

Tinkering Around *the* Edges

BRITISH FOREIGN POLICY IN BAHRAIN, 2011-2016



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The Bahrain Institute for Rights and Democracy (BIRD) is a London-based non-profit organisation focusing on advocacy, education and awareness for the calls of democracy and human rights in Bahrain.

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Summary

This report investigates British foreign policy in Bahrain, with a focus on the UK's human rights policies from 2011 until present. It analyses three threads of UK foreign policy towards Bahrain – human rights, economic and security – and finds that human rights have been undermined. Bottom-up movements for greater freedoms and political participation within Bahrain reveal a local desire for change. This has gone unmet by the Government of Bahrain's post-Arab Spring reform programme: as repression has become institutionalised, core issues remain unresolved. The UK has been heavily involved in many aspects of Bahrain's human rights, political and security programmes. But while Bahrain's policies have largely been regressive, the UK has appeared as an unconditional ally to the country, damaging its credibility. In its current form, the UK's impact is a net negative. However, the formation of a new foreign policy on the Gulf provides an opportunity to address these issues.

The UK's human rights policies on Bahrain developed as a response to the 2011 Arab Spring events in the country, during which dozens were killed, hundreds of protesters were arbitrarily arrested, systematically tortured and tried by military courts, and civil institutions were subjected to closure and government takeovers. Under international scrutiny, the Bahrain Independent Commission of Inquiry (BICI) was formed, and their report and recommendations, submitted to the King of Bahrain, were to be the underpinnings of a new human rights and political reform programme in the country. In November 2015, BIRD found that only two of the 26 of the BICI's recommendations had been fully implemented, eight remain not implemented, with the remainder only partially implemented.¹

The UK began its technical assistance programme in 2012, and has spent around £3.87m on projects in Bahrain. But, thus far, the UK's technical assistance has not helped address the rights climate, while the UK's positive rhetoric on Bahrain has had the opposite effect. For example, on 30 May 2016, on the same day that leading opposition politician Sheikh Ali Salman's prison sentence was unfairly increased from four years to nine, eliciting international criticism,² Foreign Secretary Philip Hammond welcomed the Government of Bahrain's "commitment to continuing reforms."³ This contradiction between deteriorations in Bahrain's human rights situation and the UK's praise of progress, neatly summed in the two contemporaneous events, is at the heart of a relationship which is sending deeply misleading messages on human rights in Bahrain and the Gulf. The UK has not called for the release of any major political prisoners nor criticised the introduction of expansive, repressive legislation. In contrast, UK praise of Bahrain comes quickly and often.

The FCO promotes Bahrain as continuing to implement political and human rights reforms, despite many indicators to the contrary. Bahrain's listing as a Human Rights Priority Country in the latest FCO Human Rights and Democracy Report (published April 2016) provides an opportunity for positive changes in the FCO's approach. The priority country label means that the FCO recognises concerns over Bahrain and considers itself able to affect conditions there. But the FCO currently uses this priority to present a misleading assessment of Bahraini reforms not shared by international observers. While the UK has praised Bahrain, in March 2016, the UN High Commissioner for Human Rights called for "profound reform" in the country.⁴

1 BIRD, Americans for Democracy & Human Rights in Bahrain (ADHRB), Bahrain Center for Human Rights (BCHR), *Shattering the Façade: A Report on Bahrain's Implementation of the Bahrain Independent Commission of Inquiry (BICI) Recommendations Four Years On*, November 2015, http://birdbh.org/wp-content/uploads/2015/11/Shattering_the_Facade_Web.pdf.

2 Human Rights Watch, *Bahrain: 9-Year Sentence for Opposition Leader*, 2 June 2016, <https://www.hrw.org/news/2016/06/02/bahrain-9-year-sentence-opposition-leader>.

3 Twitter, Philip Hammond @PHammondMP, 30 May 2016, <https://twitter.com/PHammondMP/status/737284713107337221>.

4 UN Human Rights Office of the High Commissioner, *Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, to the Human Rights Council's 31st Session*, 10 March 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E>.

Political will for substantive reform is absent in Bahrain, and the UK's policies allow the Government of Bahrain to ignore international criticism. In the absence of political will for reform, the assistance becomes counter-productive. It creates a façade of progress. Unless there is a will to implement rule of law reforms which would ensure self determination and the freedoms of speech, assembly and association for human rights defenders, civil society and politicians; ensure the independence and sustainability of human rights mechanisms; and allow human rights and democratic changes to be pursued through national frameworks, the UK's technical assistance will continue to fail.

The FCO's policies in Bahrain are unsustainable. The Ombudsman and other mechanisms established with FCO support are fundamentally flawed, lacking independence from the state, and there exist no national mechanisms, for instance an independent legislature and judiciary, which can enforce or guarantee their independence. Political will and rule of law reform are the missing pieces to this puzzle. Until November 2014, the FCO had been promoting and aiding the facilitation of a national dialogue between the government and the opposition in Bahrain, but these ended inconclusively. This marked the end of any political will for reform. Since then, the UK has ended active support of political reconciliation and dialogue, which is key towards attaining substantive political and civil rights reform. As a result, Bahrain's political will to implement substantive reform also reduced.

The UK, with its significant investment in its relationship with the Gulf, risks being an enabler of repressive states. This risk surfaced explicitly in December 2014, when the announcement of the new Royal Navy base in Mina Salman fuelled unprecedented Bahraini protests against the UK. It came just weeks after Bahrain's first general election since the Arab Spring, which went ahead despite the failed national dialogue, and weeks before the arrest and prosecution of opposition leader Sheikh Ali Salman. This base is the first British military base in the region since the retreat of the Empire in 1971, when Bahrain, Oman, the United Arab Emirates and Qatar all gained independence from the UK.

Requests made under the Freedom of Information Act 2000 reveal that this base's construction has been "gifted" by Bahrain to the UK. In the year and a half since the base's announcement, UK support for national dialogue has ended, while its rhetorical support has increased. In an unprecedented move, in 2015 the UK sent a delegation ahead of a UN Human Rights Council session to promote Bahrain's rights progress, essentially advocating on the Government of Bahrain's behalf to other state parties at the UN. The UN Special Rapporteur on Torture has criticised this relationship, and recently said that Bahrain has "played the UK's support to maximum effect."⁵

As well, the UK continues to sell arms to Bahrain, in part under assurances that the Bahrain Defence Force (BDF) will not be deployed against protestors. This assurance must be reviewed in light of recent statements by the BDF Command suggesting preparedness to deploy within Bahrain. Yet more alarming is the BDF's sectarian nature: the Bahrain Institute for Rights and Democracy (BIRD) has seen copies of books published and circulated by the BDF promoting Wahhabist ideologies, which state that Shia should "either repent or be killed." The BDF has no Shia soldiers or officers within its command structure, despite Shia forming a majority of Bahrain's population. This issue's significance is heightened by the current religious tensions gripping the region.

The FCO and UK Trade and Investment (UKTI) downplay political risk in the country. Closer military relations with the UK have bolstered the Bahraini government, while the FCO's poorly substantiated claims of human rights progress have shielded Bahrain from stronger multi-

5 BuzzFeed, *UN Torture Expert Says Britain Should Pressure Bahrain to Allow Him To Visit*, 1 June 2016, https://www.buzzfeed.com/alanwhite/un-torture-expert-says-britain-should-pressure-bahrain-to-al?utm_term=.kaIKPwMBV#.clnzDr93.

lateral human rights stances at an international level. Taken together with the positive human rights reporting and lack of overt criticism of clear-cut rights violations, these trends lend to the conclusion that Bahrain has ‘bought’ British silence. British silence, particularly on major political prosecutions, the introduction of repressive laws and restrictions of civil society space – three major state actions undermining rule of law – sets British human rights policies in Bahrain on a path of failure.

Five years on, the underlying causes of the 2011 Arab Spring have gone unmet. The same human rights and political concerns which instigated the largest protest movement in Bahrain’s history exist today: self-determination is denied, torture remains systematic, there is no rule of law, and civil society space continues to diminish under state restrictions and repressive laws. Civil and political freedoms are more tightly constricted now than five years ago, a fact reflected in the continued imprisonment of nearly every leading political opposition figure. These unresolved issues alongside Bahrain’s history of political dissent and human rights activity easily lend to the conclusion that these problems will resurface.

When Prime Minister David Cameron told the Kuwaiti parliament in 2011 that “for decades, some have argued that stability required highly controlling regimes, and that reform and openness would put that stability at risk ... and to be honest, we should acknowledge that sometimes we have made such calculations in the past”, he described it as “a false choice.”⁶ At the time, the Prime Minister had the benefit of being the new premier of a new parliament to break from that past. However, the trajectory of UK government policy since then, and following the 2015 General Election, has been to view human rights and democracy as separate from stability and security in the Gulf. The current government has fallen into the false choice identified as long ago as 2011.

The human rights policy recommendations set out in this report are not in conflict with the UK’s security and economic policies. Indeed, human rights and democratic reforms in Bahrain would provide greater long-term stability, an idea reinforced by rhetoric within the National Security Strategy, of which the new yet-to-be-published Gulf Strategy is a part. But the observed trends in UK policy suggest that the Gulf Strategy will lack that rhetoric and, if absent of it, the policy will reinforce the negative effects of the current human rights policy to Bahrain and the Gulf.

Only substantive rule of law reform which allows national methods of human rights activism, political activism and accountability can provide sustainable, national resolutions to Bahrain’s political and human rights crises. Much of the infrastructure – legislative bodies, accountability mechanisms, a judiciary – already exists, but have been co-opted to shield the state from citizen demands, rather than to protect vulnerable dissenters from government transgressions. There is an absence of political will to reform this infrastructure in Bahrain, and the Bahraini government’s disregard for substantive rule of law reform is bolstered by the current UK policy and technical assistance.

The UK’s current policies shield the Government of Bahrain from international criticism. Technical assistance can be improved by being conditional, with clear timeframes and repercussions. The key condition is political will and confidence-building measures. It requires that Bahrain abides by its international obligations, and the UK should suspend technical assistance until Bahrain introduces key assurances. In the current absence of political will by Bahrain and lack of conditions by the UK, the FCO’s policy has had the net effect of shoring up the Government of Bahrain against both international and internal bottom-up pressures to reform – most notably at the UN Human Rights Council in Geneva. The current technical assistance has failed to promote substantive civil and political rights reform. Indeed, national reconciliation and dialogue dropped

6 Cabinet Office, *Prime Minister’s Speech to the National Assembly Kuwait*, 22 February 2011, <https://www.gov.uk/government/speeches/prime-ministers-speech-to-the-national-assembly-kuwait>.

off UK priorities in late 2014. UK assistance to Bahrain should allow independent assessments to the programme and be conditional to Bahrain's cooperation with the UN Special Procedures, particularly the Special Rapporteur on Torture. The UK should be prepared to criticise human rights abuses and negative trends when they occur. Taking a more frank and honest approach will improve the credibility of UK programmes, which should promote internal, independent and sustainable reform, the creation of more inclusive and powerful legislatures and political systems and the loosening of human rights restrictions in Bahraini law.

The effects of this failure to reform in Bahrain are likely to emerge within the coming years, during the current UK parliamentary term. This risk is heightened by Bahrain's economic stagnation, partially caused by the depressed oil price and exacerbated by five years of state policy focused on enlarging the security apparatus and restricting civil and political space. The Government of Bahrain's current policies of social and political exclusion do not provide the basis of a secure and stable future. The issues which underpinned protests in 2011 are unresolved. Until they are, Bahrain will continue in its human rights and political deadlock. The UK's significant involvement renders on it a responsibility to not be part of the problem.

Recommendations

To the Government of the United Kingdom

GULF STRATEGY

- Publicly express a human rights policy within the Gulf Strategy, in line with the human rights elements already expressed within the wider National Security Strategy.
- Revise and strengthen the ethical and human rights aspects of foreign policy with regards to Bahrain and the GCC by providing long-term and short-term human rights foreign policy objectives.
- Ensure that human rights and social and political inclusion in Bahrain are part of the UK's security dialogue with Bahrain.
- Halt arms exports to the Bahrain Defence Force and the Bahrain Ministry of Interior in light of potential war crimes in Yemen, continued internal repression in Bahrain and sectarianism within the force.
- Reject the 'gifted' construction of the Royal Navy base and construct it using UK state funds, to avoid giving Bahrain the perception that military relations provide political support.

HUMAN RIGHTS POLICY

- Clearly acknowledge and criticise negative human rights developments and clarify the government's position on them.
- Suspend funding, support and training assistance to Bahrain until key substantive rule of law reforms are met, including a visit by the UN Special Rapporteur on Torture and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association; ratification of the Optional Protocol to the Convention Against Torture; and the guaranteed independence of all human rights mechanisms and institutions.
- Set clear conditions and timescales for the Government of Bahrain within the technical assistance, with repercussions for Bahrain if the conditions are unmet.
- Include Bahrain in region-wide human rights and Arab partnership programmes, which currently tend to focus on North Africa.
- Facilitate meetings and consultation between the Government of Bahrain and opposition groups and renew the pursuit of a national dialogue, with a view towards meaningful changes and reforms between now and Bahrain's 2018 General Elections.
- Re-engage with the full spectrum of political and non-governmental organisations, including ensuring that ministers meet human rights and civil society representatives on visits to Bahrain.
- Publicly call for the release of prisoners of conscience and arbitrarily detained persons, as identified by Amnesty International and the UN Working Group on Arbitrary Detention.
- Call for amendments to criminal law, towards the de-criminalisation of acts of expression, assembly, association and self-determination, as opposed to calls for "due process" when systematic judicial failures continue to occur.

BUSINESS AND HUMAN RIGHTS

- Take adequate stock of human rights violations in Bahrain in overseas business reporting.

To the Government of Bahrain

MECHANISMS

- Amend Decree 27/2012 establishing the Ombudsman Office of the Ministry of Interior to guarantee its total independence, by removing all authorities of the Ministry of Interior over the Ombudsman as contained within articles 2, 4, 5, 6, 7, 16 and 17.
- Amend Decree 61/2013 establishing the Prisoners and Detainees Rights Commission, in particular articles 2 and 9, to separate its leadership and finance from the Ombudsman and guarantee its total independence.
- Amend Decree 26/2014 establishing the National Institute for Human Rights, in particular article 5(a), to remove all government involvement in the commissioner appointment process, and to restrict membership of the NIHR from members of governmental bodies, including the National Assembly, Shura Council, state bureaucracy and Gulf Cooperation Council bodies, in order to ensure total independence.
- Amend Decree 8/2012 establishing the Special Investigations Unit, in particular article 1, to remove all authority of the Attorney General over it and ensure its independence.

SELF-DETERMINATION AND NATIONAL RECONCILIATION

- Release all members of the political opposition from prison, and release all prisoners of conscience.
- Repeal laws limiting the activities of political associations and laws limiting media freedoms.
- Establish a substantive National Dialogue between the government and the full spectrum of opposition, civil society and other relevant stakeholders, chaired by an independent body, to create a new consensus ahead of the 2018 General Elections for a substantive road-map for rule of law reform and the empowerment of national legislative mechanisms.

DEATH PENALTY

- Commute all death penalties, with a view towards retrials of all defendants alleging torture, investigating allegations, and dismissing sentences where the use of torture and coerced confessions have been used to convict.
- Re-introduce a moratorium on the death penalty with a view towards abolishing the practice.

CITIZENSHIP

- Repeal amendments to the Citizenship Law 1963 allowing the stripping of citizenship by courts and the Ministry of Interior.
- Halt the deportation of Bahrainis stripped of citizenship, especially in the cases of persons rendered stateless.
- Reinstate Bahraini citizenship for all persons rendered stateless unfairly.

TORTURE:

- Establish an independent investigation of all persons responsible and potentially responsible for acts of torture in the Ministry of Interior, including the Minister of Interior, with a view towards criminal prosecution.
- Investigate and prosecute officials who perpetrated torture in Jau Prison in 2015.
- Invite, and allow a visit by, the Special Rapporteur on Torture.
- Ratify the Optional Protocol to the Convention Against Torture.

FREEDOMS OF EXPRESSION, ASSEMBLY AND ASSOCIATION:

- Repeal all laws restricting the freedoms of expression, including laws restricting criticism of the government, royalty, and allies of Bahrain, and restricting the freedom of the media.
- Repeal all laws restricting the freedoms of assembly, including laws restricting demonstrations in Manama, meetings with foreign diplomats and requiring permission for demonstrations.
- Repeal all laws restricting the freedoms of association, including laws restricting the formation of associations, political participation of particular segments of society, limiting trade unions and limiting political societies and their platforms.
- Review the cases of all persons sentenced on charges related to their freedoms of expression, assembly and association, with a view towards dismissing such sentences, where no crime was committed.
- Invite, and allow a visit by, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Special Rapporteur on Freedom of Opinion and Expression.

Introduction

This report investigates British foreign policy towards Bahrain. It explores how the relationship between the UK government and Bahrain has developed since the 2011 Arab Spring events until the present, and the direction that the new “Gulf Strategy” policy is headed towards. Looking at the threads of human rights reform and commercial and security interests, the report asks whether British policies in Bahrain have helped facilitate needed human rights reforms and analyses their substantive effects. The report draws particularly on requests made under the Freedom of Information Act 2000 to the UK government. These freedom of information releases reveal that the UK has slowly retreated from its role as a facilitator of human rights reform and political dialogue and instead positioned itself instead as a key security partner to the Bahraini government. This change occurred most clearly with the establishment of a new British naval facility in Bahrain, the construction of which has been gifted by Bahrain. The report thus asks whether human rights policies have been deprioritised in favour of security and commercial interests, and if so, how these competing interests can be made to coincide, rather than conflict.

The British relationship with the six Gulf monarchies, Bahrain among them, is one of its “most enduring” in the world.⁷ It is a relationship historically rooted in a network of 19th century treaties which established the UK as the broker of foreign policy in Bahrain, Kuwait, Qatar and the present-day United Arab Emirates and placed them under British protection. Bahrain was the home of colonial British Persian Gulf Residency from 1946 until the UK’s disengagement in 1971, when Bahrain, the UAE and Qatar claimed independence and the UK withdrew from “East of Suez.” At a time when the United States’ relations with the Gulf is strained and Saudi Arabia has taken an increasingly aggressive regional role and thereby exerted greater influence over Bahrain, the UK has become the island kingdom’s closest non-Arab ally.

Today, the Gulf remains important to British interests for a number of reasons. Many of these are economically motivated: the GCC states have a combined total GDP of over USD \$16 trillion. The oil and natural gas production capacity of the region, particularly of Saudi Arabia and Qatar, remains central to economic importance. Half of the UK’s natural gas imports come from Qatar. There are many opportunities for UK companies to expand and invest into the Gulf, and the GCC is a priority market for UK arms exports. Testament to the close relationship with the UK and the perceived economic opportunity within the Gulf, there is a sizable British expatriate population present throughout the Gulf States – over 160,000, of whom 10,000 live in Bahrain.

The GCC continues to be a strategically important partner in regional affairs. Bahrain is to be the home of the UK’s first naval base in the region since 1971 with the construction of the Mina Salman Support Facility (AKA HMS Juffair), a central operating centre for naval deployment which paves the way for further military expansion in the region in coming years. The UK has traditionally had a continued interest in the freedom of navigation through the Strait of Hormuz, particularly with regards to oil and natural gas exportation.⁸ The UAE and Qatar have recently established themselves, to varying effect, as mediating partners in regional disputes. More recently, the importance of the Gulf States to UK national security and defence interests has greatly increased with the rise of ISIS. This has resulted in an ongoing securitisation of UK Gulf-related policy, which will be formalised in the Gulf Strategy, the new policy set out within the National Security Strategy (NSS).

In the centre of these prevailing interests is the ongoing human rights situation in the Gulf. This

⁷ Foreign Affairs Committee (FAC), *The UK’s Relations with Saudi Arabia and Bahrain*, 12 November 2013, para. 10, <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmfaaff/88/8806.htm>.

⁸ Foreign & Commonwealth Office (FCO), *Government Response to the House of Commons Foreign Affairs Committee’s Fifth Report of Session 2013-2014 (HC88): The UK’s relations with Saudi Arabia and Bahrain*, January 2014, para. 36, <http://www.parliament.uk/documents/commons-committees/foreign-affairs/Saudi-Report-Gvt-Response.pdf>.

came to the forefront in 2011, when Arab Spring protests spread from Tunisia, to Egypt and then to Bahrain. These events have informed the human rights and political situation of Bahrain until now. The UK became an important actor in Bahrain in this context.

In an address to the Bahrain British Business Forum in December 2014, former British Ambassador Iain Lindsay outlined the three strategic goals for the UK in Bahrain. Firstly, it was to provide UK assistance towards Bahrain's reform implementation following the recommendations of the BICI; secondly, to encourage an "even stronger" bilateral defence relationship with and "enhanced military presence" in Bahrain; and thirdly, to strengthen the trade and commercial links with Bahrain and to make the UK Bahrain's preferred European business partner.⁹ Of these aims, he emphasised: "We can do all of these things. They are not mutually exclusive."¹⁰ These three policy threads of human rights, economic and security are the subject of this report's investigation.

Bahrain: Political Context

On 14 February 2011, "Arab Spring" protesters marched out onto the streets of Bahrain demanding political and economic reform and an end to state corruption and human rights violations, including torture. The deaths of protesters under police fire in the first days of protest ignited further, larger demonstrations. The violent state response led to the resignation of 18 of Bahrain's 40 members of parliament, all of whom belonged to the opposition Al Wefaq political society. Some political leaders also began to peacefully agitate for a republic. Negotiations between opposition leaders and government moderates in early March were undermined and effectively cancelled following the mid-March entrance into Bahrain of Gulf Peninsula Shield forces under Saudi Arabian leadership and a declaration of a state of emergency, which lasted from 15 March to 1 June 2011.

During this state of emergency, Bahrain's security forces systematically employed arbitrary detention and torture as a means to end the protests; basic fair trial guarantees were systematically denied in military courts; at least 19 civilians were killed by security forces, some under condition of torture; over 4000 private and public sector workers were dismissed for alleged support of protests and 534 university students were expelled.¹¹

In June 2011, following the end of the state of emergency and under significant international scrutiny, King Hamad formed the Bahrain Independent Commission of Inquiry (BICI). The BICI's report, published November 2011, proposed 26 recommendations, which the King accepted and which were promised to form the basis of reform. It was in this context that the UK positioned itself as a partner in Bahrain's reform. The British embassy in Bahrain has acted as a mediator for for political dialogue between the government and opposition, and the FCO began a project of technical reform, supporting the establishment of an Ombudsman of the Ministry of Interior, a prison inspector (the Prisoners and Detainees Rights Commission), and judicial reform.

Also in June, King Hamad established the first national dialogue. Three national dialogues were held between 2011 and 2014. The opposition boycotted 2011 by-elections held after the resignation of Al Wefaq's 18 MPs, but continued to engage in the dialogues. The human rights situation continued to deteriorate in some areas, and stagnate in others: since 2013, expansive laws have banned protests in the capital and criminalised criticism of the government and King, while the criminal courts' reliance on confessions for convictions continues to provide

⁹ FCO, *HM Ambassador's Speech to the Bahrain British Business Forum*, December 10, 2014, <https://www.gov.uk/government/speeches/hm-ambassadors-speech-to-the-bahrain-british-business-forum--2>.

¹⁰ Ibid.

