

May 21, 2018

The Honorable Senator Bob Corker
Chairman, US Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, DC 20510-06225

The Honorable Senator Bob Menendez
Ranking Member, US Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, DC 20510-06225

Dear Chairman Corker and Ranking Member Menendez,

We write to you in your roles as the Honorable Chairman and Ranking Member of the Senate Committee on Foreign Relations to raise concerns regarding the State Department's notification of a proposed Foreign Military Sale to Bahrain of AH-1Z attack helicopters for an estimated cost of \$911.4 million.¹ Our primary concerns regarding this sale are centered on the Bahraini military's increasing role in domestic repression,² and that this sale will be a public display of support for this institution at precisely the wrong time. The deal was notified on April 27, 2018 – just two days after Bahrain's Military Court of Cassation upheld death sentences for civilian detainees following an unfair trial marred by reports of torture, enforced disappearance, and significant due process violations.³ We feel that it is important for the Senate Foreign Relations Committee to reject any show of unreserved US support for the Bahraini military and to block this arms sale.

In April 2017, the Bahraini government amended the constitution and the Military Judiciary Law to allow military courts to try civilians accused of national security offenses, which include charges that violate free expression and criminalize criticism of the authorities.⁴ In December 2017, Bahrain concluded its first military trial of civilians following the amendments.⁵ The Military High Court convicted and sentenced 13 men, six of whom were given death sentences in addition to 15 years in prison. It sentenced the other seven civilians to seven years imprisonment. This trial was rife with due process violations, including restricting defense lawyers' access to evidence and witnesses that were deemed classified. Furthermore, individuals prosecuted by the military are held in Bahrain Defence Force (BDF) facilities, and defendants were subjected to enforced disappearance, incommunicado detention, and torture while in military custody. Despite evidence of abuse, the highest military court confirmed the

¹ "Bahrain – AH-1 Z Attack Helicopters," Defense Security Cooperation Agency, April 27, 2018, http://www.dscs.mil/sites/default/files/mas/bahrain_16-36.pdf.

² "Trump Administration Approves new Arms Sales to Bahrain Despite Military Abuses," ADHRB, last modified May 1, 2018, <http://www.adhrb.org/2018/05/trump-administration-approves-new-arms-sales-to-bahrain-despite-military-abuses/>.

³ "NGOs Condemn Confirmation of Civilian Sentences by Bahrain Military Court: Four at Risk of Imminent Execution," ADHRB, April 25, 2018, <http://www.adhrb.org/2018/04/ngos-condemn-confirmation-of-civilian-sentences-by-bahrain-military-court-four-at-risk-of-imminent-execution/>.

⁴ "Bahrain's king approves military trials for civilians," BBC, last modified April 3, 2017, <http://www.bbc.com/news/world-middle-east-39478101>.

⁵ "Bahrain Issues Six New Death Sentences for Terror Charges in Military Trial," ADHRB, December 26, 2017, <https://www.adhrb.org/2017/12/bahrain-issues-six-new-death-sentences-for-terror-charges/>.



ruling of the December case on April 25, 2018 – two days before the current arms sale to the BDF was announced. While the king chose to commute four of the six death sentences issued by the BDF to life imprisonment, he ultimately ratified the outcome of the trial.⁶

The Bahraini government has also increased the military's control over other civilian sectors of society, including the health care system.⁷ Bahrain's public hospitals are either directly or indirectly run by military administration, with Lieutenant General Dr. Sheikh Mohammed bin Abdullah Al Khalifa – who previously served simultaneously as defense minister⁸ – leading the kingdom's Supreme Health Council, to which the Ministry of Health is subordinate. Private hospitals are required to report patients that appear to have been injured in protests, while security personnel are often present throughout hospital facilities and can delay treatment with interrogations. In February 2018, the king issued a decree further expanding the security forces' authority over the ambulance services. This militarization of the healthcare system has severely undermined civilians' ability to access impartial treatment.

Moreover, Bahrain's military is an active participant in Saudi Arabia's disastrous intervention in Yemen, which has contributed to one of the world's worst humanitarian crises. Two of the king's sons – Royal Guard Commander Sheikh Nasser bin Hamad and Royal Guard Special Forces Commander Sheikh Khalid bin Hamad – have personally led contingents of a BDF Special Task Force deployed to Yemen,⁹ and the Royal Bahraini Air Force has committed American-made F-16s to the bombing campaign.¹⁰ In 2015 and 2016, the task force saw combat in Ma'rib, where the Saudi coalition was reported to have repeatedly bombed markets and other civilian targets.¹¹ Compounding allegations of war crimes committed by the coalition and its BDF contingent, Royal Guard Commander Sheikh Nasser is directly implicated in torturing protesters, activists, and dissidents back in Bahrain. Rather than investigate the allegations, however, the king recently promoted Sheikh Nasser to a post on the Supreme Defence Council – Bahrain's highest security authority.¹²

With the recent increase in domestic repression by Bahrain's military, and its role in the catastrophic Yemen war, it is alarming that the Trump Administration authorized another unconditional arms sale amid these blatant rights abuses. The new arms deal sends a message that the U.S. is unconcerned with military trials of civilians, torture, enforced disappearance, and other gross human rights violations perpetrated by the Bahraini military, and we are concerned that this sale will further implicate the U.S. in abuses committed by the BDF. We therefore call on you and your colleagues to oppose this arms sale, and to urge the Administration to press for human rights reforms in Bahrain.

⁶ "Bahrain Military Court Death Sentences Ratified but Reduced to Life Imprisonment," ADHRB, April 26, 2018, <http://www.adhrb.org/2018/04/bahrain-military-court-death-sentences-ratified-but-reduced-to-life-imprisonment-2018/>.

⁷ "Dispatch: Security Forces Continue to Threaten Medical Impartiality in Bahrain," ADHRB, March 15, 2018, <https://www.adhrb.org/2018/03/dispatch-security-forces-continue-to-threaten-medical-impartiality-in-bahrain/>.

⁸ "Mohammed bin Abdullah Al Khalifa Award for Scientific Research winners honoured," Bahrain News Agency, October 23, 2014, <http://www.bna.bh/portal/en/news/638311>

⁹ "HRH Crown Prince visits Royal Guards Headquarters," Bahrain News Agency, August 6, 2017, <http://www.bna.bh/portal/en/news/796770>

¹⁰ Anthony Cordesman and Abdullah Toukan, *Iran and the Gulf Military Balance*, Center for Strategic and International Studies, October 3, 2016, https://csis-prod.s3.amazonaws.com/s3fs-public/publication/161004_Iran_Gulf_Military_Balance.pdf

¹¹ Ewen MacAskill and Paul Torpey, "One in three Saudi air raids on Yemen hit civilian sites, data shows," *The Guardian*, September 16, 2016, <https://www.theguardian.com/world/2016/sep/16/third-of-saudi-airstrikes-on-yemen-have-hit-civilian-sites-data-shows>

¹² "Bahrain: Sheikh Nasser Appointed to Top Security Post despite Evidence of Torture," ADHRB, October 4, 2017, <https://www.adhrb.org/2017/10/bahrain-sheikh-nasser-appointed-to-top-security-post-despite-evidence-of-torture/>



Sincerely,

Americans for Democracy & Human Rights in Bahrain (ADHRB)

Amnesty International USA

Friends Committee on National Legislation

Just Foreign Policy

Project on Middle East Democracy

Win Without War

Yemen Peace Project