 (7) the Government of Bahrain has redrawn the
20 districts of the Council of Representatives (Majlis
21 an-nuwab) in a proportional manner that allots the
22 same number of residents, or reasonably nearly the
23 same number of residents with minimal variation,
24 for each district;

1 (8) the Government of Bahrain has lifted re-
2 strictions on government employment, including in
3 the military and security forces, based on discrimi-
4 natory grounds such as religion and political opin-
5 ion;

6 (9) the Government of Bahrain has reinstated
7 all public and government-invested enterprises' em-
8 ployees who were dismissed from their workplace for
9 peacefully exercising their right to freedom of ex-
10 pression, political opinion, and assembly;

11 (10) the Government of Bahrain has set stand-
12 ards for private sector compliance covering the rein-
13 statement of its employees who were dismissed from
14 their workplace for peacefully exercising their right
15 to freedom of expression, political opinion, and as-
16 sembly;

17 (11) the Government of Bahrain is protecting
18 the right of all individuals, including political oppo-
19 nents of the Government, to peacefully exercise their
20 right to freedom of expression, political opinion, and
21 assembly without fear of retribution;

22 (12) the Government of Bahrain has ceased
23 using the media under its control to threaten the
24 physical safety and integrity of political opponents

1 and other Bahraini citizens, particularly those in the
2 Shi'a community;

3 (13) the Government of Bahrain is permitting
4 the entry of international journalists to Bahrain ex-
5 cept in extremely exceptional cases where the Gov-
6 ernment clearly shows with evidence and in good
7 faith that the entry of an international journalist is
8 a legitimate safety or security concern;

9 (14) the Bahrain Commission of Inquiry (BICI)
10 has submitted its final report to the Government of
11 Bahrain;

12 (15) the BICI's final report's factual findings
13 and conclusions are consistent with information
14 known to the Secretary of State about the human
15 rights violations occurring in Bahrain since Feb-
16 ruary 2011;

17 (16) the Government of Bahrain is undertaking
18 good faith implementation of all recommendations
19 from the BICI's final report that address alleged
20 human rights violations by the Government of Bah-
21 rain since February 2011; and

22 (17) the Government of Bahrain has under-
23 taken a good faith dialogue among all key stake-
24 holders in Bahrain which is producing substantive
25 recommendations for genuine reforms that meet the

1 reasonable democratic aspirations of Bahrain's citi-
2 zens and comply with universal human rights stand-
3 ards.

4 (b) PROPOSED SALES OF DEFENSE ARTICLES AND
5 DEFENSE SERVICES.—The proposed sales of defense arti-
6 cles and defense services to the Government of Bahrain
7 referred to in this subsection are those specified in the
8 certifications transmitted to the Speaker of the House of
9 Representatives and the Chairman of the Committee on
10 Foreign Relations of the Senate pursuant to section 36(b)
11 of the Arms Export Control Act (22 U.S.C. 2776(b)) on
12 September 14, 2011 (Transmittal Number 10–71).