¹¹ Bahrain Independent Commission of Inquiry (BICI), *Report of the BICI*, 2011, paras. 1592, 1701-1709; Human Rights Watch (HRW), *Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report*, 2014, <https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice>.

the impetus for torture in detention. New powers in the nationality and anti-terrorism laws now allow the revocation of nationality on ill-defined national security grounds. Other new laws criminalize the basic rights of expression, association and assembly. Criticism of the state can easily be determined as a crime under laws criminalizing 'inciting hatred' against public bodies and 'insulting' the King and royalty. Torture remained systematic throughout this time.

By the end of the third dialogue in mid-2014, the government and opposition had still come to no agreement, and the opposition boycotted the November 2014 General Election. Following that, Bahrain's courts prosecuted the remaining major political opposition leaders who had remained free after 2011, and by the end of 2015, the majority of the political opposition leadership were imprisoned. Despite regressions in civil and political rights, constriction of civil society, and the continuation of repressive practices including torture, in May 2016, the King of Bahrain declared the 26 BICI recommendations to be fully implemented.¹²

¹² BIRD, *Bahraini Government's Claims of Having Implemented All BICI Recommendations is Mere Lip Service*, 16 May 2016, <http://birdbh.org/2016/05/bahraini-governments-claims-of-having-implemented-all-bici-recommendations-is-mere-lip-service/>.

Chapter 1: Human Rights and Reform Assistance

Since 2012, the FCO has aimed to bolster the rule of law in Bahrain through support for a national dialogue and technical assistance to the Government of Bahrain. However, in the four years since the FCO's assistance began, the prospect of substantive rule of law reform in Bahrain has dwindled. The two issues of political and human rights in Bahrain have usually been seen as being closely related, with the national dialogue between 2011 and 2014 viewed as interlinked with rights reform. Since December 2014, however, they have been treated as distinct and separate.

Renewed UK interest in the Gulf region since 2010 helped to place the UK as the “strategic partner of choice”¹³ for Bahrain in the reform implementation process based on the recommendations of the Bahrain Independent Commission of Inquiry (BICI) following the events of 2011. The FCO's work has largely focused on training Bahrain's new Ombudsman to the Ministry of Interior and related bodies.

The UK government's website has described its human rights foreign policy in the following terms: “In too many countries, human rights are not adequately protected, often creating a cycle of suffering, instability, and poverty. We'll stand up for human rights by working with international bodies and priority countries, not just because it's the right thing to do, but because a safer, more prosperous world is in the UK's national interest.”¹⁴ This notion of human rights being key to security and prosperity was made explicit in February 2011, in the midst of the Arab Spring, when Prime Minister David Cameron spoke to the Kuwaiti parliament, stating: “for decades, some have argued that stability required highly controlling regimes, and that reform and openness would put that stability at risk. So, the argument went, countries like Britain faced a choice between our interests and our values. And to be honest, we should acknowledge that sometimes we have made such calculations in the past. But I say that is a false choice.”¹⁵

While this rhetoric is positive, there are concerns that human rights has been de-prioritised by the FCO. The Permanent Under-Secretary to the FCO stated in September 2014 that human rights “is not one of our top priorities” and “the prosperity agenda is further up the list.”¹⁶ This statement was later rejected by the Minister of State of the FCO in 2016.¹⁷ In April 2016, the parliamentary Foreign Affairs Committee (FAC) stated that “perceptions and symbols matter” in the context of human rights and recommended that the FCO be “more mindful of the perceptions it creates at Ministerial level”, especially in countries like Saudi Arabia and Egypt.¹⁸

In the context of Bahrain, the UK's human rights policies have appeared to diminish over the years, making the country a case study of this apparent de-prioritisation. The FAC has subjected this issue to analysis and recommendations over several years. In 2012, in light of the Arab Spring, the FCO listed Bahrain as a ‘Case Study’ country in its annual Human Rights & Democracy report, a category new to that year, as opposed to the regular category of ‘Country of Concern’. In 2013, the FAC was concerned that “the process of identifying ‘countries of concern’ becomes devalued if political and strategic factors are allowed to colour decisions,”

13 FCO, *HM Ambassador's Speech to the Bahrain British Business Forum*, 10 December 2014, <https://www.gov.uk/government/speeches/hm-ambassadors-speech-to-the-bahrain-british-business-forum--2>.

14 UK Government, *Policy: Human Rights Internationally*, <https://www.gov.uk/government/policies/human-rights-internationally>.

15 Cabinet Office, *Prime Minister's Speech to the National Assembly Kuwait*, 22 February 2011, <https://www.gov.uk/government/speeches/prime-ministers-speech-to-the-national-assembly-kuwait>.

16 Parliament, *Oral Evidence: FCO Budget and Capacity*, HC 467, 15 September 2015, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/fco-budget-and-capacity/oral/21587.html>.

17 Parliament, *Oral Evidence: Human Rights*, HC 860, 24 February 2016, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/the-foreign-and-commonwealth-offices-administration-and-funding-of-its-human-rights-work-overseas/oral/29600.html>.

18 FAC, *The FCO's Administration and Funding of its Human Rights Work Overseas*, April 2016, para. 9, <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmfaaff/860/860.pdf>.

and cited Bahrain as a primary example.¹⁹ The FCO retained Bahrain as a 'Case Study' country in spite of these calls, and the FAC increased its criticism in 2014, stating that they "see little or no evidence that Bahrain has made enough progress in implementing political reform and safeguarding human rights, and we believe that the FCO should have bitten the bullet and designated Bahrain as a country of concern."²⁰

The FCO defended its decision, stating its confidence that "real efforts are being made to address these issues: the government of Bahrain has established the Ministry of Interior's Ombudsman Office and a Prisoners' and Detainees' Rights Commission, and reformed its National Institute of Human Rights."²¹ All are bodies which the FCO with which has been involved through a technical assistance programme, in operation since 2012. The FCO further stated that they had judged Bahrain as "substantially better than the worst-performing 30 countries." Yet the 2014 report listed only 28 countries of concern, and the 2015 report listed only 27.

In 2016, the FCO published its Human Rights & Democracy report in a newly restructured form. 'Countries of Concern' and 'Case Studies' are replaced with 'Human Rights Priority Countries', and the report has been streamlined. In written evidence to the FAC, BIRD raised concerns that a "shorter and punchier" report will further dilute the information that is officially released" about the UK's technical assistance programme to Bahrain and human rights progress in the country.²² The FAC warned that failure by the FCO to include Bahrain as a Human Rights Priority Country in the next report will contribute to "the perception that the FCO has become more hesitant in promoting and defending international human rights openly and robustly, notwithstanding the importance of private diplomacy."²³

While the FCO has indeed listed Bahrain as a priority country in its April 2016 report, BIRD finds significant flaws in their reporting. It alleges political and human rights reform progress without providing credible evidence for their claims. Elsewhere in the report, the FCO makes clear their support of human rights defenders, and in some country-specific chapters speak critically of equivalent human rights issues, which are discussed differently in its chapter on Bahrain.

The current government is typically quiet on human rights violations by Gulf countries. The FCO pursues quiet diplomacy when it perceives that it will achieve superior results to public diplomacy, but in the case of the Gulf, this is to the near-exclusion of public diplomacy. This is in contrast with the FCO's stance on other countries. The latest Human Rights & Democracy report publicly criticises countries including the Maldives and Congo for similar human rights violations to those observed in Bahrain. The report gives China, the object of recent economic policies similar to those pursued with the Gulf,²⁴ critical attention over its curtailment of civil and political rights.²⁵

Writing in 2013, the FAC judged that the UK "had to reassure its old allies in the Gulf of its reliability while simultaneously pressing them more urgently for change and reform" and that the

19 FAC, *The FCO's Human Rights Work in 2012, 2013*, para. 8, <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmfa/267/26706.htm>.

20 FAC, *The FCO's Human Rights Work in 2013, 2014*, para. 13, <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmfa/551/551.pdf>.

21 FCO, *Government Response to the House of Commons Foreign Affairs Committee's Sixth Report of Session 2014-15 (HC551): The FCO's Human Rights Work in 2013*, January 2015, p. 4, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398303/46543_Cm_8975_accessible.pdf

22 FAC, *Written Evidence: Bahrain Institute for Rights and Democracy (HUM0008)*, February 2016, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Foreign%20Affairs/The%20Foreign%20and%20Commonwealth%20Offices%20administration%20and%20funding%20of%20its%20human%20rights%20work%20overseas/written/28221.html>.

23 FAC, *The FCO's Administration and Funding of Its Human Rights Work Overseas*, HC 860, p. 4, <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmfa/860/860.pdf>.

24 London School of Economics, *The Golden Age of Sino-British Relations Has Begun. Quitting the EU Could Halt It*, 31 December 2015, <http://blogs.lse.ac.uk/politicsandpolicy/the-golden-age-of-sino-british-relations-has-begun-quitting-the-eu-could-halt-it/>.

25 FCO, *Human Rights and Democracy Report 2015, 2016*, pp. 38-39.

FCO's "emphasis on gradual reform based on participation and consent is a realistic approach." It added: "the FCO should continue to monitor the effectiveness of its policy closely."²⁶ But the pivot towards enhanced human rights policies did not fit squarely with the 2010 Gulf Initiative, which broadly defined British foreign policy towards the Gulf as one aiming for greater economic relations between the UK and the monarchies (see Chapter 2).

The current parliament's new strategy has adapted this policy in light of regional and foreign relations developments since the inception of the Gulf Initiative. The UK's new Gulf-orientated policy, the Gulf Strategy, is placed within the 2015 NSS. The NSS identifies human rights as being of core importance to the pursuit of the UK's national interests globally.²⁷ However, the November 2015 report outlining the NSS makes no mention of human rights in its treatment of its Middle East policies and the new Gulf Strategy and focuses on energy security and threats to the UK from terrorism, extremism and organised crime (see Chapter 3).²⁸ In the absence of an explicit human rights policy, it appears to buy into the dichotomy between reform and stability, which in 2011 the Prime Minister described as a false choice.

FCO Policy and Bahrain

Since 2012, the FCO has provided support towards reform in Bahrain, informed by the BICI's findings (see Introduction). The BICI's 26 recommendations to the Government of Bahrain included measures towards ending torture, holding state officials accountable, compensating victims and their families, and empowering the rule of law. These recommendations, accepted by the King of Bahrain, provided a basis for such reforms to be implemented. The FCO's human rights policies in Bahrain were devised in this context, and can be viewed along two threads:

1. Facilitating national dialogue to discuss political reform
2. Providing financial and technical assistance towards projects

Beginning in 2012, the FCO began funding technical assistance support to Bahrain. Funding from the Arab Partnership Participation Fund (APPF) and the Conflict, Security and Stability Fund (CSSF) was allocated towards providing advice and training to the new Ombudsman of the Ministry of Interior, the National Institute for Human Rights, the Prisoners and Detainees Rights Commission, as well as to the police and judiciary. The technical assistance has been controversial, and in November 2015 Human Rights Watch recommended that the UK "suspend funding, support and training for security service reform until Bahrain enacts and complies with key recommendations in this report, including a standing invite to, and visit by, the UN special rapporteur on torture."²⁹

Further, the FCO aimed to help facilitate national dialogue between the government and the opposition through workshops, talks and discussions between political and civil societies and met with individual political societies on a regular basis, particularly during 2014. The pursuit of national dialogue effectively ended in late 2014, and there is little evidence to suggest that the FCO has revisited the issue. The FCO continues to provide technical assistance into 2016.

A significant test to the FCO's policies came when, in December 2014, the leader of the political opposition society Al Wefaq and a central figure throughout the three national dialogues, Sheikh Ali Salman, was arrested and prosecuted on charges related to his expression. On these charges, he received a four year prison sentence. The prison term was increased to nine

²⁶ FAC, *The UK's relations with Saudi Arabia and Bahrain*, p. 3.

²⁷ HM Government, *National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom*, November 2015, para. 5.107, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/478933/52309_Cm_9161_NSS_SD_Review_web_only.pdf.

²⁸ Ibid, para. 5.56.

²⁹ Human Rights Watch, *"The Blood of People Who Don't Cooperate": Continuing Torture and Mistreatment of Detainees in Bahrain*, November 2015, <https://www.hrw.org/report/2015/11/22/blood-people-who-dont-cooperate/continuing-torture-and-mistreatment-detainees>.

years in 2016.³⁰ 2015 saw the arrests and prosecutions of leaders and members of opposition societies both major and minor.

In this way, Bahrain's prisons currently hold nearly all major political opposition leaders in the country, in contravention of the country's human rights obligations to respect freedom of expression, assembly and self-determination.³¹ The FCO's stance on this has been unclear. In its latest Human Rights & Democracy Report, the FCO notes: "the government of Bahrain continued to take steps to implement its human rights and political reform agenda."³² This statement of faith in Bahrain's 'political reform agenda' runs contrary to the evidence of political prosecutions and an absence of any form of political dialogue since 2014.

National Dialogue

The first national dialogue began in July 2011, a month after the Bahrain government ended the state of emergency. It was quickly welcomed by the FCO.³³ This first attempt involved some 300 participants from all sections of Bahraini society, including members of the Shura Council,³⁴ but involved no ministers or top-level policy makers within government.³⁵ The political opposition received just thirty-five seats, and withdrew from the talks when no major concessions were brought to the table. The first dialogue gave the elected parliament greater powers of scrutiny over the government, but did not change its subordination to the Shura Council, the upper body which has veto power over the parliament and which is wholly appointed by the king.³⁶ Despite its substantial size, the dialogue was not all-inclusive: among those absent were political figures of the "Bahrain 13", a group of high-profile political leaders and human rights activists who in June 2011 a military court sentenced to between five years and life imprisonment on charges of attempted overthrow of the regime. High profile opposition figures, including "Bahrain 13" members Ebrahim Sharif and republican Hassan Mushaima, were in prison throughout all three dialogues.

The absence of major cabinet ministers and holders of executive power as participants framed the dialogues as being between Bahraini society, with the government largely an observer. This had the effect of siphoning political activity away from substantive engagement with the government. These issues remained unresolved in the second national dialogue, launched in early 2013. This dialogue, chaired by the Minister of Justice, included eight opposition society members, eight representatives of pro-government societies, and eight representatives from both chambers of parliament, as well as the Minister of Electricity and Works and Minister of Education. The opposition societies requested that representatives of the King be participants, and disagreed with the government's assumed role as arbitrator of the dialogue. The second dialogue lasted seven months and met over twenty-four sessions, but never moved beyond discussions over its own working mechanism. During this period, the government continued to issue laws curtailing the freedoms of expression and assembly: empowered anti-terrorism laws in the summer of 2013 banned protests in the capital Manama and banned Bahrainis from meeting foreign diplomats without the permission and presence of the Ministry of Foreign Affairs. These actions damaged faith between the opposition and government. When, in September 2013, police arrested the Deputy Secretary General of Al Wefaq and charged him under the anti-terrorism law for a speech he gave, the opposition bloc boycotted the dialogue

30 BIRD, *Bahraini Court of Appeal Increases the Sentence of Al Wefaq's Sheikh Ali Salman to Nine Years in Prison*, 30 May 2016, <http://birdbh.org/2016/05/bahraini-court-of-appeal-increases-the-sentence-of-Al-Wefaq-s-sheikh-ali-salman-to-nine-years-in-prison/>.

31 As defined by the International Covenant on Civil and Political Rights, arts. 1, 19 and 21, to which Bahrain is signatory.

32 FCO, *Human Rights & Democracy Report 2015*, 2016, p. 35.

33 FCO, *Foreign Office Minister Alistair Burt Welcomes Bahrain's National Dialogue*, 29 July 2011, <https://www.gov.uk/government/news/foreign-office-minister-alistair-burt-welcomes-bahrain-s-national-dialogue>.

34 The Shura or Consultative Council is an appointed body which sits above the elected National Assembly. It has the power to veto the decisions of the National Assembly.

35 Bahrain News Agency (BNA), *More than 300 organisations have registered at Bahrain's historic National Dialogue*, 3 July 2011, <http://bna.bh/portal/en/news/463412>.

36 Noueihed, Lin and Warren, Alex, *The Battle for the Arab Spring: Revolution, Counter-Revolution and the Making of a New Era*, 2012, 2013, New Haven: Yale University Press, p. 158.

in response.³⁷ The new laws, prosecutions and lack of government participation in the dialogue indicated a lack of political will to engage substantively with political reform procedures.

The failures of the first two dialogues prompted the FCO to action. In October 2013, Foreign Secretary William Hague met with Crown Prince Salman bin Hamad Al Khalifa, with whom he “agreed that an inclusive and constructive dialogue was the only way to ensure peace and stability in Bahrain.”³⁸ A third dialogue was attempted early in 2014, with less than a year left before Bahrain’s first General Election since the 2011 uprising. A January 2014 meeting between the Crown Prince and leading members of Al Wefaq was described as “especially frank and very transparent” by Al Wefaq at the time³⁹ and followed up with back-channel talks over the year. However, it failed to lead to a consensus between the opposition and government.

In September 2014, the crown prince announced that these talks provided the basis for a five-point dialogue plan. These five points were a commitment to redrawing electoral boundaries; empowering parliament to question ministers; revising the appointment process for the Shura council; a new code of conduct for security forces; and commitments to rule of law and judicial reform.⁴⁰ However, the opposition, including Al Wefaq, Wa’ad and smaller political societies alongside, rejected these proposed reforms, feeling that they were superficial and continued to leave all real political power in the unaccountable executive branches of government. The five points also fell short of an earlier framework agreed with the Crown Prince in 2011, which had included tackling government corruption and empowering the legislative power of the parliament.⁴¹

Evidence suggests that the UK adopted a mediation role in the third dialogue. The back-channel talks, while private and less inclusive of Bahraini civil society than the previous dialogues, did at least have the benefit of bringing important government actors, namely the Crown Prince, to the opposition. The third and final round of talks collapsed as a combined result of mismatched expectations and a trust deficit between the two sides, with the opposition consistently feeling the government was circumventing their substantive demands. Finally, the opposition boycotted Bahrain’s November 2014 General Election as a result.⁴² The boycott was criticised by the UK Government, and the embassy subsequently took a policy of disengagement. This disengagement also coincided with the announced establishment of a new British naval facility.

The UK exerted significant efforts to facilitate national dialogue in Bahrain as a matter of policy in 2014, but these efforts dissipated after November that year. This is shown in information released under the Freedom of Information Act 2000. The data published by the FCO may not have been exhaustive, and some meetings may have been left undeclared under Section 27(1) a of the Act. However, the pattern shown in declared meetings is likely reflected in undeclared meetings.⁴³

The declared data shows a decline of activity on political dialogue from 2014 to 2015. Figures 1.1 and 1.2 show that the number of meetings between the UK and Bahraini civil society declined from 2014 to 2015, from 103 meetings in 2014 to 37 meetings in 2015. Between January and December 2014, the FCO declared 57 meetings with the stated purpose of “political dialogue”

37 Fakhro, Elham, *Bahrain’s National Dialogue Faces a Stalemate*, 10 October 2013, Al Jazeera, <http://studies.aljazeera.net/en/reports/2013/10/2013101091036321935.html>.

38 FCO, *Foreign Secretary Meets Crown Prince of Bahrain*, 30 October 2013, <https://www.gov.uk/government/news/foreign-secretary-meets-crown-prince-of-bahrain>.

39 BBC, *Time is Running Out as Bahrain Tries to Revive National Dialogue*, 30 January 2014, <http://www.bbc.co.uk/news/world-middle-east-25918628>.

40 Kinninmont, Jane and Sirri, Omar, *Bahrain: Civil Society and Political Imagination*, Chatham House, 2014, p. 12, https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20141028BahrainKinninmontSirri.pdf.

41 Ibid.

42 BBC, *Bahrain Opposition Groups Announce Elections Boycott*, 11 October 2014, <http://www.bbc.co.uk/news/world-middle-east-29583378>.

43 Based on FCO, *FOI Response Ref. 1149-15*, 26 February 2016, and FCO, *FOI Response Ref. 1050-14*, 30 January 2015.

and “political dialogue and human rights”, mainly through its embassy in Manama. Forty-three of those meetings included Al Wefaq, who represented the opposition, and the majority of these meetings were held between just the FCO and Al Wefaq.

In the period from January to November 2015, the FCO declared just eight meetings with Al Wefaq (Figure 1.3). Only a single meeting in 2015 was with the sole purpose of “political dialogue”, while 12 meetings were for the purpose of “political dialogue and human rights”. In October 2014, the embassy disengaged contact with political societies ahead of the November General Elections, and did not resume declared contact with them following that time (Figure 1.3).

Ambassador-level meetings with civil society are also catalogued, and show a similar drop in activity following the General Elections (Figure 1.4). The drop in Ambassadorial activity with civil society reflects a policy shift away from national dialogue. The statistics below focus on Al Wefaq due to them being the most prevalently named organisation in the declared meetings.

The regular meetings with Al Wefaq, other opposition and pro-government actors significantly declined following the 2014 general election. Meetings regarding political dialogue, human rights, and both political dialogue and human rights, made up 88% of all declared meetings in 2014, but just 49% of all declared meetings in 2015.

Declared meetings with the sole purpose of political dialogue fell from 44% to 3% and total declared meetings regarding political dialogue fell from 68% in 2014 to 38% in 2015. Other meetings, including receptions, project work on youth and women issues, rose from 24% in 2014 to 51% in 2015 (see Figures 1.5 and 1.6).

The freedom of information releases show that on 7 December 2013, the British embassy hosted a reception for then-Foreign Secretary William Hague. The declared civil society organisations present included three opposition political societies – Al Wefaq, Wa’ad and Al Minbar – an independent human rights organisation, the Bahrain Human Rights Society, the National Institute for Human Rights, which is not independent from the state, and pro-government societies Citizens for Bahrain and the Democratic Progressive Tribune. In a parallel reception for Foreign Secretary Philip Hammond on 31 October 2015, just two civil society organisations were declared present – the pro-government Youth Pioneer Society and Al Fateh Youth Coalition. The difference in the receptions is vast. Where William Hague was greeted by the full spectrum of Bahraini society, Philip Hammond’s reception included only organisations affiliated with the government.

In the immediate aftermath of the election, the FCO was “disappointed” in the opposition’s boycott, though they praised the election.⁴⁴ The Electoral Integrity Project, a joint-research project by Harvard University and the University of Sydney, ranked Bahrain’s election as among the worst of 2014, giving it a score equal to Syria’s 2014 presidential elections.⁴⁵ Within Bahrain, the opposition boycott appears to have led to tensions between them and the previously engaged FCO. Al Wefaq in particular was subject to severe criticism by British ambassador Iain Lindsey, who criticised their stance against the new British naval base in Bahrain (see Chapter 3). In a speech, he said: “I was surprised to hear Al Wefaq say, and I quote, the agreement is unacceptable and may contribute to rising regional tensions, music of course to the ears of more extreme voices. I can only assume that Al Wefaq are blissfully unaware that the US 5th Fleet, our considerably larger ally in the fight against ISIL, or Da’ash, is already based in Bahrain. Or that Al Wefaq are opposed to the 60 nation coalition against Da’ash, or the 30 nation Combined

44 Hansard, 15 December 2014, Column 218078, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-12-10/218078/>.

45 The Electoral Integrity Project, *The Year in Elections 2014: The World’s Flawed and Failed Contests*, February 2015, p. 19, https://www.dropbox.com/s/lkskwf9h6ahmbmu/The%20Year%20in%20Elections%2C%202014%20Final%2011_02_2015.pdf?dl=0.

Maritime Force based in Bahrain.”⁴⁶ The comment appears to reflect the breakdown of the relationship between the British embassy and the opposition, a view supported by the Freedom of Information Act data.

Figure 1.1:
UK Embassy Meetings with Civil Society and Declared Purpose

Month	No. of Meetings	Political Dialogue	Human Rights	Political Dialogue and Human Rights	Other
Jan-14	7	1	2	-	4
Feb-14	14	10	2	-	2
Mar-14	16	7	6	2	1
Apr-14	8	5	-	2	1
May-14	4	2	1	1	-
Jun-14	16	7	5	1	3
Jul-14	6	4	-	-	2
Aug-14	9	3	1	3	2
Sep-14	9	2	4	2	1
Oct-14	8	4	-	-	4
Nov-14	2	-	-	1	1
Dec-14	4	-	-	-	4
Jan-15	1	-	-	1	-
Feb-15	4	-	1	3	-
Mar-15	2	-	-	1	1
Apr-15	3	-	-	-	3
May-15	6	-	-	4	2
Jun-15	6	-	-	2	4
Jul-15	3	-	-	1	2
Aug-15	3	-	1	-	2
Sep-15	2	-	-	1	1
Oct-15	6	1	2	-	3
Nov-15	1	-	-	-	1
Total 2014	103	45	21	12	25
Total 2015	37	1	4	13	19
Total 2014-15	140	46	25	25	44

⁴⁶ FCO, *HM Ambassador's speech to the Bahrain British Business Forum*, 10 December 2014.

Figure 1.2: UK Embassy Meetings with Civil Society

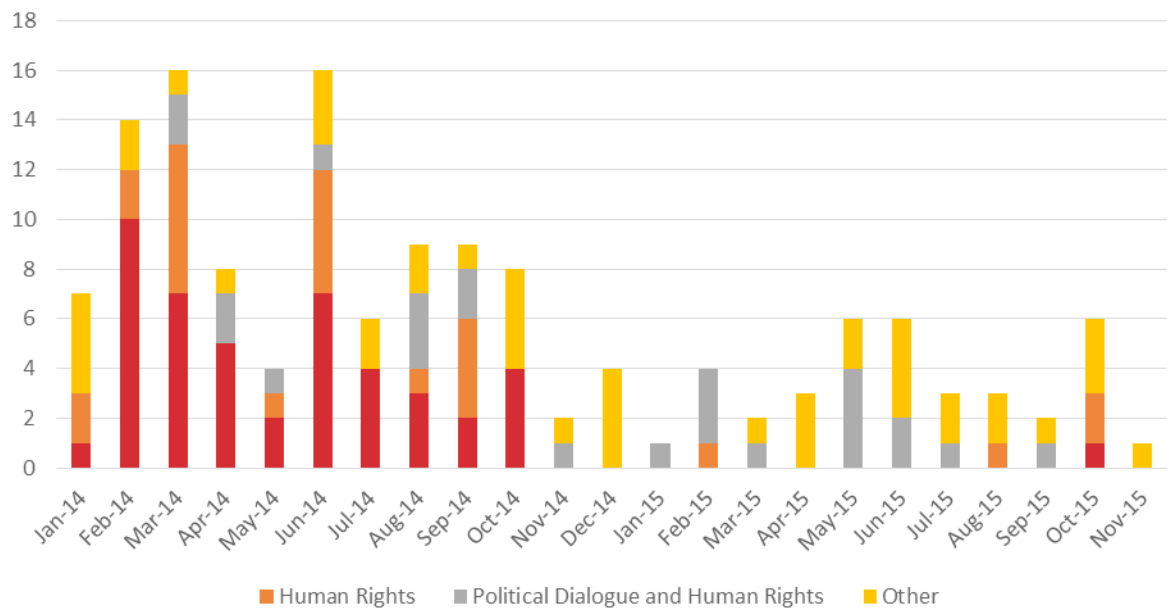


Figure 1.3: UK Embassy Meetings with Al-Wefaq

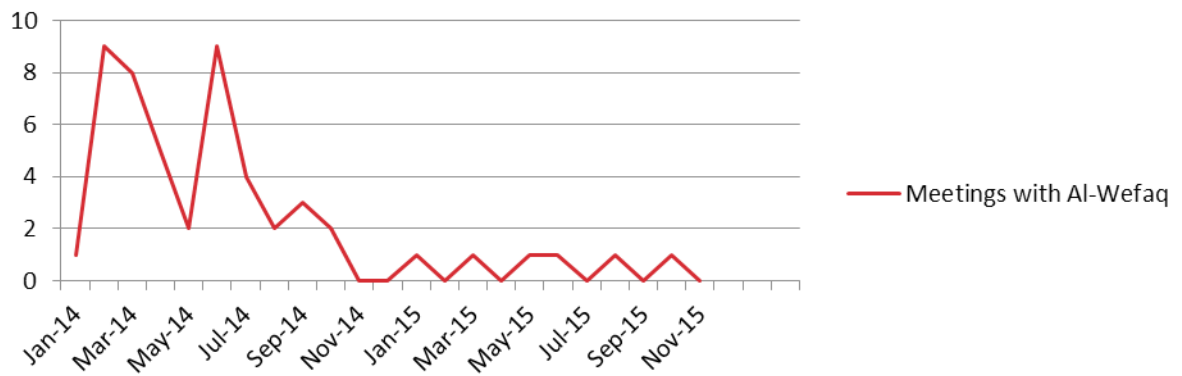


Figure 1.4: Ambassador Level Meetings with Al Wefaq

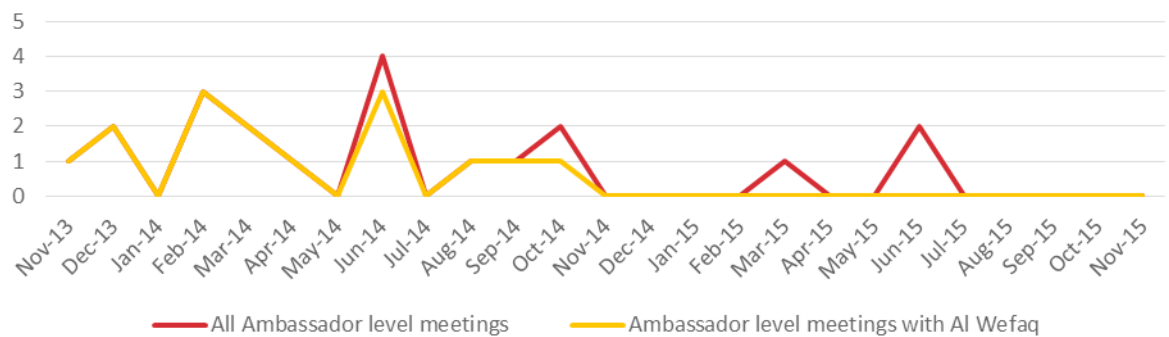


Figure 1.5: Purpose of Embassy Meetings, 2014

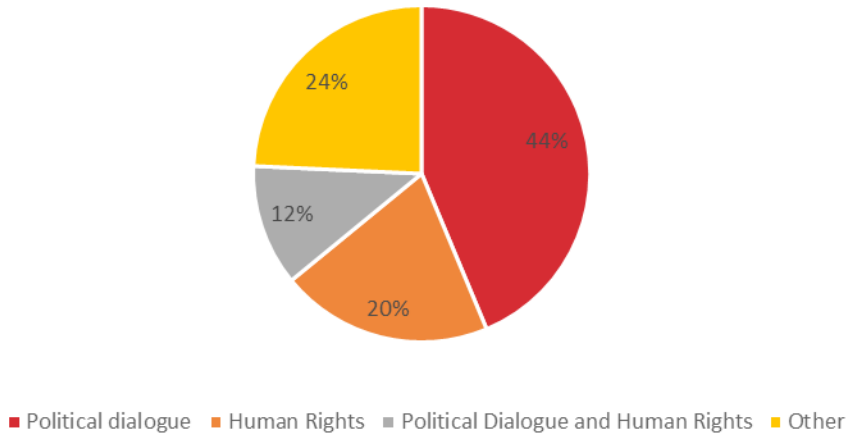
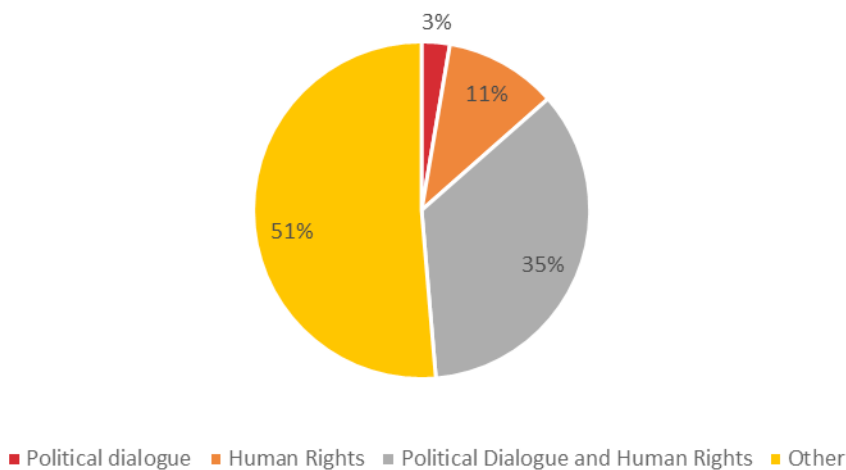


Figure 1.6: Purpose of Embassy Meetings, 2015



The 2014 elections thus marked a turning point in the British engagement on national reconciliation, and a definitive end to any of the Government of Bahrain's political will to pursue substantive rule of law reforms. Following the elections, political freedoms have continued to deteriorate in Bahrain. Political leaders continue to serve prison sentences for exercising their rights to free speech and assembly, and Bahrain has expanded its legal powers to limit protest.

Evolution of UK Policy, Negative Trends in Bahrain in 2015

On 28 December 2014, Sheikh Ali Salman, the leader of Al Wefaq, was arrested following a speech he made. In June 2015, a criminal court sentenced him to four years in prison for "inciting public hatred", "inciting civil disobedience" and "insulting public institutions".⁴⁷ June 2015 also saw the release of Ebrahim Sharif, the former leader of the National Democratic Action Society, who since 2011 had been serving a five-year prison sentence handed down by a military court. But police rearrested Sharif just weeks later, in July 2015, following a speech in which he called for continued peaceful protest. In February 2016, a criminal court sentenced

47 BIRD, *NGOs Condemn 4 Year Prison Sentence Against Bahrain Opposition Leader Ali Salman*, 16 June 2015, <http://birdbh.org/2015/06/ngos-condemn-4-year-prison-sentence-against-bahrain-opposition-leader-sheikh-ali-salman/>.

him to a year in prison on charges of inciting violence. Human Rights Watch found no language suggesting incitement to violence in either of the men's speeches.⁴⁸

The FCO failed to meet Bahrain's prosecutions of Sheikh Ali Salman and Ebrahim Sharif with the same public criticism with which they met the opposition boycott, despite these prosecutions representing a significant blow to any effective political resolution. Regarding the cases of imprisoned opposition leaders, the FCO has stated that they have raised the cases with the Government of Bahrain, "including at the highest levels. We continue to do so on a regular basis."⁴⁹ In another statement, the FCO said: "We also discussed Sheikh Ali Salman's case and the need for him to receive a fair trial."⁵⁰ The UN Working Group on Arbitrary Detention considers Sheikh Ali Salman to be arbitrarily detained.⁵¹ As well, the United States Department of State have criticised Bahrain's prosecution and conviction of Sheikh Ali Salman and called for the dropping of his charges.⁵² It is of interest to the UK's own foreign policy that the United States did not consider public criticism at odds with their own close relations with Bahrain, which is home to the US Fifth Fleet.

The UK Government has avoided overtly criticising the Government of Bahrain for the prosecution of political leaders, human rights activists, trade unionists and street protestors alike. Rather than sending a clear message rejecting the abuse of human rights and condemning the arbitrary arrest of human rights defenders and opposition leaders, the FCO instead calls for due process to be followed. But the call for due process neglects a core problem in Bahrain's judicial system, which allows for the prosecution of individuals for basic acts of self-expression. These prosecutions in turn undermine any efforts for trust and reform. By limiting its calls to 'due process', the FCO fails to address the fact that there is no real prospect for due process in Bahraini courts, an issue central to the FCO's human rights assistance programme on rule of law.

The shifting priorities of the UK government is reflected in the language employed by the FCO in its responses to parliamentary questions regarding Bahrain. BIRD reviewed 238 FCO responses to questions given in parliament and the House of Lords between 2011 and 2015 and classified them based on their references to political dialogue and technical assistance. BIRD found a steady decline in statements raising national dialogue and political reform. Where calls for political reform and national reconciliation constituted 95% of FCO statements in 2011, in 2015 these constituted just 22.5% (see Figures 1.7 and 1.8). Figure 1.8 shows that the sharpest change occurred between 2014 and 2015. References to political reform and national reconciliation appeared in 81.8% of statements in 2014, but appeared in only 57.1% of statements in 2015. Terms such as "political reform", "national reconciliation" and "political dialogue" continue to be employed, but their use has fallen. On the other hand, references to "technical assistance", "training", "support" and "security" have risen year on year, and in 2015 outnumbered the references to political reform for the first time. These keywords reflect the UK's role in providing technical assistance and the primacy of this element in the FCO's human rights policies towards Bahrain.

This type of support negatively effects human rights efforts, as public British support can reduce the effective power of international pressure. Bahrain has previously been very responsive

48 HRW, *Bahrain: Release Ebrahim Sharif*, 17 February 2016, <https://www.hrw.org/news/2016/02/17/bahrain-release-ebrahim-sharif>; HRW, *Bahrain: Release Opposition Leader*, 18 January 2016, <https://www.hrw.org/news/2015/01/18/bahrain-release-opposition-leader>.

49 Hansard, *Bahrain: Human Rights: Written Question – HL2314*, 24 September 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-09-17/HL2314/>.

50 Hansard, *Bahrain: Written Questions – HL5375*, 16 March 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-03-03/HL5375/>.

51 UN Working Group on Arbitrary Detention, *Opinion No. 23/2015 (Bahrain)*, A/HRC/WGAD/2015, <http://www.adhrc.org/wp-content/uploads/2015/11/Opinion-2015-23-Bahrain-Salman.pdf>.

52 US Department of State, *Concerns Over the Conviction of Sheikh Ali Salman in Bahrain*, 16 June 2015, <http://www.state.gov/r/pa/prs/ps/2015/06/243916.htm>.

to international pressure, as when the King established the BICI. It is unlikely that gains can be made if Bahrain feels that its closest western ally is comfortable with the level of human rights violations occurring in the country. Put another way, if the high-ranking ministers in the Government of Bahrain and members of the royal family feel that they can ignore resolving human rights and political issues substantively without incurring criticism from respected international allies, then they will consider further reform unnecessary.

This point is underscored by Foreign Secretary Philip Hammond's latest visit to Bahrain on 30 May 2016, during which he met the King of Bahrain and welcomed "commitment to continuing reforms."⁵³ On the same day, an appeals court increased Sheikh Ali Salman's prison sentence from four years to nine, after the prosecution challenged his acquittal on charges of attempted overthrow of the regime.⁵⁴ The Foreign Secretary stated that he raised the sentence while in Bahrain and that he understood "there is a further stage in the legal process" and that he will follow the case closely.⁵⁵ These statements do not challenge Bahrain to improve its rights record, nor does it raise concern or criticism over the damage this prosecution causes to rule of law and political reforms. The Government of Bahrain continues to be concerned over its public image – Sheikh Ali Salman's increased sentence was followed a day later by the release from prison of human rights defender Zainab Al Khawaja,⁵⁶ whose release was first promised in April during US Secretary of State John Kerry's visit to Bahrain.⁵⁷ It is unusual for a major political trial to occur on the day of an important foreign visit. This suggests that the Government of Bahrain did not consider it necessary to make a positive human rights gesture during the Foreign Secretary's visit, as it had done during his US counterpart's visit.

Figure 1.7: FCO Statements Referring to *Political Reform and Technical Assistance*⁵⁸

Year	Statements referencing only <i>Political Reform, Reconciliation, Political Dialogue</i> ⁵⁹	Statements referencing only <i>Technical Assistance, Training, Support, Security</i> ⁶⁰	Statements referencing both <i>Political Reform and Technical Assistance</i>	Total Statements
2011	57	2	1	60
2012	40	4	9	53
2013	31	6	9	46
2014	26	8	10	44
2015	8	15	12	35

53 Twitter, Philip Hammond, @PHammondMP, 30 May 2016, <https://twitter.com/PHammondMP/status/737284713107337221>.

54 BIRD, *Bahraini Court of Appeal Increases the Sentence of Al Wefaq's Sheikh Ali Salman to Nine Years in Prison*, 30 May 2016, <http://birdbh.org/2016/05/bahraini-court-of-appeal-increases-the-sentence-of-Al-Wefaq-s-sheikh-ali-salman-to-nine-years-in-prison/>.

55 Twitter, Philip Hammond, @PHammondMP, 30 May 2016, <https://twitter.com/PHammondMP/status/737271481760161792>.

56 BIRD, *Zainab Al-Khawaja Released Amid Major Political Trials*, 1 June 2016, <http://birdbh.org/2016/06/zainab-al-khawaja-released-amid-major-political-trials/>.

57 Index on Censorship, *Bahrain: "Release Zainab Al-Khawaja With No Further Delay"*, 6 May 2016, <https://www.indexoncensorship.org/2016/05/bahrain-zainab-al-khawaja-remains-in-prison-one-month-on-from-promise-of-release/>.

58 As obtained via Hansard and TheyWorkForYou.com. The search focused on statements made in parliament only.

59 When identifying FCO responses that fitted under this category, BIRD looked at rhetoric that called for a change or revision in the Bahraini political system as a whole. Keywords searched included 'political reform', 'reconciliation', 'political dialogue', 'opposition involvement' and references to the need for political collaboration across political parties and religious groups. This tried to exclude vague human rights rhetoric such as 'wider dialogue on human rights and reform', and responses to specific human rights cases that were often concluded with a promise to 'monitor the situation closely'.

60 When identifying FCO responses that fitted under this category, BIRD looked at rhetoric that both called for reform within existing Bahraini institutions and offered UK assistance and/or training in support. Keywords included 'technical assistance', 'training', 'support', 'security' and any reference to the UK provision of services aiding the reform of governmental institutions such as the judiciary or security services. These responses tended to emphasize the work that the UK is doing to help the Bahraini government to implement the recommendations of the BICI report.

Technical Assistance

Since 2012, when the UK's technical assistance programme to Bahrain began, the FCO's work has focused on several objectives, the general thrust of which are:

- Establishing accountability measures;
- Training the judiciary and security forces to adopt human rights positive approaches; and
- Encouraging national dialogue.

The FCO spent approximately £3.87 million on projects in Bahrain between 2014 and 2016. The spending has increased year on year: from £115,000 in 2012/13 to £450,300 in 2013/14.⁶¹ In the 2014/15 financial year, spending increased to £1.3 million, accounting for 87% of the Gulf Programme Budget.⁶² Their spending increased again in 2015/16, to £2.1 million GBP.⁶³ A complete financial breakdown was requested in July 2015 via the Freedom of Information Act 2000, but was rejected on the grounds that it is exempted as a financial interest.⁶⁴ A relatively small part of the assistance has been funded through the Arab Partnership Participation Fund (APPF), which allocated £227,000 to Bahrain between financial years 2011/12 to 2014/15; APPF funding has largely focused on North African countries.⁶⁵

This assistance has included provision of expertise and training for the Ombudsman, the Prisoners and Detainees Rights Commission and some projects with youth justice. While these types of projects are needed, none of the areas in which the FCO has invested have seen substantive improvement, and the 'rule of law' mechanisms have been co-opted and undermined by the Government of Bahrain. The mechanisms established have not and cannot provide human rights and judicial improvements. Thus far, there has been no indication that the FCO will review, evaluate or reassess its assistance to Bahrain, though it appears set to continue for the foreseeable future.

The FCO gives limited insight into how funding has been utilised in assisting Bahrain. In a FOI request to the FCO it was revealed that the cost of PDRC training for 2014-2015 was £37,444 and the budget for 2015-2016 was £60,000.⁶⁶ Despite the continuation of rights violations – in particular torture, nationality revocation, the use of the death penalty and restrictions on the freedoms of expression, assembly and association, British technical assistance to Bahrain has continued without pause for review, evaluation or amendment in execution. The use of death penalty and the stripping of nationality in particular saw a dramatic increase in use in 2015.⁶⁷

The Office of Ombudsman, the Prisoners and Detainees Rights Commission, the Special Investigations Unit and the National Institute for Human Rights are the four bodies established and empowered after 2011, and are intended to provide accountability mechanisms. They have received the bulk of the FCO's support and focus. The FCO often holds up the Ombudsman in particular as a mark of progress. However, major issues surround their independence and operations, which have failed to effectively tackle ongoing torture, unfair trials and continuing rule of law issues.

⁶¹ FCO, *FOI release*, Ref. 0023-16, 11 May 2016.

⁶² FCO, *FOI release*, Ref. 0664-15, 20 July 2015.

⁶³ FCO, *FOI release*, Ref. 0702-15, 11 August 2015.

⁶⁴ FCO, *FOI release*, Ref. 0664-15, 20 July 2015.

⁶⁵ Parliament, *Arab Partnership Participation Fund: Written Question*, HL1048, 16 July 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-07-02/HL1048/>.

⁶⁶ HM Inspectorate of Prisons, *FOI Release*, Ref. 3089/2015, 12 May 2015.

⁶⁷ BIRD, *Stop Revoking Citizenships: BIRD Publishes Full Documentation*, 10 February 2016, <http://birdbh.org/2016/02/revoked-citizenship/>; BIRD, *NGOs Condemn Death Sentences in Bahrain After Record Year*, 8 January 2016, <http://birdbh.org/2016/01/ngos-condemn-death-sentences-in-bahrain-after-record-year/>.

THE OMBUDSMAN

The Ombudsman Office of the Ministry of Interior was established in 2012. Since then it has received training and best practice support through the FCO. The Ombudsman's mandate is to investigate misconduct by Ministry of Interior staff, which include police officers and prison staff. Complaints may be submitted by victims or on their behalf by family, attorneys or NGOs. While a positive measure on paper, in practice the Ombudsman lacks independence and cannot effectively execute its mandate.

Decree 27 of 2012, which establishes the Ombudsman office, states that the Ombudsman receives its budget from the Ministry of Interior budget. The Ombudsman and his deputy must be vetted by the Minister of Interior. The Minister may recommend the removal of both the Ombudsman and his deputy to the Prime Minister, if they fail to execute their mandate. Failure is ill-defined by the law. As the Ombudsman's budget and personnel is wholly dependent on the Ministry of Interior,⁶⁸ it cannot effectively police it.

The Ombudsman has a Memorandum of Understanding (MOU) with the Special Investigations Unit (SIU). The SIU was established in 2012 within the Public Prosecutor's Office (PPO) and is mandated to investigate security forces' use of torture and extrajudicial killings and recommend cases for criminal prosecution.⁶⁹ Its mandate therefore overlaps with the Ombudsman, and under the MOU, the Ombudsman must hand over any cases in which abuses are verified to the SIU. This effectively diminishes any powers of enforcement the Ombudsman may have.

The Ombudsman also cannot enforce confidentiality for complainants. The Ministry of Interior, who may obtain the contents complaints due to being an involved party in all cases, can dispose of complaints as it wishes. In a recent incident, the Bahrain Ministry of Foreign Affairs used an Ombudsman case file, seen by BIRD, in an effort to stymie a European Parliament urgency resolution regarding the death sentence of Mohammad Ramadan (see 'Death Penalty' under 'Ongoing Human Rights Concerns'). BIRD understands from credible sources that this information was circulated to the Ministry of Foreign Affairs by the Ministry of Interior, and that the Ombudsman did not challenge this misuse of a confidential complaint. The incident reflects the continued ability of the MOI to act with impunity, even with the disposal of confidential victim information, and the Ombudsman's inability to sanction such actions.

These issues are at the core of the Ombudsman, as they are established within its legal frameworks. While the FCO can and does improve the skill of individuals within the Ombudsman, the core problems render it unable to effectively police the Ministry of Interior. The Ombudsman is thus extremely limited as a mechanism for the prevention of abuse.

SPECIAL INVESTIGATIONS UNIT

The SIU was established in 2012. It is mandated to investigate allegations of torture and ill-treatment and recommend cases for prosecution where violations are sufficiently established. Its mandate thus overlaps with the Ombudsman.

The SIU is located in the same building as the PPO. Torture victims and their lawyers told NGOs that Public Prosecutors have threatened them in the past when they attempted to recant confessions made under duress. Others testify to police threatening detainee victims summoned by the SIU and insulting or humiliating behaviour by the SIU. In one case documented by BIRD, a family submitted a written complaint to the SIU in late 2015, stating that they believed a relative was being detained unlawfully by the National Security Agency (NSA), whose law enforcement powers were formally stripped in 2011. Soon after, the complainant was summoned to the NSA,

⁶⁸ Royal Decree 27 of 2012, articles 7 and 16.

⁶⁹ Amnesty International, *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, 2015, p. 16.

where he met an official who held the original hand-written complaint, and who asked why he had complained against them. No confidentiality was maintained.⁷⁰

In previous years the FCO has not appeared to be directly involved with this mechanism, and the lower quality of its work suggests that the FCO's involved work with the Ombudsman has helped improve that mechanism's standards. Like the Ombudsman, the SIU is not independent and structurally tied to the Public Prosecution, which, like the Ministry of Interior, is central to rule of law violations and the culture of impunity which the BICI first identified in 2011,⁷¹ and which continue unaddressed. The FCO listed the SIU as a beneficiary of technical assistance in its latest Human Rights and Democracy Report.

THE PRISONERS AND DETAINEES RIGHTS COMMISSION

The Prisoners and Detainees Rights Commission (PDRC) was established under Royal Decree 61 of 2013 and is mandated with inspecting and reporting on prison conditions in Bahrain. The FCO has enlisted Her Majesty's Inspectorate of Prisons to provide assistance to the new body. The body is supposed to be in line with the Optional Protocol of the UN Convention against Torture (OP-CAT), which mandates the creation of national preventative mechanisms. The Government of Bahrain has "committed to consider" ratifying OP-CAT, but this commitment is no guarantee of any actual action.⁷² As long as Bahrain does not ratify OP-CAT, it avoids subjecting the PDRC to international standards and regulatory oversight, and does not have to fulfil the standards typically required of a national preventative mechanism.

The PDRC's appointment system undermines its mandate and leaves it non-independent. The PDRC is headed by the Ombudsman, and its membership is nominated by the Ombudsman, the National Institute for Human Rights, the PPO and the Supreme Judicial Council. The public prosecution and judiciary are directly involved in human rights abuses and have systematically failed to investigate defendant claims of torture; rather, a significant proportion of persons sentenced under the criminal law for politically-related acts have been found guilty through the use of confessions extracted under duress.

In a September 2015 report, BIRD found the PDRC to be lacking in independence and its inspection and reporting quality poor. BIRD recommended that the Government of Bahrain make the PDRC fully independent; that the PDRC improve its inspection and reporting methodologies; and that it inspect for and report on any signs of torture, due to ongoing and historic reports of the practice in prison.⁷³

The PDRC has also shown poor choice in nominated appointments. In September 2015, BIRD discovered that a PDRC member, Ahmed Al Malki, nominated by the NIHR had tweeted in approval of the Holocaust, and said that similar measures should be taken against "Wilayat Al Faqih" (the system of governance in Iran, and a derogatory shorthand for Shia in general).⁷⁴ The majority of prisoners of conscience in Bahrain, who are estimated to number around 2000, are Shia.⁷⁵ While he was removed from the PDRC following this discovery,⁷⁶ the fact of his appointment reflects the problems of independence and effectiveness embedded in the body.

70 Testimonies recorded by BIRD.

71 BICI, *Report of the BICI*, para. 1240.

72 Hansard, *Bahrain: Written Question – Column 25324*, 9 February 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-02-02/25324/>.

73 BIRD, ADHRB, *Fundamentally Flawed: A Review of the Prisoners and Detainees Rights Commission*, p. 13, http://birdbh.org/wp-content/uploads/2015/09/PDRC_Fundamentally-Flawed1.pdf.

74 BIRD, ADHRB, *Fundamentally Flawed*, pp. 5-6.

75 BIRD, ADHRB, BCHR, *Inside Jau: Government Brutality in Bahrain's Central Prison*, May 2015, pp. 10-11, <http://birdbh.org/wp-content/uploads/2015/06/Inside-Jau.pdf>. Many Shia inmates were subject to hate speech directed at their religion by police and prison staff, see *Inside Jau*, p. 18.

76 HRW, "Appendix V" in *"The Blood of People Who Don't Cooperate": Continued Torture and Mistreatment of Detainees in Bahrain*, 22 November 2015, https://www.hrw.org/sites/default/files/report_pdf/appendix_v_letter_to_insert.pdf.

The PDRC has received significant support from the UK, notably through training by the UK's own prison inspectorate. The PDRC thus far has low standards of work, and fails to critically address torture. The Government of Bahrain placed the PDRC within the Ombudsman's purview, and thereby indirectly incorporated into the Ministry of Interior's structure.

NATIONAL INSTITUTE FOR HUMAN RIGHTS

The NIHR was established by royal decree in 2009. Although it was empowered after 2011, allowing it to take greater actions on rights issues, it fails to meet the essential criteria set by the Paris Principles, compliance to which is a key component of receiving international accreditation. Whereas the Paris Principles criteria require NIHRs to be competent and autonomous from the state, Bahrain's NIHR is not autonomous from government and its competence as a body is questionable.⁷⁷ The NIHR is listed as a beneficiary of UK support in the latest Human Rights & Democracy report. Some its members, two of whom are also members of the PDRC, have received direct training from the UK.

The NIHR's membership ties it to the state. Six of its ten commissioners, including its current chairman, hold governmental positions, with two Shura council members, one advisor to the GCC Supreme Council, two members of parliament and one member of the Supreme Council for Youth and Sport.⁷⁸ The head of this latter government body is Prince Nasser bin Hamad Al Khalifa, whose diplomatic immunity in the UK was quashed in 2014 over allegations of his direct involvement in the torture of prisoners in 2011.⁷⁹

While the NIHR has made some strides in the quality of its annual reporting, the statements and character of NIHR commissioners damages their credibility. In November 2015, the NIHR criticized HRW's contemporary report, which found torture to continue systematically in Bahrain.⁸⁰ One NIHR commissioner and Member of Parliament, Khaled Al Shaer, has publicly denied that there are any prisoners of conscience in Bahrain.⁸¹ In April 2016, he went a step further and endorsed the death penalty as a deterrent to the exercise of free speech. He tweeted in Arabic: "He who accuses the King, God save him, in participating in crimes against the state (veiled words), I think that he has committed high treason and deserves the death sentence, shortly he would deny [his statements]."⁸² The questionable membership of the NIHR and its criticisms of international human rights organisations' findings place it at odds with its intended purpose.

These questions underline the core necessity of substantive rule of law reform. Though the capacity and mandates of the NIHR, and the other three bodies, are theoretically substantial, they are undermined by the absence of independent membership and executives. The NIHR's design lends itself to shielding the Government of Bahrain from unwanted human rights criticism, while it is allowed to pursue human rights issues which are politically acceptable. The same issue, rooted in legislature and membership, is observed in all of the mechanisms the FCO is engaged with.

THE TECHNICAL ASSISTANCE PROGRAMME AS A LOBBY TOOL

Concerns have been raised that funds from the technical assistance programme were used for purposes not directly relevant to training. In September 2015, the FCO facilitated a delegation to the UN in Geneva comprising members of the Bahrain embassy and representatives of

77 BIRD and ADHRB, *Subservient and Unaccountable: A Shadow Report on the Bahraini Ministry of the Interior's Ombudsman and Bahrain National Institute for Human Rights*, 2014, p. 17.

78 National Institute for Human Rights, *Commissioners*, <http://www.nihr.org.bh/EN/Organisation/CommissionerMain>.

79 BBC, *Prince Nasser of Bahrain Torture Ruling Quashed*, 7 October 2014, <http://www.bbc.co.uk/news/uk-29521420>.

80 BNA, *NIHR: HRW Overlooks Human Rights Progress in Bahrain*, 26 November 2015, <http://www.bna.bh/portal/en/news/698132>.

81 Al Wasat, *النائب خالد الشاعر: لا يوجد في البحرين سجين رأي.. ونرحب بالتعاون الحقوقي*, 22 May 2015, <http://www.alwasatnews.com/news/993062.html>.

82 Twitter, @alshaer_khalid, 28 April 2016, https://twitter.com/alshaer_khalid/status/725681065143230464.

British organisations which have facilitated some of the technical assistance, including one person each from HM Inspectorate of Prisons, Northern Ireland Co-operation Overseas and the Causeway Institute. The delegation met with NGOs and embassies a week before the start of the 30th session of the UN Human Rights Council.

The delegation presented reform projects in which the UK is involved. Individuals and officials who met the delegation, and with whom BIRD has been in contact, reflected that the delegation's meetings painted a very positive image of Bahrain, without touching on current critical issues and failings. Multiple individuals privately told BIRD that the meetings gave the impression of a public relations exercise, with some calling it a "white wash".

The FCO declared the total cost of this delegation at £4,081.72,⁸³ and the trip was financed from the £2.1m budgeted for technical assistance.⁸⁴ This particular source of funding, from the Conflict, Stability and Security Fund, comes under the control of a Cabinet Office committee and was classified as defence spending.⁸⁵ This declared cost included transport, accommodation and meals, but does not include pro-rata salary costs incurred for operating the delegation, which may have come, though indirectly, from the technical assistance budget. The actual cost may therefore be higher.

In February 2016, the *Observer* further found the UK had diluted the wording of a joint statement at the UN Human Rights Council criticising continued human rights violations in Bahrain. The *Observer* found that: "A comparison of the second and final, third draft issued on 14 September and obtained by the Observer, shows significant further amendments were made to remove embarrassing references to Bahrain and its security forces. The second draft read: '#We (*sic*) are concerned by reports of excessive use of force by the riot police forces.' This was changed to: 'We are concerned that there is insufficient accountability for human rights violations.'"⁸⁶ These changes occurred days after the delegation visit to Geneva, reflecting a direct effect from the visit on multi-lateral UN human rights actions.

Actions such as the 'public relations' presentations at the UN are indicative of an end to the thread of political reform which previously appeared to underpin elements of British foreign policy efforts in Bahrain. Increasingly, the UK government is favouring security relations to the point of forgoing a comprehensive human rights policy (see Chapter 3).

The FCO Human Rights and Democracy Report 2015

In April 2016, the FCO published its annual Human Rights and Democracy Report. This report introduced a new category of priority countries, which replaced old categories of human rights countries of concern and case studies. The new category, which includes Bahrain, sets out to list 30 countries in which the FCO feels the UK "can make a real difference" and is "deliberately more concise" than previous reports.⁸⁷ The new category has subverted the debate, continually raised by the FAC since 2013, over the "case study" category and Bahrain's exclusion from the "country of concern" category; the new "priority countries" category effectively combines the theory behind both former options.

The chapter on Bahrain does not reflect ongoing human rights concerns. It states that "overall, there was progress on human rights in Bahrain throughout 2015, although challenges remain. The government of Bahrain continued to take steps to implement its human rights and political

83 FCO, *FOI Response*, Ref. 1017-15, 23 November 2015.

84 FCO, *FOI Response*, Ref. 0952-15, 26 October 2015.

85 BuzzFeed, *Revealed: How Britain Used Conflict Resolution Cash to Water Down Human Rights Concerns Over Bahrain*, 30 May 2016, https://www.buzzfeed.com/alanwhite/revealed-how-britain-used-conflict-resolution-cash-to-water?utm_term=.xnamVo8KQ#.sv6LV7jQ6.

86 Observer, *Britain Lobbied UN to Whitewash Bahrain Police Abuses*, 21 February 2016, <http://www.theguardian.com/politics/2016/feb/21/britain-lobbied-un-bahrain-human-rights-abuses>.

87 FCO, *Human Rights & Democracy Report 2015*, 2016, p. 2.

reform agenda.”⁸⁸ 2015 actually saw an end to political reconciliation, marked with the continued prosecution of acts of expression, and the jailing of political opposition leaders Sheikh Ali Salman and Ebrahim Sharif. The FCO does not comment on what political reform it has observed in 2015.

The report lists the Ombudsman, PDRC, NIHR and SIU as beneficiaries of British technical assistance. The FCO describes them as “independent”, despite their total dependence on government institutions. The FCO welcomed the Ombudsman’s work on Jau Prison, where severe allegations of torture were recorded last year (see Ongoing Human Rights Concerns below).

The report avoids direct discussion of torture, which Human Rights Watch found continues to be systematic in 2015,⁸⁹ and allegations of which continue to be recorded by human rights organisations in 2016. While it raises concern over the revocation of nationality and the increased use of the death penalty, the FCO does not comment on the judicial system, which has become the main vehicle of human rights violations.

Outside of the Bahrain chapter, the latest Human Rights & Democracy report recognises the importance of free speech, media freedoms, civil society space and human rights defenders to the attainment of democracy.⁹⁰ The report recognises democracy as “a core British value” and puts forward the belief that it is the “form of government most conducive to long-term peace and sustainable development.”⁹¹ These commitments and stances are not reflected in the Bahrain chapter and, as seen throughout this chapter, all indicators suggest freedoms, human rights defenders, and democratization are under threat in Bahrain.

The report fails to hold equal, objective standards for each country it reviews. Some human rights priority countries which face similar issues to those of Bahrain are treated more critically than the latter. On the Republic of Maldives, for instance, the FCO states that: “Political and civil freedoms were eroded, opposition and some government figures were arbitrarily arrested, the press resorted to self-censorship, and there were worrying moves to re-introduce the death penalty after a moratorium of more than 60 years ... By the end of 2015, all opposition party leaders were in prison, detained, or in self-imposed exile.”⁹² Despite similar issues in Bahrain – including an increase in death sentences and the imprisonment of all major opposition leaders – the report’s Bahrain chapter is decidedly positive and without the same degree of detail into the violations.

A similar comparison can be made with human rights defenders, the abuse of whom is raised in the priority countries of Afghanistan, China, Colombia, Congo, Egypt, Libya, Saudi Arabia, Sri Lanka, Uzbekistan, Venezuela, Yemen, but not in Bahrain. This was in spite of the unfair prosecutions of Nabeel Rajab and Zainab Al Khawaja, the torture of Naji Fateel in prison, and the hunger strike of Abduljalil Al Singace over the course of 2015.⁹³ All are considered human rights defenders.⁹⁴

88 FCO, *Bahrain – Human Rights Priority Country*, April 2016, <https://www.gov.uk/government/publications/bahrain-human-rights-priority-country/bahrain-human-rights-priority-country>.

89 HRW, “*The Blood of People Who Don’t Cooperate*”, 2015.

90 FCO, *Human Rights & Democracy Report 2015*, 2016, pp. 7-8.

91 FCO, *Human Rights & Democracy Report 2015*, 2016, p. 5.

92 FCO, *Human Rights & Democracy Report 2015*, 2016, p. 44.

93 BIRD, *Travel Ban of Human Rights Defender Nabeel Rajab Must Be Overturned, Say NGOs in Letter to King*, 21 January 2016, <http://birdbh.org/2016/01/4405/>; BIRD, *Bahrain: Zainab Al-Khawaja Sentenced to One Year in Prison, Other Sentences Delayed*, 23 October 2015, <http://birdbh.org/2015/10/bahrain-zainab-al-khawaja-sentenced-to-one-year-in-prison-other-sentences-delayed/>; BIRD, ADHRB & BCHR, *Inside Jau: Government Brutality in Bahrain’s Central Prison*, May 2015, pp. 21, 23, <http://birdbh.org/wp-content/uploads/2015/06/Inside-Jau.pdf>; Bahrain: *Free Human Rights Defender Dr. Al-Singace*, 15 January 2016, <http://www.pen-international.org/newsitems/bahrain-as-human-rights-defender-dr-al-singace-enters-300th-day-of-hunger-strike-ngos-call-for-his-immediate-release/>.

94 Front Line Defenders, *Nabeel Rajab*, <https://www.frontlinedefenders.org/en/profile/nabeel-rajab>; Front Line Defenders, *Case History: Zainab Al-Khawaja*, 14 March 2016, <https://www.frontlinedefenders.org/en/case/case-history-zainab-al-khawaja>; Front Line Defenders, *Naji Fateel*, <https://www.frontlinedefenders.org/en/profile/naji-fateel>; Pen International, *Bahrain: Free Human Rights Defender Dr. Al-Singace*, 15 January 2016, <http://www.pen-international.org/newsitems/bahrain-as-human-rights-defender-dr-al-singace-enters-300th-day-of-hunger-strike-ngos-call-for-his-immediate-release/>.

Figure 1.9 expresses this point. It shows the opening sentences of each country chapter in the Human Rights & Democracy Report 2015, and rates whether the FCO's outlook on human rights is positive, negative or mixed.⁹⁵ Twenty countries received a negative assessment and seven received a mixed response. Only three countries are given a positive outlook: Bahrain, Burma and Sri Lanka. All three have received significant forms of assistance from the UK.

Ongoing Human Rights Concerns

In spite of early promises in 2011, the end to a national dialogue and the continued FCO support provided to Bahrain, human rights abuses are ongoing. Key amongst these are issues related to political rights, freedom of expression, unfair trial and torture.

In May 2016, King Hamad announced an end to the implementation of the 26 BICI recommendations, considering it completed. The announcement was marked with a ceremony awarding Cherif Bassiouni, the jurist who led the BICI. The state news agency reported that Bassiouni had praised the reforms,⁹⁶ though Bassiouni later called the statement inaccurate, and it appears that statements by the Bahrain Minister of Justice were attributed to him.⁹⁷ It was an announcement welcomed by the UK embassy in Bahrain, who reaffirmed their commitment to further reform assistance.⁹⁸

But the Government of Bahrain's assessment is false. Underpinning all current ongoing rights issues is the institutionalisation of repression through newly promulgated laws which restrict the ability of civil society to operate. Among the major new laws, in 2013, new decrees criminalised protests in Manama; allowed parents to be prosecuted if their children participated in unauthorised protests; and criminalized political society meetings with foreign diplomats without the presence of government officials.⁹⁹ In 2014, new laws formally criminalized criticism of the King;¹⁰⁰ provided the Ministry of Interior and the criminal courts with the power to strip the nationality of persons considered threats to national security;¹⁰¹ and legalised pre-trial detention for up to 7 months in total.¹⁰² While 2015 also saw further amendments to the already expansive anti-terrorism law,¹⁰³ the rate of new decrees restricting the freedoms of assembly, association and expression and increasing the punitive powers of the judiciary slowed, suggesting that the Bahraini government has now granted itself all the powers it needs to effectively control its population.

This new legal framework is fundamentally at odds with the spirit and text of the BICI recommendations and represents a major regression in Bahrain's human rights situation. This legalisation of repressive powers undermines the rhetoric of rule of law and human rights reform. The mechanisms established with the FCO's aid operate on the periphery of a system designed to prosecute any criticism of it.

95 Positive ratings are determined where positive human rights statements outweigh expressions of concern. Negative ratings are determined where expressed concern outweighed positive statements. Mixed ratings are determined where neither a positive nor negative outlook is dominant in the statement.

96 BNA, *BICI Recommendation Objectives Achieved*, 9 May 2016, <https://www.bna.bh/portal/en/news/726424>.

97 Middle East Eye, *Bahrain Human Rights Reviewer Says Quotes Praising Reforms "Wrong"*, 11 May 2016, <http://www.middleeasteye.net/news/bahrain-fabricates-quotes-bici-chair-praising-human-rights-reform-1160948930>.

98 Twitter, @UKinBahrain, 11 May 2016, <https://twitter.com/UKinBahrain/status/730380544614248449>.

99 Amnesty International, *Bahrain: New Decrees Ban Dissent As Further Protests Organized*, 7 August 2013, <https://www.amnesty.org/en/latest/news/2013/08/bahrain-new-decrees-ban-dissent-further-protests-organized/>; New York Times, *Expelled U.S. Official to Return to Bahrain*, 2 December 2014, <http://www.nytimes.com/2014/12/03/world/middleeast/bahrain-us-human-rights-official-tom-malinowski.html>.

100 CNN, *New Law: Insult Bahrain's King, Get Thrown In Jail*, 6 February 2014, <http://edition.cnn.com/2014/02/06/world/meast/bahrain-new-law/>.

101 Al-Wasat, *الحكم على 31 متهما بقضية (تنظيم إرهابي) بأحكام تصل إلى 51 عاما وإسقاط جنسية 9 منهم*, 7 August 2014, <http://www.alwasatnews.com/news/909847.html>.

102 BIRD, *Bahrain: New Anti-Terrorism Amendments Pave the Way to Further Abuses*, 22 December 2014, <http://birdbh.org/2014/12/bahrain-new-anti-terrorism-amendments-pave-the-way-to-further-abuses/>.

103 BIRD, *Bahraini Authorities Introduce Additional Oppressive Laws*, 22 December 2015, <http://birdbh.org/2015/12/bahraini-authorities-introduce-additional-oppressive-laws/>.

Figure 1.9:
Human Rights & Democracy Report 2015 Outlooks on Priority Countries

Country	FCO's Opening Statement	Outlook
Afghanistan	The overall human rights picture in 2015 remained poor.	Negative
Bahrain	Overall, there was progress on human rights in Bahrain, although challenges remain. The government of Bahrain continued to take steps to implement its human rights and political reform agenda.	Positive
Bangladesh	There was no improvement in the overall human rights situation in Bangladesh in 2015.	Negative
Burma	There was progress on human rights in Burma during 2015, particularly in the areas of civil and political rights, but significant challenges remain. The 8 November parliamentary elections were an important milestone in Burma's democratic transition.	Positive
Burundi	The human rights situation deteriorated in Burundi in 2015.	Negative
Central African Republic	The overall human rights situation in CAR remained very poor throughout 2015.	Negative
China	China continues to face significant human rights challenges, but throughout 2015 improved social and economic rights, and implemented reforms to strengthen the rule of law. The UK supports these goals.	Mixed
Colombia	There was mixed progress on the human rights situation in Colombia in 2015, despite efforts by the government of Colombia to improve it.	Mixed
North Korea	The human rights situation in the DPRK showed no sign of improvement in 2015.	Negative
Congo	The human rights situation in the DRC deteriorated in 2015.	Negative
Egypt	In 2015, Egypt held parliamentary elections, completing the final institutional stage on its road map for political transition. At the same time, Egypt faced a significant terrorist threat, resulting in at least 366 deaths (in addition to the attack on the Metrojet aircraft that killed 224 people). Against this background, the human rights situation remained poor and continued to deteriorate.	Negative
Eritrea	In 2015, the human rights situation in Eritrea remained of serious concern, although there were some limited signs of progress.	Mixed
Iran	2015 saw the welcome engagement of Iran with the rules-based international system, reaching a potentially historic agreement that will impose strict limits and inspections on Iran's nuclear programme. However, Iran's human rights record continued to cause great concern.	Mixed
Iraq	The human rights situation in Iraq remained of grave concern during 2015.	Negative

Country	FCO's Opening Statement	Outlook
Israel and Occupied Palestinian Territories	We remained seriously concerned about the human rights situation in Israel and the OPTs in 2015.	Negative
Libya	Overall, the human rights situation worsened during 2015.	Negative
Maldives	In 2015, the human rights situation in Maldives deteriorated, with a sustained decline in democracy and judicial independence as President Yameen's government tightened its grip on power. Political and civil freedoms were eroded, opposition and some government figures were arbitrarily arrested, the press resorted to self-censorship, and there were worrying moves to re-introduce the death penalty after a moratorium of more than 60 years.	Negative
Pakistan	Serious human rights concerns persisted in 2015.	Negative
Russia	The human rights environment in Russia continued to deteriorate in 2015.	Negative
Saudi Arabia	Throughout 2015, the human rights situation in Saudi Arabia remained of concern, though there were incremental steps to improve women's rights.	Mixed
Somalia	2015 was another year of serious concern for human rights in Somalia.	Negative
South Sudan	The human rights situation in South Sudan deteriorated further during 2015.	Negative
Sri Lanka	There was an improvement in the overall human rights situation in Sri Lanka in 2015, although some concerns remain.	Positive
Sudan	Overall there was no significant improvement in the human rights situation in Sudan during 2015.	Negative
Syria	In 2015, the human rights situation in Syria continued to deteriorate as conflict intensified.	Negative
Turkmenistan	The human rights situation in Turkmenistan throughout 2015 remained of significant concern.	Negative
Uzbekistan	In 2015, we continued to have significant concerns about the overall human rights situation in Uzbekistan.	Negative
Venezuela	In 2015, the human rights situation in Venezuela was challenging. There were some efforts by the state to improve this.	Mixed
Yemen	The overall human rights situation in Yemen significantly deteriorated in 2015.	Negative
Zimbabwe	In 2015, the human rights situation in Zimbabwe remained fragile. Although conditions have improved since 2008, violations still occur.	Mixed

DEATH PENALTY

Since 2014, Bahrain's use of the death penalty has risen. There are currently at least ten people sentenced to death in Bahrain. Prior to 2014, military courts sentenced a number of individuals to death during 2011, however these had all been commuted in line with the BICI (this implementation was sluggish, and one death penalty, that of Ali Al Taweel, was only commuted in 2015).¹⁰⁴

Of the ten persons currently sentenced to death and whose cases have been assessed by BIRD, two of them have exhausted all legal appeals, and can only be pardoned by the King of Bahrain.¹⁰⁵ BIRD's documentation finds that eight of these individuals are held on politically-motivated charges. Of these, BIRD has documented two serious allegations of torture and unfair trial.¹⁰⁶ Amnesty International found the trials of four other death row inmates to have been unfair, and documented allegations of torture.¹⁰⁷

In January 2016, the European Parliament adopted an Urgency Resolution on the case of one particular death row inmate, Mohammad Ramadan, who has exhausted all legal appeals. The European Parliament expressed grave concern over the use of the death sentence and called for a moratorium.¹⁰⁸ Both Mohammad Ramadan's lawyer and family allege that he was physically tortured, sexually harassed and threatened during detention. They state that interrogators informed Ramadan that they knew he was innocent, but would arrange for his conviction because he deserved it.¹⁰⁹

Despite the FCO's stance against the death penalty, the FCO has not directly criticised the use of the death penalty in Bahrain. In one statement, the FCO expressed "concern", iterated that "the UK opposes the death penalty around the world" and that "we regularly discuss human rights and reform with the Government of Bahrain."¹¹⁰ In another statement in November 2015, the FCO stated: "The UK is concerned by the death sentences as handed down by the Bahraini courts. We support Bahrain's right to bring to justice those responsible for the death of a police officer. But it is our longstanding policy to oppose the death penalty in all circumstances."¹¹¹

REVOCATION OF NATIONALITY

The Government of Bahrain uses the stripping of nationality as a method to punish dissent. The first incident, in 2012, was by order of the Minister of Interior, and stripped the citizenship of 32 political activists, many of whom were in exile. Included among them were former parliamentarians and members of the Al Wefaq political society.¹¹² In 2014, new amendments to the 1963 Citizenship Law further increased the power of the Minister of Interior to strip citizenships, and for the first time provided criminal courts the power to do strip citizenship of individuals convicted under Bahrain's anti-terrorism act, which NGOs and UN human rights

104 BIRD, ADHRB & BCHR, *Shattering the Façade*, pp. 30-31.

105 BIRD, *NGOs Condemn Death Sentences in Bahrain After Record Year*, 8 January 2016, <http://birdbh.org/2016/01/ngos-condemn-death-sentences-in-bahrain-after-record-year/>.

106 BIRD, *NGOs Condemn Death Penalty Sentence of Mohammad Ramadan and Husain Ali Moosa*, 30 December 2014, <http://birdbh.org/2014/12/ngos-condemn-death-penalty-sentence-of-mohammed-ramadan-and-husain-ali-moosa/>.

107 Amnesty International, *Urgent Action: Three Sentenced to Death After Unfair Trial*, 27 February 2015, <https://www.amnesty.org/download/Documents/MDE1110812015ENGLISH.pdf>; and Amnesty International, *Urgent Action: Death Sentence for Flare Fatality*, 7 October 2014, <https://www.amnestyusa.org/sites/default/files/uaa25214.pdf>.

108 BIRD, *European Parliament Adopts an Urgency Resolution on the Case of Mohammad Ramadan*, 4 February 2016, <http://birdbh.org/2016/02/european-parliament-adopts-an-urgency-resolution-on-the-case-of-mohammed-ramadan/>.

109 Guardian, *Bahrain's UK-Funded Police Watchdog Fails to Investigate Torture Claims*, 9 February 2016, <http://www.theguardian.com/world/2016/feb/09/bahrain-uk-funded-police-watchdog-fails-to-investigate-torture-claims-mohammed-ramadan>; BIRD, *NGOs Condemn Death Penalty Sentence of Mohammed Ramadan and Husain Ali Moosa*, 30 December 2014, <http://birdbh.org/2014/12/ngos-condemn-death-penalty-sentence-of-mohammed-ramadan-and-husain-ali-moosa/>.

110 Hansard, *Bahrain: Capital Punishment: Written Questions – 25517*, 9 February 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-02-02/25517/>.

111 FCO, *Mr Ellwood Statement on Death Penalties Sentence*, 20 November 2015, <https://www.gov.uk/government/world-location-news/mr-ellwood-statement-on-death-penalties-sentences>.

112 BNA, *Urgent: Statement by the Ministry of Interior*, 7 November 2012, <http://bna.bh/portal/en/news/532098?date=2012-11-7>.

experts alike have criticised for its vague definition of terrorism and wide-ranging policing and prosecution powers.¹¹³ These amendments came into effect immediately, and in 2015, 208 individuals were revoked of nationality. Of these, 72 were stripped of nationality by ministerial order in January 2015. Peaceful political activists and human rights activists including BIRD's own Director of Advocacy were listed among them.¹¹⁴ At least 11 juveniles and 30 students were among those stripped of citizenship in 2015.¹¹⁵

The FCO raised the issue of revoked citizenships with the Government of Bahrain following the January 2015 incident, and in a written statement said that "all of the individuals affected have the right to appeal."¹¹⁶ While theoretically true, the ministerial order was not published as a decree or law, but as a statement on the state news agency; the order was effectively extrajudicial. Many of the afflicted have left Bahrain and are now refugees or asylum claimants. For many, there is no effective remedy: returning to Bahrain would likely see them tried under anti-terrorism laws, and some of the exiled dissidents named in January have already been convicted *in absentia*, guaranteeing their imprisonment should they return to Bahrain. As they cannot appeal without returning to Bahrain, and cannot do so without strong likelihood of arrest, the majority of persons stripped of citizenship by ministerial order have no true remedial options.

Incidents of revoked citizenship have continued in 2016,¹¹⁷ and Bahrain has begun deporting former Bahrainis stripped of citizenship from the country on the grounds of "illegal residency".¹¹⁸ The majority of persons stripped of citizenship may be assumed to have been rendered stateless. The UK is impacted in turn, as many Bahraini refugees and asylum seekers come to British shores. Some have been deported to Lebanon, becoming part of that country's refugee crisis. By manufacturing statelessness, Bahrain is thereby contributing to the current refugee crisis.

The FCO has raised concern over the deprivation of nationality, most recently in its latest Human Rights and Democracy report.¹¹⁹ There are no suggestions that the issues of human rights defenders and activists, despite being among those stripped of citizenship, have been prioritised, despite the FCO's stated policy prioritisation of human rights defenders, expressed throughout its latest report, though not in the Bahrain chapter.

TORTURE

Excessive use of force amounting to torture continues to be a key issue in Bahrain. Human Rights Watch first documented systematic abuse and torture in 2010, with documentation of cases stretching back to 2007.¹²⁰ The BICI report of 2011 also found the use of torture and abuse of detainees to be systematic during 2011.¹²¹ The UN Special Rapporteur on Torture has repeatedly been denied entry into Bahrain. Twice since 2011, scheduled visits to Bahrain were postponed indefinitely by the country. The Chief of Police reportedly said that the Rapporteur's visit had been denied because of his "biased thoughts."¹²²

In November 2015, Human Rights Watch found that torture continued to be employed

113 BIRD, *Bahrain: New Anti-Terrorism Amendments Pave the Way to Further Abuses*, 22 December 2014, <http://birdbh.org/2014/12/bahrain-new-anti-terrorism-amendments-pave-the-way-to-further-abuses/>.

114 BIRD, *Stop Revoking Citizenship – BIRD Publishes Full Documentation*, 10 February 2016, <http://birdbh.org/2016/02/revoked-citizenship/>.

115 BIRD, *Revoked Nationalities Documentation 2012-2015*, February 2016, <http://birdbh.org/wp-content/uploads/2016/02/Revoked-Nationalities2012-15.pdf>.

116 Hansard, *Written Question, HL 6937*, 21 March 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2016-03-11/HL6937/>.

117 Al-Bawaba, *Bahrain Court Revokes Citizenship of Five Inmates*, 25 March 2016, <http://www.albawaba.com/news/bahrain-court-revokes-citizenship-five-inmates-821402>.

118 BIRD, *Bahraini Sheikh Mohammad Khojasta Deported After Citizenship Revoked*, 22 February 2016, <http://birdbh.org/2016/02/bahraini-sheikh-mohammed-khojasta-deported-after-citizenship-revoked/>.

119 FCO, *Human Rights & Democracy Report 2015*, 2016, p. 36.

120 HRW, *Torture Redux: The Revival of Physical Coercion During Interrogations in Bahrain*, 2010, <https://www.hrw.org/report/2010/02/08/torture-redux/revival-physical-coercion-during-interrogations-bahrain>.

121 BICI, *Report of the BICI*, para. 1238, <http://www.bici.org.bh/BICIreportEN.pdf>.

122 Bahrain Mirror, *Bahrain's Public Security Chief: We denied UN Rapporteur on Torture Visit due to his "Biased thoughts on Bahrain"*, 2 November 2015, <http://mirror.no-ip.org/news/27298.html>.

systematically despite the findings and recommendations of the BICI, and that patterns of abuse remained essentially unchanged from those recorded by the BICI four years earlier.¹²³ Amnesty International also found that “Torture of detainees held on suspicion of involvement in terrorism or other security-related investigations appears to be systematic.”¹²⁴

March 2015 witnessed large-scale police abuses in the Central Jau Prison, Bahrain’s largest long-stay male prison, in response to a prison riot. Though a minority of inmates participated, a large swathe of the prison population was collectively punished. BIRD recorded wide-scale acts of torture, sleep deprivation and humiliation.¹²⁵ Subsequently, no police were investigated for their actions. In January 2016, a court sentenced 57 inmates to additional 15-year terms for allegedly instigating and participating in the riots. Human rights defender Naji Fateel, was among the 57, and BIRD has received testimonies that he did not participate in the riot, and that he had been subjected to torture in the aftermath of the police response.¹²⁶ Torture remains systematic and sophisticated in Bahrain.

The FCO’s latest Human Rights & Democracy report does not directly address continuing allegations of torture, though it does make reference to recent relevant prosecutions by the SIU.¹²⁷ The FCO states it has asked Bahrain to allow the Special Rapporteur on Torture to visit the country, and continues to express concern in private over allegations.¹²⁸ In May 2016, the Special Rapporteur on Torture spoke out about Bahrain’s denial of his entry. In an interview, he said, “They tell everyone, ‘We have an inspectorate of prisons,’ but they won’t invite me ... The UK should not be a party to it. ... Bahrain considers itself shielded [from scrutiny] due to its relations with Britain and America.”¹²⁹

The continued systematic nature of torture is a core rule of law issue which continues largely unaddressed in Bahrain, despite the established Ombudsman, SIU and PDRC. In November 2015, HRW recommended that Bahrain enact major legislative reforms and ensure the independence of the Ombudsman and PDRC, and further recommended the UK “suspend funding, support and training for security service reform until Bahrain enacts and complies with key recommendations in this report, including a standing invite to, and visit by, the UN special rapporteur on torture.”¹³⁰

FREEDOMS OF EXPRESSION, ASSEMBLY AND ASSOCIATION

Bahrain’s penal code criminalises acts of expression and association which are protected under international human rights law. A significant number of Bahraini prisoners today are persons who exercised their freedoms of assembly, expression and association in peaceful ways. These issues have failed to illicit a strong response from the United Kingdom. The FCO typically states that “due process” must be observed. This is seen in wide-ranging cases, including those of human rights defender Nabeel Rajab, Sheikh Ali Salman, Ebrahim Sharif, trade unionist Mahdi Abu Dheeb, and protester Rihanna Al Mousawi,¹³¹ all of whose prosecutions related to acts of

123 HRW, “*The Blood of People Who Don’t Cooperate*”, 2015.

124 Amnesty International, *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, p. 46, https://www.amnesty.org.uk/sites/default/files/2015-04_-_behind_the_rhetoric_english_-_final_1.pdf.

125 BIRD, ADHRB, BCHR, *Inside Jau*, 2015.

126 BIRD, ADHRB, BCHR, *Inside Jau*, 2015, pp. 21, 23.

127 FCO, *Human Rights & Democracy Report 2015*, 2016, p. 36.

128 Hansard, Written Question, Column 25324, 9 February 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-02-02/25324/>.

129 Buzzfeed, *UN Torture Expert Says Britain Should Pressure Bahrain to Allow Him to Visit*, 1 June 2016, https://www.buzzfeed.com/alanwhite/un-torture-expert-says-britain-should-pressure-bahrain-to-al?utm_term=.lnZbxGo5g#gqn2z9XZP.

130 HRW, “*The Blood of People Who Don’t Cooperate*”, 2015.

131 For examples of the FCO’s “due process” calls, see: Hansard, *Ibrahim Sharif: Written Question – HL1338*, 24 July 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-07-13/HL1338/>; Hansard, *Bahrain: Written Question – 228630*, 25 March 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-03-20/228630/>; Hansard, *Bahrain: Written Question – 220680*, 21 January 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-01-14/220680/>; Hansard, *HL Deb*, 24 February 2014, c165W, http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140224w0001.htm#wa_st_37; Hansard, *HC Deb*, 10 June 2013, c81W, http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140224w0001.htm#wa_st_37.

expression, assembly or association.¹³²

Many of these cases are prominently political: Sheikh Hasan Isa, a former Al Wefaq member of parliament, who resigned in 2011, was arrested in August 2015 and held over alleged terrorism offences;¹³³ Al Wefaq member Majeed Milad was sentenced to two years in prison in November 2015 for “inciting non-compliance with the law” after he accused the ruling family of corruption and unaccountability in a speech;¹³⁴ Fadhel Abbas, Secretary General of Al Wahdawi political society, was sentenced to five years in prison after he called Bahrain’s decision to join Saudi Arabia’s war in Yemen unconstitutional. The Ministry of Interior then undertook to dissolve Al Wahdawi for “undermining national security.”¹³⁵

Members of opposition political parties are also summoned for police questioning following political speeches with regularity. Radhi Al Mousawi, the current secretary general of Wa’ad, was summoned for police questioning after a speech made in March 2016.¹³⁶ Five leading opposition society members were summoned for questioning in December 2015, after they spoke at an event marking the anniversary of Sheikh Ali Salman’s arrest.¹³⁷ In both incidents, the police did not pursue charges, but the implicit threat of arrest and prosecution can itself be an excessive deterrent against the exercise of free expression, assembly and association. The Bahraini government has used the criminalisation of “inciting hatred” and the ambiguity of this charge to prosecute political speech which it dislikes. It is a violation of the right to freedom of opinion and expression, as protected in the International Covenant on Civil and Political Rights, and these legal limitations curtail any potential for national dialogue and reconciliation.

The FCO’s latest Human Rights & Democracy report noted “continued concerns” regarding the freedoms of speech, expression and assembly, but did not provide further detail.¹³⁸ FCO statements have been somewhat inconsistent on the issue. A parliamentary written question on the arrest of human rights defender Zainab Al Khawaja on speech-related offences prompted the FCO to state: “The UK encourages Bahrain to respect the rights of all peaceful opposition figures. We call on the Bahraini government to act proportionately in all such cases to protect the universal rights of freedom of expression and assembly.”¹³⁹ Other statements made during this parliament have not been as strong. When Sheikh Ali Salman received his four year sentence, Middle East Minister Tobias Ellwood stated: “I am concerned by the verdict and the sentence handed down to Sheikh Ali Salman and I raised this case with the Bahraini authorities during my visit last weekend. I understand that Sheikh Ali Salman can still choose to appeal the court’s decision.”¹⁴⁰ The concern expressed over Sheikh Ali Salman’s sentence does not match the call made in response to Zainab Al Khawaja’s arrest.

132 The cases of Ebrahim Sharif and Sheikh Ali Salman have already been discussed in this chapter. Nabeel Rajab was sentenced on multiple charges, most recently for a tweet criticising Bahrain’s defence sector after security and police officers joined the ISIS, see: Amnesty International, *Bahrain: Six-Month Jail Sentence for Nabeel Rajab Condemned*, 14 May 2015, <https://www.amnesty.org.uk/press-releases/bahrain-six-month-jail-sentence-nabeel-rajab-condemned>. Mahdi Abu Dheeb, the former president of the Bahrain Teachers’ Association, was arrested in 2011 after calling for a teachers’ strike and sentenced by military court to ten years, later reduced to five, for a variety of charges including “attempting to overthrow the ruling system by force”, see: Amnesty International, *Mahdi Abu Dheeb, Imprisoned in Bahrain for Defending Teachers’ Rights*, 17 April 2015, <https://www.amnesty.org.uk/mahdi-abu-dheeb-bahrain-prison-teachers-rights>. Rihanna Al-Mousawi was detained following a protest during the F1 Grand Prix in 2013 and charged with terrorism offences. She was subjected to torture during torture and sentenced to five years in prison, see: BIRD, *Letter to Jean Todt, President of the Federation Internationale de l’Automobile*, 31 March 2016, <http://birdbh.org/wp-content/uploads/2016/04/31.03.16-FIA-JT-1.pdf>.

133 Al Wefaq, *Al Wefaq: Sheikh Hasan Isa is Facing Reprisal not a Real Lawsuit*, 8 September 2015, <http://alwefaq.net/cmsen/2015/09/08/44902/>.

134 BIRD, *Opposition Leader Majeed Milad Sentenced to Prison Term*, 18 November 2015, <http://birdbh.org/2015/11/opposition-leader-majeed-milad-sentenced-to-prison-term/>.

135 BIRD, *Champions for Justice: Bahrain’s Imprisoned Politicians*, 9 September 2015, <http://birdbh.org/2015/09/champions-for-justice-bahrain-imprisoned-politicians/>.

136 Al Wasat, *السلطات الأمنية تنهي التحقيق مع أمين عام وعد رضي الموسوي*, 31 March 2016, <http://www.alwasatnews.com/news/1096920.html>.

137 BIRD, *Further Harassment of Human Rights and Political Activists*, 31 December 2015, <http://birdbh.org/2015/12/further-harassment-of-human-rights-and-political-activists/>.

138 FCO, *Human Rights & Democracy Report 2015*, 2016, p. 36.

139 Hansard, Column 31697, 22 March 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-03-17/31697/>.

140 FCO, *UK’s Concern at Prison Sentence for Bahraini Opposition Leader*, 16 June 2015, <https://www.gov.uk/government/news/uks-concern-at-prison-sentence-for-bahraini-opposition-leader>.

Conclusion

On the surface, the general orientation of the FCO's human rights policies towards Bahrain began with the correct theory that national reconciliation and technical assistance should be committed simultaneously, and that one can positively affect the other. However, since December 2014, the FCO has quietly ended its role as facilitator and encourager of national dialogue and exclusively pursued technical assistance. BIRD finds that national dialogue as a pillar of Bahrain's reform programme has essentially collapsed. Between 2011 and 2014, anti-terrorism laws were enhanced, freedom of speech, assembly and association were curtailed, and political rights diminished in parallel. Torture continues to be practiced systematically. Rule of law reforms, to which the national dialogue was a part of, should have prevented such repressive laws from being decreed, but did not. The continued institutionalisation of human rights violations in the penal code undermines all other human rights projects, including the Ombudsman, PDRC, NIHR and SIU.

The arrests and prosecutions of Ali Salman and other leading members of the Al Wefaq society, as well as that of Ebrahim Sharif, former general secretary of Wa'ad, and other political figures signal that political resolution remains far off. Had political resolution been achieved, or if it at least remained a possibility, then the Government of Bahrain would not have sought to imprison the remaining free opposition leaders following the general election. The FCO has not called for the politicians' release, but has called for 'due process' to be followed.

Prosecutions on freedom of speech, and the curtailed ability of political societies to engage in their country's civic and political life, is contrary to the political rights provided under articles 19 and 26 of the International Covenant on Civil and Political Rights, to which Bahrain acceded to in 2006. They mark a failure to achieve substantive rule of law reforms, which are key to ensuring effective human rights reforms in other areas. The FCO has raised some concerns on these issues in the past, but does not take a strong stance on them. FCO criticism is often light, and couched with language of praise towards the Ombudsman and other mechanisms.

The technical assistance is flawed because the FCO is engaging and supporting institutions which are insufficiently independent from the Government of Bahrain: none among the Ombudsman, the PDRC, the SIU or the NIHR can be viewed as effectively independent. The laws governing these bodies and actions by individuals within them undermine the mandates of all four institutions. The net effect is to give the appearance of substantial reform: however, they continue to fail to hold human rights violators to account. No high level official has been held to account for any human rights abuses occurring between 2011 and the present, and no such official looks set to be held accountable. The remit of these mechanisms is necessarily limited by political considerations.

There is little suggestion that the FCO's technical assistance programme's effectiveness has thus far been reviewed, assessed or evaluated in-house. BIRD's own evaluation finds that the assistance has not achieved the objectives set out by the FCO: the human rights situation in Bahrain has stagnated, and no progress has been made on rule of law. The FCO has a responsibility to evaluate its assistance, and implement changes to its programme. As has been observed above, human rights violations continue unabated. All four of the post-BICI accountability mechanisms lack the necessary independence to properly fulfil their mandates.

Rule of law is a key component to these issues. In a system with sufficient internal legislative mechanisms, legal articles which undermine the Ombudsman's and other institutions' independence could be challenged via national frameworks to amend and improve its capacity to operate independently. Five years on from the Arab Spring events of 2011, and despite four years of FCO technical assistance, such national measures of reform are unachievable

in Bahrain. There have been some positive outcomes from the FCO's engagement: despite its faults, the Ombudsman, which has received significant British training, is qualitatively better than the SIU; a holocaust-supporter was removed from the PDRC after concerns were raised. However, Bahrain continues to lack national frameworks by which such successes could occur without external oversight. When the FCO's technical assistance inevitably ends in the future, though that may not happen in the life of the current parliament, there exist no national Bahraini guarantees, legal or otherwise, protecting any of the gains made. This same lack of guarantees is a significant threat to human rights advancement in the country, as there is nothing preventing a reversal of these gains if and when FCO oversight on technical reform ends. The current framework's unsustainability is nowhere addressed by the FCO.

One reassurance is that 2016's chosen human rights priority countries are expected to remain listed as such for the duration of the current parliament.¹⁴¹ For Bahrain, this means ostensible British commitment to human rights in the country for the next four years. While this report raises significant issues, it also identifies that negative trends can be reversed: on a theoretical level the British foreign policy appears sound; it is the practical application which has thus far failed.

The FCO's technical assistance should be conditional on substantive rule of law reform. This is a two-part framework: conditional assistance pressures the Bahraini government and the established mechanisms to generate tangible improvements. However, those improvements can only be safeguarded and meaningful if rule of law reforms are achieved. The FCO should be prepared to suspend assistance if such conditions, within a reasonable timeframe, are not met.

¹⁴¹ FCO, *Human Rights & Democracy Report 2015, 2016*, p. 35.

Chapter 2:

The Gulf Initiative: British Policy in the Region, 2010-15

In 2010, the Coalition Government launched a new policy of reengagement towards the Gulf States with reference to its historic relationship. Termed the Gulf Initiative, this was a cross-departmental effort to “reinvigorate the UK’s engagement and reverse neglect of the UK’s relationships in the region in previous years’ and to re-establish the United Kingdom as a strategic partner.”¹⁴² In its 2013 inquiry into the UK’s relationship with Bahrain and Saudi Arabia, the FAC described the Initiative as “largely a re-branding exercise,” as it could find “no conclusive proof of neglect by previous governments.”¹⁴³ However, it recognised the UK’s commitment to its relationships in the region, and that these commitments were appreciated by their Gulf partners.

The Gulf Initiative had no specific definition or dedicated staff, and was instead a broad statement of intent to expand UK efforts in the Gulf and create an open dialogue at the most senior levels “across the board, in culture, education, defence and security, trade and investment, and foreign policy.” The Gulf Initiative was spearheaded by the FCO, with significant input from UK Trade & Investment (UKTI). Underpinning the Gulf Initiative was the 2020 Export Drive, a policy aimed to double UK exports by 2020.¹⁴⁴

Between June 2010 and January 2013, there were over 160 ministerial visits to the region – approximately one visit per every six days – and over 100 visits to the UK by senior Gulf interlocutors.¹⁴⁵ The Prime Minister David Cameron’s first state visit outside of Europe was to the UAE in June 2010, just one month into his premiership. In February 2011, he delivered a speech to the Kuwait National Assembly about Britain’s relationship with the Middle East which emphasised the economic and security relationship with the Gulf states.¹⁴⁶ To date, the Prime Minister has visited the region five times since the initial launch of the Gulf Initiative.

On a royal level, the British royal family has a close personal relationship with the monarchies in the Gulf and there is a regular exchange of visits to and from the region. Prince Charles’ participation in a traditional Saudi sword dance received much media attention in early 2014.¹⁴⁷ In 2015, King Hamad bin Isa of Bahrain missed a Gulf Summit organised by US President Barack Obama in order to attend the annual Royal Windsor Horse Show in the UK, of which he is in regular attendance.¹⁴⁸ He attended again in 2016, and was seated next to The Queen on the occasion of her 90th birthday celebration event hosted on the final day of the show.¹⁴⁹

The broad objectives of the Gulf Initiative have been implemented through bilateral discussions via new working groups with the Gulf states. This includes the UK-Bahrain Joint Working Group, the UK-Kuwait Joint Steering Group, the UK-Oman Joint Working Group and the UK-UAE Task Force.¹⁵⁰ These groups acted as a mechanism to deepen the bilateral relationship, through which the states discuss issues including cooperation on key commercial opportunities, defence, security and counter-terrorism, education, justice, and, for Bahrain, the implementation of reform from the recommendations of the BICI.¹⁵¹

142 FAC, *The UK’s Relations with Saudi Arabia and Bahrain*, 2013, para. 6.

143 FAC, *The UK’s Relations with Saudi Arabia and Bahrain*, 2013, p. 3.

144 UK Trade & Investment (UKTI), *Corporate Report: 2020 Export Drive*, 19 December 2014, <https://www.gov.uk/government/publications/2020-export-drive/2020-export-drive#introduction>.

145 FAC, *The UK’s relations with Saudi Arabia and Bahrain*, 2013, para. 7.

146 Cabinet Office, *Prime Minister’s Speech to the National Assembly Kuwait*, 22 February 2011, <https://www.gov.uk/government/speeches/prime-ministers-speech-to-the-national-assembly-kuwait>.

147 BBC, *Prince Charles Takes Part in Saudi Arabian Sword Dance*, 19 February 2014 <http://www.bbc.co.uk/news/uk-26252091>.

148 Reuters, *Absent from Obama Summit, Bahrain King to Visit UK Horse Show*, 13 May 2015, <http://www.reuters.com/article/us-usa-gulf-bahrain-idUSKBN0NY1T420150513>.

149 Daily Mail, *Queen’s Party Goes Off With A Bang*, 15 May 2016, <http://www.dailymail.co.uk/news/article-3591523/Long-rein-Prince-Phillip-goes-carriage-riding-checks-competition-ahead-Queen-s-90th-birthday-party.html>.

150 FAC, *The UK’s relations with Saudi Arabia and Bahrain*, para. 8.

151 FCO, *Joint Bahrain-UK Statement on Inaugural Meeting of Joint Working Group*, 11 March 2013, <https://www.gov.uk/government/news/joint-bahrain-uk-statement-on-inaugural-meeting-of-joint-working-group>.

The results of the Gulf Initiative are best evidenced on an economic level. Bilateral trade and investment between the UK and the Gulf has increased in importance since 2010. The UK has placed significant effort in promoting Bahrain as a regional and global centre of Islamic finance. There has been a significant increase in arms exports to the region since the launch of the Gulf Initiative, despite controversies over continued human rights abuses. The Gulf Initiative is in the process of being replaced by a new policy with a greater focus on mutual security and defence, the Gulf Strategy. The Gulf Strategy will inherit many of the ongoing projects within the Gulf Initiative vis-à-vis security and human rights (see Chapter 3).

The Economic Importance of the GCC States to the UK

With a combined GDP of over USD \$1.6 trillion (GBP £1.1 trillion), the GCC states have enjoyed rapid development in the recent past, which has created substantial commercial and bilateral trade and investment opportunities. These opportunities were a central objective of the Gulf Initiative. Between 2010-12 UK-GCC bilateral trade increased by 39% over the previous two years, from £21.5bn to £29.8bn.¹⁵² In 2013, the Gulf became the UK's seventh largest export market, larger than India, Russia and Mexico combined.¹⁵³

There are a number of high value opportunities available for UK investment within the Gulf. In Bahrain, the USD \$10bn (GBP £6.9bn) GCC development fund, set up by the richer Gulf states to support Oman and Bahrain in the wake of the Arab Spring, has financed ambitious re-development plans.¹⁵⁴ In 2013, British multinational consumer goods company Reckitt Benckiser saw "the first major British manufacturing investment for many years" in the new Sheikh Salman Industrial Park.¹⁵⁵ Further projects include expansions and modernisations of Bahrain Airport and refinery facilities, waste-water projects and the GCC rail link. Kuwait is currently pursuing a number of transport projects and the new passenger terminal at Kuwait International Airport was designed by a team led by the UK's Foster and Partners.¹⁵⁶ Qatar plans to invest up to USD \$20bn (GBP £13.7bn) in infrastructure in support of the 2022 FIFA World Cup and the 2030 National Vision. Additionally, there are a large number of UK franchises, companies and agents present throughout the Gulf. These include well-known brands such as Boots, Harvey Nichols, Waitrose, Marks and Spencer, Shell, and BP. There are over 5,000 British companies operating in the UAE alone, including BAE Systems, Rolls Royce, Standard Chartered, HSBC and Fortnum and Masons.¹⁵⁷

Significant high-profile inward investment from the Gulf to the UK occurred during the same period. The Qatari government has more than around £30 billion in investments in the UK, including stakes in Sainsbury's, the London Stock Exchange, the Shard, Harrods, and the Canary Wharf group.¹⁵⁸ Kuwait has around £100 billion of official funds invested through the City of London.¹⁵⁹ The Bahraini royal family has a USD \$900m (GBP £617m) real estate portfolio in the UK, with these investments made with both public and private Bahraini funds.¹⁶⁰ While the Bahraini investments are monetarily smaller than those of its wealthier neighbours, some investments carry significant symbolic weight. In 2012, following negotiations held during the Arab Spring of 2011, King Hamad of Bahrain donated £3 million to the Sandhurst Military

152 FAC, *The UK's Relations with Saudi Arabia and Bahrain*, 2013, para. 16.

153 FAC, *The UK's Relations with Saudi Arabia and Bahrain*, 2013, para. 11.

154 Gulf News, *Oman and Bahrain Have a Lot to Gain from GCC Plan*, 19 June 2013, <http://gulfnews.com/business/analysis/oman-and-bahrain-have-lot-to-gain-from-gcc-plan-1.1198766>; Construction Week Online, *Bahrain Spends \$4.4bn of GCC 'Marshall Plan' Cash*, 29 January 2014, <http://www.constructionweekonline.com/article-26206-bahrain-spends-44bn-of-gcc-marshall-plan-cash/>.

155 FCO, *HM Ambassador's speech to the Bahrain British Business Forum*, 13 December 2013, <https://www.gov.uk/government/speeches/hm-ambassadors-speech-to-the-bahrain-british-business-forum>.

156 UKTI, *Doing Business in Kuwait: Kuwait Trade and Export Guide*, 6 February 2015, <https://www.gov.uk/government/publications/exporting-to-kuwait/exporting-to-kuwait#kuwait-export-overview>.

157 UKTI, *Doing Business in the United Arab Emirates: UAE Trade and Export Guide*, 2015, <https://www.gov.uk/government/publications/exporting-to-the-united-arab-emirates/exporting-to-the-united-arab-emirates#uae-export-overview>.

158 FCO, *Overseas Business Risk – Qatar*, 10 August 2015, <https://www.gov.uk/government/publications/overseas-business-risk-qatar/overseas-business-risk-qatar>.

159 UKTI, *Doing Business in Kuwait: Kuwait Trade and Export Guide*, 6 February 2015.

160 Financial Times, *Disputed Land Development Boosts Wealth of Bahrain Royals*, 10 December 2014.

Academy for the refurbishment of the Mons Hall. The hall, named after a battle in World War 1, was renamed the King Hamad Hall. The King, several of his sons, relatives and Bahraini military staff have graduated from the academy.¹⁶¹ These investments into UK infrastructure are a testament to their close relations with the United Kingdom.

These economic links have been further pursued through British public relations initiatives in the Gulf. There has been an extensive public relations campaign, reliant on the UK-GCC historical friendship, to promote this policy of engagement with the Gulf. This has fallen within the UK government's wider international promotional campaign, 'GREAT Britain', launched in 2012 to "inspire the world and encourage people to visit, do business, invest and study in the UK."¹⁶² To this end, there have been a series of events and celebrations in Bahrain, Qatar, the UAE and Kuwait, intended to "emphasise the friendship and strong bilateral relationship[s]" between the United Kingdom and the Gulf monarchies.¹⁶³ The events emphasised each state's historical and friendly relationship with the UK, and highlighted existing and potential business links; educational and cultural opportunities; and shared defence interests. The British Embassy in Manama described the 2014 GREAT British Week in Bahrain as a "robust platform on which to demonstrate the commercial importance of the UK and Bahrain as trading partners and Bahrain as a solid place to do business."¹⁶⁴

BAHRAIN'S ECONOMY AND UK TRADE RELATIONS

Bahrain has the smallest economy within the GCC. Its nominal GDP currently accounts for just 2% of the total GDP for the region (see Figure 2.1). While Bahrain continues to rely heavily on oil exports as a source of revenue,¹⁶⁵ it has made efforts to diversify its economy, and can be considered the first "post-oil economy" in the Gulf.¹⁶⁶ To this end, Bahrain has invested in creating an advanced transportation and communications infrastructure, and promoted itself as a regional hub for financial services and as a business friendly environment for potential investors, with a more liberal atmosphere in comparison to its Gulf neighbours.¹⁶⁷ The small size of Bahrain's economy renders it on the fringe of commercial interests compared to its wealthier neighbours (particularly the UAE and Saudi Arabia). But investment into Bahrain's economy, military and politics is important, because the other GCC states consider a threat to the regime in Bahrain as a threat to the whole GCC system.

Efforts to improve the Bahraini economy have been hit by the country's credit rating downgrades. Moody's Investor Service downgraded Bahrain to Ba1, below investment grade, and in May 2016 downgraded Bahrain again to Ba2.¹⁶⁸ This followed a downgrade by Standard and Poor the previous month which brought Bahrain's rating to BB, two notches into the speculative grade. This is the worst ranking for any GCC country, and Bahrain has now entered 'junk territory'. Fitch judged Bahrain's credit performance as negative.¹⁶⁹ Bahrain's credit worthiness has progressively fallen due to the depressed price of crude oil and the state's political turmoil. Government spending has increased and Bahrain's debt position in terms of percentage of its

161 Bureau of Investigative Journalism, *Sandhurst Took £3m Bahrain Gift After Regime's Crackdown*, 2 September 2012, <https://www.thebureauinvestigates.com/2012/09/02/sandhurst-took-3m-bahrain-gift-after-regimes-crackdown-on-demonstrators/>.

162 'Great Britain' Campaign, <http://www.greatbritaincampaign.com/#/!about>.

163 FCO, *British Embassy in Bahrain Launches GREAT British Week 2014*, 6 November 2013, <https://www.gov.uk/government/world-location-news/british-embassy-in-bahrain-launches-great-british-week-2014>.

164 FCO, *British Embassy in Bahrain Launches GREAT British Week 2014*, 6 November 2013.

165 FCO, *Guidance: Overseas Business Risk – Bahrain*, 9 July 2015, <https://www.gov.uk/government/publications/overseas-business-risk-bahrain/overseas-business-risk-bahrain>.

166 Gengler, Justin, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Bloomington: Indiana University Press, 2015, p. 1.

167 UKTI, *Doing Business in Bahrain: Bahrain Trade and Export Guide*, 23 July 2015, <https://www.gov.uk/government/publications/exporting-to-bahrain/exporting-to-bahrain#bahrain-export-overview>.

168 Moody's Investment Service, *Moody's Downgrades Bahrain's Government Issuer Rating to Ba2 with Negative Outlook, Concluding Review for Downgrade*, 14 May 2016, https://www.moody.com/research/Moodys-downgrades-Bahrains-government-issuer-rating-to-Ba2-with-negative-PR_348700.

169 Trading Economics, *Bahrain: Credit Rating*, <http://www.tradingeconomics.com/bahrain/rating>.

GDP is reaching around 35% from 9% in 2014. S&P suspects a steep rise to 50% by 2019.¹⁷⁰

Despite these troubles, the UK has capitalised on its close relationship with Bahrain through the commercial opportunities that have been made available. It was to this end that Iain Lindsay OBE was chosen as Ambassador to Bahrain, serving there between 2011 and 2015. Lindsay, who previously served as Deputy Head of Mission and Director of Trade and Investment at the British Consulate in Hong Kong 2007-2011,¹⁷¹ presented a good choice as an economically-prioritised ambassador. In this he appears to have succeeded, but the unique set of democratic and human rights issues facing Bahrain at the time of his appointment presented significant challenges to this policy (see Chapter 1).

The UK has endorsed Bahrain as a leading centre of Islamic finance, which has been identified as an important market for UK commercial interests.¹⁷² Bahrain has developed as a hub for Islamic finance, which is worth £1.3 trillion globally and is growing faster than conventional banking.¹⁷³ The Bahraini financial sector was worth just under USD \$5bn (GBP £3.4bn) in 2013 and was the fastest growing sector in its economy in 2015,¹⁷⁴ and Bahrain hosts the influential Accounting and Auditing Organisation for Islamic Financial Institutions.¹⁷⁵ In October 2013, the UK was the first European nation to host the World Islamic Economic Forum, which was attended by Bahrain's Crown Prince. This was closely followed by the annual World Islamic Banking Conference in Bahrain, attended by British officials. A framework for greater bilateral cooperation regarding Islamic finance related projects was formalised through a Memorandum of Understanding in April 2014.

UKTI proactively consults with the Bahrain government to identify key areas of cooperation. These opportunities are then promoted to UK companies through the UKTI network.¹⁷⁶ This has followed "clear messages" from the Bahraini government that "they want to see a bigger and stronger UK commercial presence in Bahrain," which has offered a more advantageous commercial environment for British businesses.¹⁷⁷ However, UK government-led efforts towards endorsing Bahrain have a tendency to inflate the economic importance of Bahrain as a business destination. In the FCO's *Overseas and Business Risk – Bahrain* report, which is intended to outline the key security and political risks which UK businesses may face when operating in Bahrain, it states: "Bahrain is an important partner and base for UK companies in the Gulf given its position as a major trading hub in the region."¹⁷⁸ The UKTI offers similar rhetoric in their guidance for Bahrain, which claims that "Bahrain is one of the UK's largest export markets in the GCC."¹⁷⁹ In fact, Bahrain has the smallest economy within the GCC, behind all of the other five states (see Figure 2.1).

British government guidance downplays the political risk that businesses may encounter in Bahrain. The FCO's 2015 *Overseas Business Risk* report on Bahrain distances potential UK companies from the ongoing political unrest in Bahrain. Although the report mentions ongoing discontent and unrest, it is presented as a sectarian issue and remote from the capital. The

170 Financial Times, *Bahrain Junked by S&P*, 17 February 2016, <http://www.ft.com/fastft/2016/02/17/bahrain-junked-by-sp/>.

171 HM Government, *Iain Lindsay OBE*, <https://www.gov.uk/government/people/iain-lindsay>.

172 FCO, *UK and Bahrain Working Together to Promote Islamic Finance*, 8 April 2014, <https://www.gov.uk/government/news/uk-and-bahrain-working-together-to-promote-islamic-finance>.

173 BBC, *Islamic Banking: Growing Fast But Can It Be More Than A Niche Market?*, 18 July 2014, <http://www.bbc.co.uk/news/business-28365639>.

174 UKTI, *Doing Business in Bahrain: Bahrain Trade and Export Guide*, 23 July 2015, <https://www.gov.uk/government/publications/exporting-to-bahrain/exporting-to-bahrain#bahrain-export-overview>.

175 FCO, *Overseas Business Risk – Bahrain*, 9 July 2015, <https://www.gov.uk/government/publications/overseas-business-risk-bahrain/overseas-business-risk-bahrain#business-and-human-rights>.

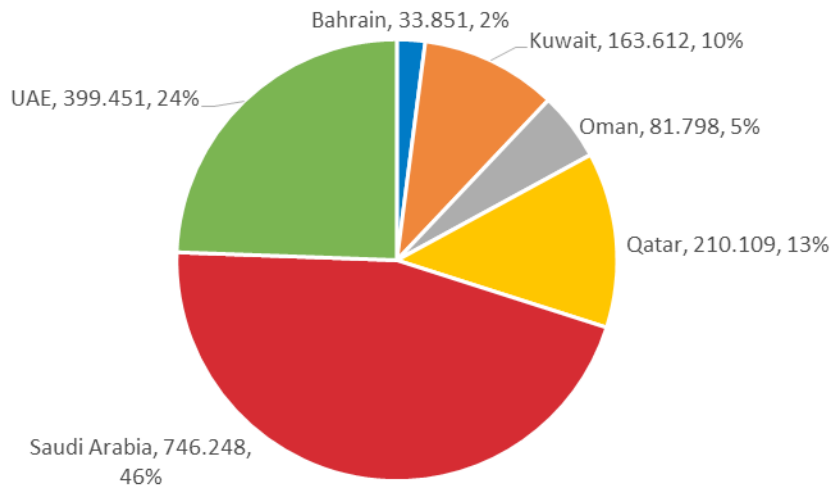
176 FCO, *Government Response to the House of Commons Foreign Affairs Committee's Fifth Report of Session 2013-2014 (HC88): The UK's Relations with Saudi Arabia and Bahrain*, January 2014, p. 17, <http://www.parliament.uk/documents/commons-committees/foreign-affairs/Saudi-Report-Gvt-Response.pdf>.

177 FCO, *HM Ambassador's speech to the Bahrain British Business Forum*, 13 December 2013, <https://www.gov.uk/government/speeches/hm-ambassadors-speech-to-the-bahrain-british-business-forum>.

178 FCO, *Overseas Business Risk – Bahrain*, 9 July 2015.

179 UKTI, *Doing Business in Bahrain: Bahrain Trade and Export Guide*, 23 July 2015, <https://www.gov.uk/government/publications/exporting-to-bahrain/exporting-to-bahrain#bahrain-export-overview>.

Figure 2.1: GDP of Gulf States, in USD (billions)



report states that “discontent and unrest within parts of the Shi’a community have persisted since 2011, which manifests itself in sporadic clashes between protesters and police in some Shi’a villages,” and that “a small minority of extremists have committed acts of terrorism against the security forces which has led to a number of deaths and injuries.”¹⁸⁰ There is no mention of the ongoing restrictions to freedom of expression and association which are being consistently documented by prominent NGOs and the United Nations. The report’s “Business and Human Rights” section is limited to one paragraph that briefly discusses the recent changes to Bahrain’s Labour Law.

This compares unfavourably to the equivalent *Overseas Business Risk* report for Kuwait which repeats NGO concerns over Kuwait’s record on freedom of expression.¹⁸¹ This comparison in the treatment of the two countries on free expression in business risk assessments is all the more apt, as Kuwait ranks higher on press freedom indices than Bahrain. Reporters Without Borders rank Kuwait as the 103rd freest country (where 1st is the best), and ranks Bahrain as 162nd out of 180 countries;¹⁸² Freedom House ranks Kuwait as 4th out of 19 countries in the Middle East (130th out of 202 globally) and Bahrain 17th regionally (186th globally).¹⁸³ Although it is not without its own limitations, the *Overseas Business Risk* report for Saudi Arabia also points to the country’s status as a country of concern in the FCO’s annual human rights report and flags concern over the death penalty and corporal punishment.¹⁸⁴ The absence of human rights concerns in FCO and UKTI makes these reports misleading about the situation on the ground. This illustrates also that there is no policy of economic pressure on the country in order to encourage reform.

180 FCO, *Overseas Business Risk – Bahrain*, 9 July 2015.

181 UKTI, *Overseas Business Risk – Kuwait*, 12 April 2016, <https://www.gov.uk/government/publications/overseas-business-risk-kuwait/overseas-business-risk-kuwait#business-and-human-rights>.

182 Reports Without Borders, *2016 World Press Freedom Index*, <https://rsf.org/en/ranking>.

183 Freedom House, *Freedom of the Press 2016: Middle East and North Africa: Regional Rankings & Scores*, 2016, https://infogr.am/_ATi1xG4rlkQDAvXqKkD2.

184 FCO, *Overseas Business Risk – Saudi Arabia*, 17 March 2016, <https://www.gov.uk/government/publications/overseas-business-risk-saudi-arabia/overseas-business-risk-saudi-arabia#economics>.

Arms and Defence Exports to the Gulf

In 2010, the coalition government announced its intention to promote arms exports at the highest level, as part of its wider goal to double worldwide exports by 2020. Then-Minister for Defence Equipment, Peter Luff, stated: “There will be a very, very, very heavy ministerial commitment to the process [of defence exports]. There’s a sense that in the past we were rather embarrassed about exporting defence products. There’s no such embarrassment in this Government.”¹⁸⁵ Arms form a central part of the export drive with the Gulf States. It forms a controversial aspect of the UK-Gulf relationship, and is the subject of ongoing criticism by NGOs and human rights advocates, due to its important value as a symbol of support.¹⁸⁶

The GCC states have proven a lucrative market for UK defence exports. The UK has exported £15bn worth of arms to the GCC since 2010 (see Figure 2.3). Collectively, the Gulf States are among the world’s largest arms importers, with both the UAE and Saudi Arabia within the top five of total global arms spending. The UAE has an annual defence budget of USD \$19bn (GBP £13bn).¹⁸⁷ Additionally, Bahrain, Saudi Arabia, the UAE and Oman have all been flagged by SIPRI as having high military burden (or expenditure), forming over 4% of their total GDP (see Figure 2.2).¹⁸⁸ Military expenditure across the Middle East has increased by 57 per cent since 2005, with the GCC over-represented in these statistics. The proportion of Bahrain’s military spending has increased by 126 per cent since 2005, the third largest in the Middle East behind Iraq and the UAE and ahead of Saudi Arabia.¹⁸⁹

Between 2010 and September 2015, 29% of the UK’s total defence exports went to the GCC.¹⁹⁰ Since 2014, the UKTI Defence & Security Organisation (UKTI DSO) has listed all six GCC countries as Priority Markets for arms sales. Figure 2.3 shows the total defence exports from the UK to the GCC by country. Unsurprisingly, the figures for Bahrain are dwarfed by its wealthier neighbours, reflecting the economic disparity within the region. Figure 2.4 shows boosts in arms sales in 2011, likely due to the Arab Spring; another jump occurred in 2013; and 2015 marked a record year of arms sales, due in no small part to Saudi Arabia’s war in Yemen. The pattern of arms sales to Bahrain (see Figure 2.5) largely mirrors that seen regionally.

The UKTI DSO regularly attends arms fairs and exhibitions worldwide and coordinates the presence of the Ministry of Defence (MOD) and military representatives. UKTI DSO invites and escorts international delegations to UK arms events, including the Defence & Security Equipment International (DSEI) fair and the Farnborough International Air Show, the UKTI DSO invites, escorts and guides international delegations.¹⁹¹ Bahrain and the rest of the GCC states have been invited by the UKTI DSO for both of these arms fairs every year since 2011.

185 The Times, *Coalition is not ‘Embarrassed’ to Sell Defence Industry Abroad*, 24 June 2010.

186 The Campaign Against the Arms Trade has criticised this for instance. They have stated that “Despite the crackdown and the repression, the UK government has put arms sales ahead of human rights ... It has spent the past five years cosying up to the Bahraini authorities and providing cover for their abuses.” Independent, *British Arms Sales to Bahrain Total £45m Since Arab Spring While Claims of Torture and Oppression Continue*, 13 February 2016, <http://www.independent.co.uk/news/uk/politics/bahrain-protesters-tortured-while-britain-signs-45m-arms-deal-a6872166.html>.

187 UKTI, *Doing Business in the United Arab Emirates: UAE Trade and Export Guide*, 21 December 2015, <https://www.gov.uk/government/publications/exporting-to-the-united-arab-emirates/exporting-to-the-united-arab-emirates#uae-export-overview>.

188 According to SIPRI, 4% represents the top quintile of military burdens. Stockholm International Peace Research Institute, *Trends in World Military Expenditure: 2014, 2015*, p. 6, <http://books.sipri.org/files/FS/SIPRIFS1504.pdf>.

189 Ibid, p. 4.

190 CAAT, <https://www.caat.org.uk/resources/export-licences/region?region=Bahrain,United+Arab+Emirates,Saudi+Arabia,Oman,Kuwait,Qatar> and CAAT, https://www.caat.org.uk/resources/export-licences/region?date_from=2010-01&date_to=2015-09.

191 UKTI DSO, *Defence and Security Exporting: Event and Exhibition Support*, 18 March 2016, <https://www.gov.uk/government/publications/defence-and-security-exporting-event-and-exhibition-support/defence-and-security-exporting-event-and-exhibition-support>; UKTI DSO, *About Us*, <https://www.gov.uk/government/organisations/uk-trade-and-investment-defence-and-security-organisation/about>.

Figure 2.2:
Military Expenditure of GCC States

	Bahrain	Saudi Arabia	UAE	Qatar	Oman	Kuwait
Military expenditure in 2015 or most recent year known (% of GDP)	4.6 %	13.7 %	5.7 %	1.5 %	16.2 %	3.4 %

ARMS SALES TO BAHRAIN

In February 2011, the British government revoked 44 of its arms export licences to Bahrain amid concerns that the UK had supplied weapons may have been used in the police response to peaceful protests, which by then had claimed several lives.¹⁹² However, the Commander-in-Chief of the Bahrain Defence Force (BDF), Field Marshal Sheikh Khalifa bin Ahmad Al Khalifa, claimed in a February 2012 interview that he had reversed this policy within one month, recalling a conversation with a “senior British officer,” in which he told him that Bahrain “would impose a ban on dealing with British planes, ships and military personnel in Bahrain if the ban on Bahrain was not lifted within two weeks. We do not need to import anything from them, but it is a matter of principle. The British ban was lifted within one month.”¹⁹³ Indeed, despite the licenses revoked in February 2011, arms export licences continued to be granted well into the three-month state of emergency declared by the King of Bahrain on 15 March that year. In April 2011 the UK had approved several licences, including for “body armour,” “civil body armour,” “direct view imaging equipment,” and “training hand grenades.”¹⁹⁴ In May and June 2011, the UK government granted an open licence for “small arms ammunition.”¹⁹⁵ Military sales to Bahrain have exceeded £50m since the uprising. The total for the three years prior, 2008-2010, was just over £6m.¹⁹⁶ This is an average increase of 350 per cent per year.¹⁹⁷ Total arms exports have increased on average by 244 per cent per year after record sales in 2013 (see Figures 2.3 and 2.5).

The Field Marshal's account may simply be rhetoric, but it is indicative of an underlying perception, at least among the Bahraini public and royal family, of the British relationship with Bahrain. Continued arms exports indicate support for the Bahraini government, and by proxy, its actions. This was recognised in the 2013 inquiry into the UK's relations with Saudi Arabia and Bahrain by the FAC, which stated that “both the government and the opposition in Bahrain view UK defence sales as a signal of British support for the government.”¹⁹⁸ However, the Field Marshal's account also flags a further dimension of the UK-Bahrain security relationship. By highlighting the existence of “British planes, ships and military personnel,” he asserts that British presence in the country is conditional on their support for the Bahrain government. If true, then the UK government's ability to act critically on human rights issues is compromised.

¹⁹² Guardian, *Britain Cancels Bahrain and Libya Arms Export Licenses*, 18 February 2011, <http://www.theguardian.com/uk/2011/feb/18/military-bahrain>.

¹⁹³ Gulf News, *Bahrain Protests a ‘Coup Plot’, Defence Chief Says*, 15 February 2012, <http://gulfnews.com/news/gulf/bahrain/bahrain-protests-a-coup-plot-defence-chief-says-1.980961>.

¹⁹⁴ Campaign Against the Arms Trade, *UK Arms Export Licenses*, https://www.caat.org.uk/resources/export-licenses/licence?date_to=2011-12-31&index=date®ion=Bahrain&n=0&order=asc&date_from=2011-01-01.

¹⁹⁵ Campaign Against the Arms Trade, *UK Arms Export Licenses*, https://www.caat.org.uk/resources/export-licenses/licence?index=date®ion=Bahrain&order=asc&date_from=2011-05&date_to=2011-06.

¹⁹⁶ Campaign Against the Arms Trade, *UK Arms Exports Licenses*, <https://www.caat.org.uk/resources/export-licenses/region?region=Bahrain>.

¹⁹⁷ Independent, *British Arms Sales to Bahrain Total £45m Since Arab Spring While Claims of Torture and Oppression Continue*, 13 February 2016, <http://www.independent.co.uk/news/uk/politics/bahrain-protesters-tortured-while-britain-signs-45m-arms-deal-a6872166.html>.

¹⁹⁸ FAC, *The UK's relations with Saudi Arabia and Bahrain*, 2013, para. 35.

Emphasising the controversial symbolism of this form of engagement, in August 2013, Prime Minister David Cameron welcomed King Hamad to Downing Street, where the Bahraini monarch indicated his desire to purchase a fleet of Eurofighter Typhoon jets. During the meeting, the Prime Minister promised support for “ongoing political reforms in Bahrain.”¹⁹⁹ But, on the same day as the visit, the King issued new decrees banning protests in the capital Manama and allowing criminal prosecution of parents of juvenile demonstrators.²⁰⁰

The UK has defended the continued and increasing exports to the region. When the Parliamentary Committee on Arms Exports Controls (CAEC) asked the Government to explain why it approved certain arms export licences to Bahrain, the Government stated that licences, including those for armoured personnel carrier components, firearms, helmets and shield, had been approved “based on our assessment that Bahrain had significantly moderated its approach to public order situations to allow these licences to be approved, and provided good evidence that the BDF [Bahrain Defence Force] is unlikely to be deployed to handle public order incidents in the future.”²⁰¹

However, in April 2016, the BDF insinuated its preparedness to intervene in civil unrest after a police officer died in unclear circumstances, and eleven persons were later arrested.²⁰² Few details have emerged on the manner of his death, but the incident was treated as a terrorist action. In its aftermath, the BDF released a statement saying: “the BDF stands ready to respond to the terrorist groups who target security patrols and police officers carrying out their duty to maintain security. The BDF is equally ready to deal firmly and with determination with these sedition groups (*sic*) and their heads.”²⁰³

Violence amounting to terrorism requires a measured response. However, the systematically unfair judicial system, loosely-interpreted definitions of terrorism, and continued systematic use of torture to extract confessions, particularly against persons charged under the anti-terror law, raises considerable concern over the potential abuse of power (see Chapter 1). If the UK’s arms licences are predicated on Bahrain’s assurances that the BDF will not be deployed against civil unrest, then the recent proclamations are cause for reassessment.

Further to this issue, the BDF retains a sectarian character, with virtually no Shia, despite Shia representing a majority of the country’s population. Among the Bahrainis who joined the terrorist group Islamic State in Iraq and Syria are members of the security forces.²⁰⁴ BIRD has seen copies of books published and circulated by the BDF which promote Wahhabist ideologies and religious hatred against Shia, even justifying the killing of Shia. The BDF books seen by BIRD claim that Shia religious beliefs are wrong, and that Shia should “either repent or be killed.”

199 Prime Minister’s Office, *Prime Minister Meets King of Bahrain*, 6 August 2013, <https://www.gov.uk/government/news/prime-minister-meets-king-of-bahrain>.

200 Amnesty International, *Bahrain: New Decrees Ban Dissent As Further Protests Organized*, 7 August 2013, <https://www.amnesty.org/en/latest/news/2013/08/bahrain-new-decrees-ban-dissent-further-protests-organized/>.

201 HM Government, *Government Response to Reports from the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees*, October 2014, para. 159 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364529/The_Committees_on_Arms_Export_Controls_CAEC_First_Joint_Report_of_Session_2014-2015.pdf.

202 Bahrain Ministry of Interior, *11 Suspects Arrested for Karbabad Terror Attack*, 29 April 2016, <http://www.policemc.gov.bh/en/news/ministry/51652>.

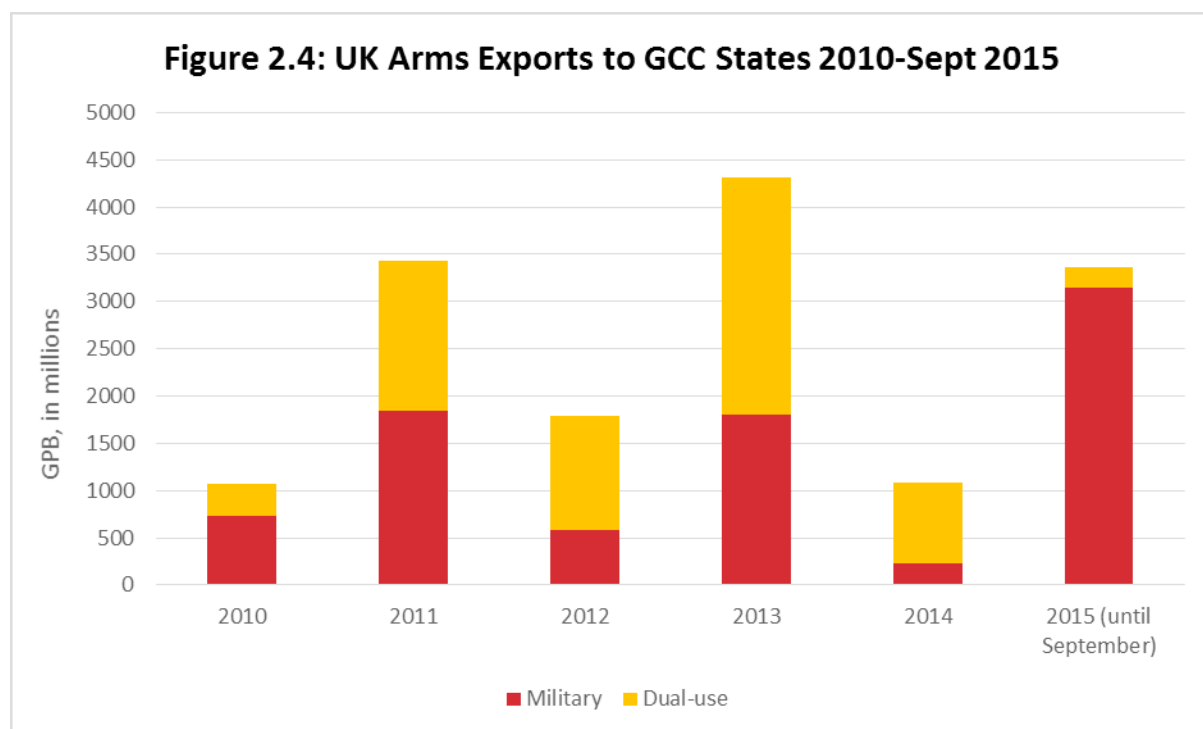
203 BNA, *BDF General Command: We Are Ready to Confront Terror Groups*, 18 April 2016, <http://www.bna.bh/portal/en/news/722904>.

204 New York Times, *The Islamic State’s Bahraini Backers*, 25 November 2015, http://www.nytimes.com/2015/11/26/opinion/the-islamic-states-bahraini-backers.html?_r=0.

Figure 2.3: UK Arms Exports to the GCC in Billions of GBP²⁰⁵

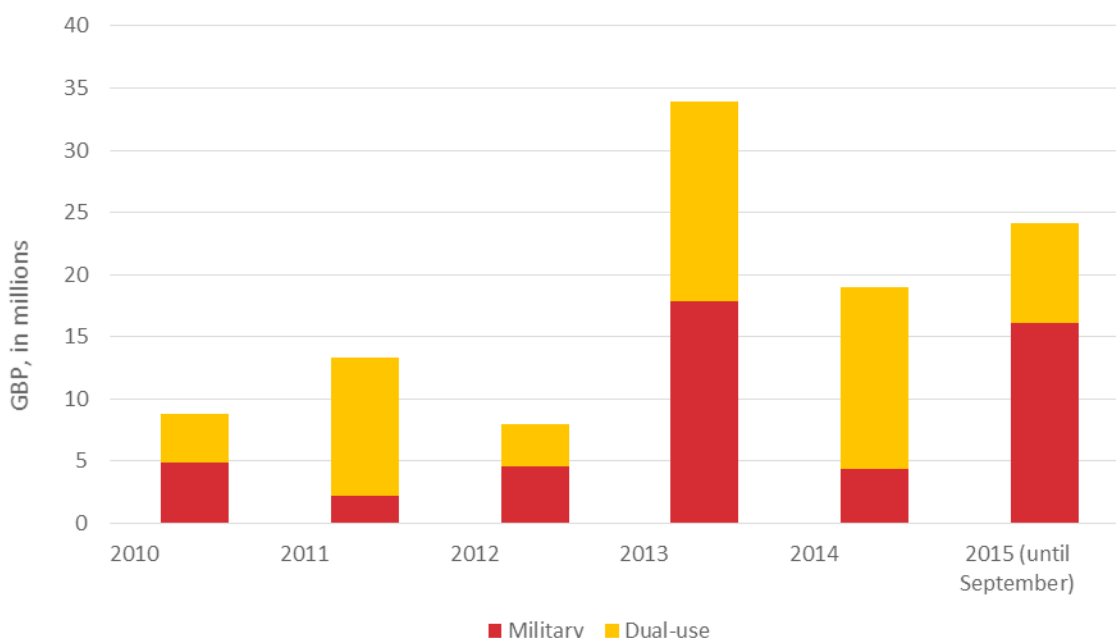
	Bahrain	Saudi Arabia	UAE	Qatar	Kuwait	Oman	Total
2010	£ 0.009	£ 0.425	£ 0.254	£ 0.013	£ 0.011	£ 0.364	£ 1.075
2011	£ 0.013	£ 1.751	£ 1.610	£ 0.003	£ 0.009	£ 0.039	£ 3.426
2012	£ 0.008	£ 0.117	£ 1.203	£ 0.017	£ 0.007	£ 0.441	£ 1.794
2013	£ 0.034	£ 1.637	£ 2.564	£ 0.008	£ 0.022	£ 0.049	£ 4.314
2014	£ 0.019	£ 0.139	£ 0.829	£ 0.034	£ 0.016	£ 0.051	£ 1.089
2015	£ 0.027	£ 2.972	£ 0.243	£ 0.177	£ 0.024	£ 0.080	£ 3.522
Total	£ 0.110	£ 7.042	£ 6.703	£ 0.252	£ 0.089	£ 1.025	£ 15.221

Figure 2.4: UK Arms Exports to GCC States 2010-Sept 2015



²⁰⁵ Figure includes both Dual Use and Military sales Figure from Strategic Exports Controls database of the UK Department for Business, Innovation and Skills, as presented on the databases of Campaign Against the Arms Trade, <https://www.caat.org.uk/resources/export-licences/region?region=Bahrain,United+Arab+Emirates,Saudi+Arabia,Oman,Kuwait,Qatar>.

Figure 2.5: UK Arms Exports to Bahrain 2010-Sept 2015



Conclusion

Taken quantitatively, British trade and arms exports to Bahrain appear largely insignificant to the wider picture of British trade arms exports to the GCC. However, qualitatively, the trade is of great symbolic importance. The UK is heavily invested in Bahrain's industries, turning itself into a key economic partner. The arms sales, the value of which have grown immensely since 2010, with particular spikes in 2013 and 2015, continue to provide a significant show of support from the UK to Bahrain.

The Coalition Government's economic-driven Gulf Initiative did not comprehensively adapt to the human rights dilemmas, which emerged in 2011. Beyond Bahrain, human rights remained peripheral to the Gulf Initiative. In the latter years of the Coalition Government, new security relations began to develop out of the trade relations, marked especially by the announcement of a new naval base in Bahrain.

The Gulf Initiative was successful in improving UK-GCC trade and bilateral relations. However, the absence of human rights policies within the Gulf Initiative became apparent during the Arab Spring events. While some human rights policies were subsequently introduced, particularly concerning Bahrain, they were not mainstreamed. UK support has seen the FCO and UKTI downplay political risk and human rights concerns in favour of promoting British business in Bahrain, in a manner inconsistent with the concerns raised for other similar countries, in particular Kuwait.

Understated political risk is also seen in the arms trade to Bahrain, which the UK Government stated was partly secured under assurances from the Government of Bahrain that the Bahrain Defence Force would not be used in civil matters again. Recent threats by the BDF to intervene in 'counter terrorism' affairs is reflective of insufficient progress in the establishing of genuine national stability and reform. So too is the sectarianism within the BDF and security forces, which has led to former members of the forces joining the terrorist group IS. The arms trade requires reassessment in light of this threat.

Chapter 3: The Gulf Strategy: Security and Defence in the Region and Bahrain

In December 2014, at the annual Manama Dialogue, Foreign Secretary Philip Hammond announced the construction of a new Royal Navy facility in Mina Salman, which was confirmed in a new Memorandum of Understanding (MOU) between the UK and Bahrain. In his speech, he told Bahrain and the GCC: “Your security is our security, your prosperity is our prosperity, your stability is our stability ... So our strategic priority for the Gulf, and for the wider region, is to build partnerships. Partnerships for security, partnerships for prosperity, partnerships for stability.”²⁰⁶

The statement, keenly focused on three pillars of ‘security’, ‘prosperity’ and ‘stability’, marked a shift away from the human rights narrative which had driven the international conversation on Bahrain since 2011. It is far removed from the Prime Minister’s 2011 statement to the Kuwaiti Parliament, that the idea that “stability required highly controlling regimes, and that reform and openness would put that stability at risk”, is a “false choice.”²⁰⁷

This evolution of UK-Gulf policy will soon be formalised in the Gulf Strategy, which will replace the previous government’s Gulf Initiative. While the Gulf Initiative, in its initial inception, had largely economic objectives, the Gulf Strategy is part of the National Security Strategy (NSS) for this parliament, placing it firmly within the government’s security policy. This change is notable: the GCC region was wholly absent from the 2010 NSS.²⁰⁸

The securitisation of British foreign policy towards the Gulf has been instigated by several regional factors. The Arab Spring led to an increase in military purchases by the six Gulf monarchies (see Chapter 2), and closer UK-GCC military cooperation. This was catalysed by the onset of the Libyan and Syrian civil wars, the rise of ISIS, and most recently Saudi Arabia’s war in Yemen, to which effort the UK is providing assistance and training. It can also be viewed as a logical outcome of the increased arms trade and stronger defence ties pursued by the previous coalition government. Lastly, there is the continued concern over the free movement of oil and natural gas from the Gulf for the UK’s energy security.

For Bahrain, the pivot towards a security-oriented policy has most clearly manifested in the announcement of the new naval base, the Mina Salman Support Facility (MSSF). Correspondence between BIRD and the Ministry of Defence, through the Freedom of Information Act 2000, reveal that Bahrain has “gifted” the construction of the MSSF to the UK. These defence relations impact the FCO’s human rights policies and priorities towards Bahrain.

The Gulf Strategy and the National Security Strategy

The NSS seeks to “protect our [the UK’s] people” and “project our [the UK’s] global influence” by strengthening the UK’s armed forces and defence infrastructure, and investing in and developing existing alliances in order to build stability overseas.²⁰⁹ The Gulf Strategy is part of a number of new government initiatives within the NSS that will focus on specific issues identified as affecting UK national security.²¹⁰ The Gulf Strategy Unit is the initiative’s policy-making office

²⁰⁶ The Telegraph, *Philip Hammond: UK Military Base in Bahrain to ‘Tackle the Security Threats’*, 6 December 2016, <https://www.youtube.com/watch?v=IEcf9FRMO8M>.

²⁰⁷ Cabinet Office, *Prime Minister’s Speech to the National Assembly Kuwait*, 22 February 2011, <https://www.gov.uk/government/speeches/prime-ministers-speech-to-the-national-assembly-kuwait>.

²⁰⁸ HM Government, *A Strong Britain in an Age of Uncertainty: The National Security Strategy*, 2010, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61936/national-security-strategy.pdf.

²⁰⁹ HM Government, *National Security Strategy and Strategic Defence and Security Review*, November 2015, pp. 11–12, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/478933/52309_Cm_9161_NSS_SD_Review_web_only.pdf.

²¹⁰ Others include an International Counter-Terrorism Strategy, hosted by the Home Office, an Arms Control and Counter-Proliferation Centre, hosted by the Ministry of Defence, a Euro-Atlantic Security Policy Unit and a UN Peacekeeping Unit, hosted by the Foreign and Commonwealth Office. HM Government, *National Security Strategy and Strategic Defence and Security Review*, November 2015, pp. 83–84.

and is a cross-government team hosted by the Cabinet Office. It is the only such team hosted by the Cabinet Office, with other NSS sub-units hosted by the FCO, Ministry of Defence, Home Office and Department for Business, Innovation & Skills.²¹¹ The Cabinet Office's leadership is a reflection of the importance of the region for UK interests, and places the policy under the direct purview of the Prime Minister, rather than the Foreign or Defence Secretaries.

The Gulf Strategy is indicative of a strategic shift back to 'east of Suez'.²¹² The policy will bring a "permanent and more substantial UK military presence to reflect our [the UK's] historic relationships, the long-term nature of both challenges and opportunities and to reassure our [the UK's] Gulf allies."²¹³ Bahrain is central to the Gulf Strategy: work has already begun on the construction of the naval base, the Mina Salman Support Facility, to support Royal Navy deployments in the region. This is the first British base in the region since 1971. There are additional plans to establish a new British Defence Staff in the Middle East. The UK has continued to expand operations since then, and in March 2016 signed a new Defence Cooperation Accord with Qatar.²¹⁴

The NSS report recognises human rights as a key method of ensuring stability and security throughout the world,²¹⁵ mentioning the term "human rights" fourteen separate times. It states that the UK "will continue to promote universal human rights as an integral part of building prosperity and stability around the world. We will work with our partners to strengthen the promotion and protection of human rights, and hold to account those responsible for the worst violations and abuses."²¹⁶ However there is no mention of human rights where the Gulf Strategy and Middle East policies are discussed. Rather, the report highlights the Gulf's role in "working towards sustainable, long-term regional stability", addressing "terrorism, extremism and organised crime" and the region's importance to the UK's energy security.²¹⁷

The FCO's 2015-2020 single departmental plan, published February 2016, identifies as a major aim the strengthening of defence and security partnerships in the Gulf and Asia. Priority is given to "degrade Daesh in Iraq and Syria and make progress towards political settlements across the Middle East/North Africa with greater UK support to good governance in the region," which will be done through a variety of means including the implementation of "the cross-government Gulf Strategy, increasing the UK's defence and security posture in the region." As with the NSS, no human rights policies towards the Gulf are expressed in the plan, although other regions and countries are provided for (e.g., the FCO will "support a democratic transition in Burma" and "stand up for the rule of law and human rights in Zimbabwe").²¹⁸ The difference in treatment of human rights issues between the Gulf and other world regions here mirrors the difference in treatment observed in the FCO Human Rights & Democracy Report (see Chapter 1).

British–Bahrain Defence Relations

In 2012, the UK and Bahrain signed a new Defence Accord. According to the Bahraini government, "the two sides pledge to promote cooperation in all fields, including exchanging intelligence and visits, training, education, scientific and technical cooperation and joint training."²¹⁹ As part of its normal mode of business, the British government has provided no information on the accord, and declined to provide any details to the FAC in 2013. At the time, the FAC noted that "It was

211 HM Government, *National Security Strategy and Strategic Defence and Security Review 2015*, November 2015, para. 7.17.

212 A reference to the Persian Gulf region, which the British retreated from beginning in the 1960s and ending with the granting of independence to Bahrain, the United Arab Emirates, Qatar and Oman in 1971.

213 HM Government, *National Security Strategy and Strategic Defence and Security Review 2015*, November 2015, p. 55.

214 Ministry of Defence, *UK to Lead Gulf Maritime Force*, 29 March 2016, <https://www.gov.uk/government/news/uk-to-lead-gulf-maritime-force>.

215 HM Government, *National Security Strategy and Strategic Defence and Security Review*, 2015, pp. 10, 14, 60, 62.

216 HM Government, *National Security Strategy and Strategic Defence and Security Review*, 2015, para. 5.107.

217 HM Government, *National Security Strategy and Strategic Defence and Security Review*, 2015, p. 56.

218 HM Government, *Single Department Plan: 2015 to 2020*, 19 February 2016, <https://www.gov.uk/government/publications/fco-single-departmental-plan-2015-to-2020/single-departmental-plan-2015-to-2020>.

219 Embassy of the Kingdom of Bahrain in London, *Bahrain & UK Sign Defense Cooperation Agreement*, 11 October 2012, <http://www.mofa.gov.bh/Default.aspx?tabid=3182&Itemid=1990>.

predictable that Bahrain would consider it [the Accord] a public signal of support and, if the Government did not mean it to send this message, it would have been more sensible to have immediately released information about the Accord and the UK's reasons for agreeing it at this time."²²⁰ However, no information on the reasoning has ever been released.

Arms exports to Bahrain rose after 2011, with the highest profile arms sale being the Eurofighter Typhoon fighter jets in 2013 (see Chapter 2).²²¹ While the sale has not yet been made, it continues to represent an important symbol of support from the UK. The FAC noted: "both the government and the opposition in Bahrain view UK defence sales as a signal of British support for the government. The UK Government should take this into account when considering high-profile sales, such as the Eurofighter Typhoon, to Bahrain."²²² This analysis also bears true with regards to the defence accord and the naval base under construction in Bahrain.

The Navy Base

The new naval base, announced by Foreign Secretary Philip Hammond on 3 December 2014, represents a key moment in UK-Bahrain relations. Coming within two weeks of the Bahrain General Elections (see Chapter 1), the announcement is a key show of symbolic support for the government of Bahrain. The new base, the Mina Salman Support Facility (MSSF) or HMS Juffair, will incorporate "warehouse facilities; a designated port area which includes 300m of jetty; dining and welfare facilities; multi-purpose accommodation including transport accommodation; a multi-purpose sports pitch; a car park; a helipad; and infrastructure networks."²²³ The base's purpose is to support Royal Navy ships that deploy to the region and pass through Bahrain.²²⁴

Under the agreement, Bahrain is fronting the majority of the cost of construction, with the UK expected mainly to pay running costs. The total expected cost of construction is unknown, but appears to have already exceeded the initial estimate of £15 million.²²⁵ As of late 2015, the Ministry of Defence has earmarked £9 million for it, while the "balance of the costs" falls on Bahrain.²²⁶ When in December 2015 BIRD requested information on the total cost of the base, the Ministry of Defence (MOD) repeated the £9 million figure of UK spending and confirmed that Bahrain is the primary funder, but stated "we hold no information on the costs which have been or will be incurred by the [Kingdom of Bahrain]."²²⁷ When BIRD asked how the MOD can confirm that Bahrain is the primary funder if they do not hold information on the cost of construction, the MOD replied: "The construction work of the new UK Mina Salman Support Facility has been gifted by the Kingdom of Bahrain and therefore we hold no construction cost information."²²⁸ The following was released as an "informal resolution" and was not a formal FOIA release. When BIRD asked, again as a freedom of information request, for more information regarding the nature of this gift, the MOD explained that the "construction costs from the KoB is not a 'gift' as described under exiting (*sic*) gifting policy as there are preconditions and expectations contained in the MoU between the UK and KoB."²²⁹ This information was released as an "informal resolution", rather than an FOIA response.²³⁰ The MOD did not provide information on the contents of the MOU.²³¹

220 FAC, *The UK's Relations with Saudi Arabia and Bahrain*, 2013, para. 194.

221 Reuters, *Bahrain in talks over possible Eurofighter deal*: BAE, 7 August 2013, <http://www.reuters.com/article/us-britain-typhoon-bahrain-idUSBRE9760KJ20130807>.

222 FAC, *The UK's Relations with Saudi Arabia and Bahrain*, 2013, para. 181.

223 MOD, *FOI Release*, 1 April 2015, ref: FOI2015/02332.

224 See Annex 1.

225 BBC, *UK to Establish £15m Permanent Mid East Military Base*, 6 December 2014, <http://www.bbc.co.uk/news/uk-30355953>.

226 Hansard, Column 14401, 2 November 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-11-02/14401/>.

227 See Annex 1.

228 See Annex 1.

229 See Annex 3.

230 See Annex 2.

231 See Annex 3.

On the base's announcement, immediate concerns arose that Bahrain is purchasing British acquiescence to the current status quo and silence on human rights issues.²³² The FAC's concerns in 2013 that "British engagement and support should not be unconditional" and that "there is a danger to the UK's credibility if it allows itself to become associated with the problems in Bahrain rather than solutions"²³³ bears noting in light of the "gifting" of the base's construction, which suggests potential conflict between the UK's defence and human rights policies. The base's announcement came just weeks before the arrest of opposition leader Sheikh Ali Salman, which the UK government expressed concern over but did not criticise directly. The UK's activity on political reform declined greatly following these events (see Chapter 1).

The naval base deal was negotiated by Simon Mayall, then-Ministry of Defence Middle East Adviser.²³⁴ Mayall's meetings with Bahraini military officials included at least one with Prince Nasser bin Hamad, a son of the King, in November 2014, only a month before the base was agreed on with a Memorandum of Understanding. HM Ambassador Iain Lindsay was also present at the meeting.²³⁵ A month earlier, the High Court in London quashed the Prince's diplomatic immunity after allegations of torture were submitted to the Metropolitan Police. The ruling, and the universal jurisdiction over torture, means that the Prince is not immune from prosecution over torture, though no charges have been pursued.²³⁶ In April 2011, the Prince had threatened protesters with violence on national television,²³⁷ and several high-profile political prisoners allege to have been tortured by the prince in person in 2011.²³⁸ The element of the security relationship involving Prince Nasser is at cross purposes with the FCO's human rights obligations. The FCO's Human Rights & Democracy report in 2014, released prior to the High Court's decision, emphasised the UK's stance against torture, stating that "preventing torture and tackling impunity for those who torture also helps to safeguard Britain's security."²³⁹ With torture remaining a serious human rights issue in Bahrain, British dealings with Bahraini officials, particularly if these dealings related to the MSSF, should have been conducted with greater care awareness and safeguarding procedures: meetings between the chief British negotiator for the MSSF, the British ambassador to Bahrain, and Prince Nasser, a month after the High Court's decision, does not uphold the principle of "tackling impunity" expressed by the FCO.

Conclusion

The National Security Strategy states clearly that the promotion of human rights globally is important to the UK's national security, but this rhetoric is notably absent from current material on the Gulf Strategy. Some degree of human rights policies within the Gulf Strategy are expected to exist, since the technical assistance programme to Bahrain will exist within the strategy. However, these policies are unlikely to be effective or productive if they are not expressed publicly from an early stage.

232 Independent, *British Military Base in Bahrain is a 'Reward' for UK's Silence on Human Rights Issues, Say Campaigners*, 6 December 2014, <http://www.independent.co.uk/news/world/middle-east/british-military-base-in-bahrain-is-a-reward-for-uks-silence-on-human-rights-say-campaigners-9908284.html>.

233 FAC, *The UK's Relations With Saudi Arabia and Bahrain*, 2013, para. 210.

234 Hansard, *UK Military Base (Bahrain)*, column 592, 12 January 2015, http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150112/debtext/150112-0001.htm#150112-0001.htm_snew78.

235 BNA, *Royal Guard Commander Receives UK Defence Middle East Adviser*, 13 November 2014, <http://bna.bh/portal/en/news/641096>.

236 BBC, *Prince Nasser of Bahrain Torture Ruling Quashed*, 7 October 2014, <http://www.bbc.co.uk/news/uk-29521420>.

237 Alrruwaiti, *Shaik Nasser Bin Hamad Al-Khalifa Talking on Bahrain TV*, uploaded to Youtube on 16 August 2011, https://www.youtube.com/watch?v=mAXjGidI_JU.

238 At least two of the "Bahrain 13", a group of thirteen leading opposition and political leaders, alleged that Prince Nasser had been a direct participant of their torture, according to testimonies gathered by BIRD. The Bahrain 13 were sentenced by military court in June 2011 to between 5 years and life imprisonment on charges of 'attempted overthrow of the regime'.

239 FCO, *Human Rights and Democracy Report 2013*, 24 June 2014, <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2013/human-rights-and-democracy-report-2013>.

Bahrain's "gifting" of the MSSF construction to the UK raises considerable concern that these security ties, for which there is no suggestion of any ethical pre-conditions, fail to incorporate human rights into the security and foreign policies under which military expansion has been pursued. While British government reports tend to accept that human rights must be incorporated and "mainstreamed" into foreign and security policies, what this means in practice remains unclear, and the actualisation of this theory is not coherently evident in the foreign policy towards Bahrain. The "gifted" security ties undermines effective human rights policy measures.

As discussed in Chapter 1, the announcement of the base coincided with Bahrain's general elections and diminishing British efforts to promote national reconciliation. The base's announcement came just weeks after Bahrain's 2014 general election, and since then the human rights aspect of the UK's foreign policy declined precipitously. This is despite the National Security Strategy's recognition of human rights as being of central importance to the pursuit of the UK's security and prosperity interests. The FCO appears to have the blame of Bahrain's failed national reconciliation at the opposition's feet, and implicitly absolved the Bahraini government of its responsibility in this regard. Taken together, a new security orientation in UK-Bahrain relations emerges. Piecemeal human rights efforts continue, but without clear objectives or working methods.

Conclusion: Human Rights as the Basis of Stability

The report finds the UK's policies are shoring up the Government of Bahrain in spite of continued and sustained human rights and political regressions. The current trend suggests that human rights policies are unlikely to be effectively incorporated in the new Gulf Strategy. Bahrain's listing as a Human Rights Priority Country will be welcome if the FCO's reporting changes to represent a frank reality of the situation. Short-term measures have damaged the credibility of the UK's human rights policies in Bahrain. These policies are helping the Bahraini government close the space for substantive rights reform and self-determination. This presents a long-term challenge to human rights, democracy and stability in Bahrain and the Gulf.

In the latest Human Rights & Democracy Report, the FCO states that they prioritize the rule of law and the protection of human rights defenders. This priority could not be more relevant for Bahrain, as the human rights situation continues to deteriorate. Five years on from the Arab Spring, no high-level government officials have been held accountable for killings or torture, which continues to be systematic, and the number of death sentences has risen. Critical speech of the government has been criminalised and nearly all major political opposition leaders are currently in prison. Violations of human rights have been institutionalised through the introduction of new repressive laws. Core, unmet concerns surround the judicial system, which is designed to silence criticism of the government and enables human rights violations and restrictions of freedoms. But, despite these negative trends, the FCO continues to state that Bahrain is on a positive trajectory.

This view of a positive trend is predicated on a focus on the establishment of the Ombudsman, Prisoners and Detainees Rights Commission and Special Investigation Unit, the empowerment of the National Institute for Human Rights, and some police and judicial retraining. The FCO's involvement in these projects has inclined it to promote them as major positives, despite them not addressing core issues, and to downplay serious regressions. Further limiting the assistance are some questionable projects. In September 2015 and in an unprecedented move, the FCO used technical assistance funds to lobby states at the UN Human Rights Council on behalf of the Bahraini government, and in doing so watered down multilateral rights efforts. It is difficult to find any positive human rights value in such actions.

Threads connected with these issues are found in other areas of British policy. The economic policies towards the Gulf, pursued by the coalition government, did not mainstream human rights. It will be a significant flaw if the Gulf Strategy does not express a human rights policy. If human rights policies are not publicly and prominently incorporated into the strategy from this early stage, it is unlikely that they can be effectively introduced later.

Compounding these issues is the new Royal Navy base in Bahrain: Bahrain's "gifting" of the naval base's construction carries great symbolic weight, and such deals can and do have an impact on human rights policies. Military relations can give non-democratic regimes a sense of legitimacy, and this in turn can be used to justify continued repression of peaceful dissent. The base's announcement led to unprecedented protests against the British government. At the time, many Bahrainis felt that the UK's support emboldened the government to carry out the arrest of leading opposition figure Sheikh Ali Salman. This is especially relevant in light of continued work with the Ministry of Interior and continue arms sales to the Bahrain Defence Force, which is currently deployed in Yemen, has threatened to deploy against civil disturbances, and appears to be inflaming sectarianism and extremism within its own ranks.

The current government identifies that, in the long term, respect for human rights and democratic inclusion are central to establishing stability and security. This is affirmed within the National

Security Strategy. But the Gulf has been treated as an exceptional region by virtue of its great wealth and proximity to regional conflicts. The FCO has reservations over openly criticising the Gulf, while in other world regions the UK is more critical of poor human rights and repressive state actions.

The value of a human rights policy is lost if different standards are applied to different regions and countries. For human rights campaigners, political activists and civil society members, the UK government increasingly appears more concerned with stabilising the status quo in Bahrain, rather than supporting internal calls and efforts for democratic and human rights reforms. It has increasingly been seen as providing cover for the country, despite continued lack of substantive reforms five years on from the events of the Arab Spring.

Bahrain is one such state in the Gulf region where the effective promotion of human rights and democracy is achievable, and where the UK could choose to exercise substantive influence on human rights reform. The FCO has positioned itself to be able to substantively, positively affect the human rights situation in Bahrain, but this opportunity is being squandered. This can be changed by placing clear conditions requiring substantive reforms and key assurances – like visits by UN experts – be met on Bahrain's side before the UK continues to provide any further assistance. This is especially important in light of the 'public relations' benefits the Government of Bahrain has reaped from a programme which has had very limited impact on the human rights and political issues still prevalent in the country.

It is no longer credible to say that more time is needed for outcomes, five years removed from the Arab Spring events which instigated today's human rights and political crisis, and at a time when there is no indication that the direction of the Bahraini government's policies are trending positively. As minor reforms have stalled and repression has been institutionalised through Bahrain's courts, and as the UK's assistance fails to challenge these issues, it is time for a re-assessment of the UK's role in Bahrain. The core issues which underpinned the Arab Spring are still unmet, and tensions continue to simmer under the surface. It is probable that these issues will resurge again in the near future, within the current term of parliament. If no shift is taken now, then the long-term credibility of the UK's human rights foreign policy is at stake.



Joint Forces Command Headquarters

JFC HQ,
Building 410
Northwood Headquarters, Sandy Lane
Northwood, Middlesex, HA6 3HP

Our Ref: FOI2015/10138

Date: 14 December 2015

Thank you for your email of 16 November 2015 requesting the following information:

“Please confirm the total cost of the construction of the UK Mina Salman Support Facility (MSSF), inclusive of the projected costs for both the UK government and the Kingdom of Bahrain (KoB)?”

We are treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

We can confirm that the construction of the new UK MSSF in Bahrain is being funded primarily by the KoB. To date in 2014 and 2015 the UK Government has expended £277,000 on engineering consultancy costs for the UK MSSF. Moving forward we expect to contribute around £9 million towards the construction of the new UK MSSF. This will include costs of bespoke UK technical facilities and the additional cost of ensuring compliance with UK regulations. We hold no information on the costs which have been or will be incurred by the KoB.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [@mod.uk](mailto:mod@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>

Yours sincerely,

JFC Secretariat Team

[REDACTED]@gmail.com>

16/12/2015 ☆

to [REDACTED]

Dear [REDACTED] Team,

Thank you for your timely response. As follow-up to this request (FOI2015/10138), I would like to ask for an explanation of these conflicting statements from your latest correspondence: "We can confirm that the construction of the new UK MSSF in Bahrain is being funded primarily by the KoB ... We hold no information on the costs which have been or will be incurred by the KoB."

Under the Freedom of Information Act 2000, I would like to ask how the MOD can reliably state that the base is "being funded primarily by the KoB" if the MOD holds "no information on the costs which have been or will be incurred by the KoB?"

Kind Regards,

[REDACTED]

MOD's First Response

From: [REDACTED]@mod.uk>

Date: 21 December 2015 at 13:54:04 GMT+3

To: [REDACTED]@gmail.com>

Subject: RE: FOI follow-up request

Dear [REDACTED]

Thank you for your email of 16 December.

The construction work of the new UK Mina Salman Support Facility has been gifted by the Kingdom of Bahrain and therefore we hold no construction cost information.

The UK will fund all operating and maintenance costs as well as additional elements of capability - details which have already been provided.

If you are still not satisfied with this response then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>

Kind regards

[REDACTED]

BIRD's Follow-Up Question

[REDACTED]@gmail.com>

21/12/2015 ☆



to [REDACTED]

Dear [REDACTED]

Thank you for the clarification. Is your email an official response to an FOI, to be published publicly on the gov.uk website? My understanding is that all responses are typically in the form of a PDF letter which are put in the public domain following.

Kind regards,

[REDACTED]

MOD's Second Response

From: [REDACTED]@mod.uk>

Subject: RE: FOI follow-up request

Date: 21 December 2015 at 17:33:44 GMT+3

To: [REDACTED]

Dear [REDACTED]

Your follow up email has been classed as an informal resolution rather than an FOI. It will therefore not be published on the Government website.

Kind regards

[REDACTED]



Joint Forces Command Headquarters

JFC HQ,
Building 410
Northwood Headquarters, Sandy Lane
Northwood, Middlesex, HA6 3HP

Our Ref: FOI2016/00308

Date: 25 January 2016

Thank you for your email of 16 November 2015 requesting the following information:

Are there any set conditions for gifts by foreign governments before they can be received by the Ministry of Defence and the UK Government? Is there a central record of gifts received?

With regards to the UK MSSF, how is a gift on such a scale defined? Is the UK Government obligated to inform the public in such cases and is there a reporting procedure in place? Are these gifts subject to independent scrutiny?

We are treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

Details on the UK's gifting process can be found on the HMS Treasury website;
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454191/Managing_Public_Money_AA_v2_-jan15.pdf

Records of gifts accepted or declined are held at local directorate level. Only those gifts accepted or declined at Ministerial level are published as part of the Government's transparency agenda – the latest which can be found using this link.

<https://www.gov.uk/government/collections/ministerial-gifts-hospitality-travel-and-meetings-with-external-organisations-in-the-ministry-of-defence>

The UK and KoB agreed through a Memorandum of Understanding (MoU) to enhance Defence facilities that are used by British forces in Bahrain and that support basing and operations in the Gulf region. The agreement that the KoB will make a contribution to the build of the UK MSSF construction was signed and made public at the Manama Dialogue on 5 December 2014.

The construction costs from the KoB is not a 'gift' as described under exiting gifting policy as there are preconditions and expectations contained in the MoU between the UK and KoB.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [@mod.uk](mailto:info@mod.uk)). Please note that any request for an internal review must

be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>

Yours sincerely,

JFC Secretariat Team



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