**Submission to the Office of the High Commissioner for Human Rights ahead of the Report of the Secretary-General to the Human Rights Council on the question of the death penalty**

***Joint submission by the Bahrain Institute for Rights and Democracy and Reprieve***

**March 2024**

**The Bahrain Institute for Rights and Democracy** (BIRD) is a UK-based non-profit and nongovernmental organisation established in 2013 that investigates human rights abuses in Bahrain, exposes them to the world, and advocates for an end to abuse and accountability in the country. BIRD is independent and apolitical with a mission to promote human rights, effective accountability, and democratic reform in Bahrain. BIRD regularly communicates with Special Rapporteurs at the United Nations, including the Special Rapporteur on Torture, the secretariat of the Working Group on Arbitrary Detention and the High Commissioner for Human Rights.

**Reprieve** is a charitable organisation registered in the United Kingdom (No. 1114900), with special consultative status with the United Nations Economic and Social Council (ECOSOC). Reprieve provides free legal and investigative support to those who have been subjected to state-sponsored human rights abuses. In particular, we protect the rights of those facing the death penalty and of victims of arbitrary detention, torture, and extrajudicial execution.

We are writing in response to your request dated 20 February 2024 for relevant information concerning the question of the death penalty arising since 1 July 2022, paying special attention to the imposition of the death penalty on persons younger than 18 years of age at the time of the offence, on pregnant women and on persons with mental or intellectual disabilities. We understand that this request is in relation to the UN Secretary General’s report to the Human Rights Council at its fifty-seventh session. This submission reports on developments in Bahrain.

Submission: 1122 words

**Submission**

**Overview of Bahrain’s use of the death penalty**

1. Reprieve and BIRD monitor Bahrain’s use of the death penalty and maintain a database of all relevant information since 1996.[[1]](#footnote-1)
2. Our monitoring has found Bahrain’s application of the death penalty is in breach of the right to life under Article 6 of the International Covenant on Civil and Political Rights (ICCPR)[[2]](#footnote-2), falling below international minimum standards.
3. Our documentation shows that, as of March 2024, 26 individuals remain on death row in Bahrain[[3]](#footnote-3), all at risk of imminent execution.[[4]](#footnote-4)
4. All 26 individuals are men. Eight are Bangladeshi nationals, and the remaining 18 are Bahraini nationals.
5. Of these, 25 are in Jau Prison. 10 are charged with murder, three with non-lethal drug charges, and 12 are charged with terrorism-related offences (politically motivated), 11 of whom allege being tortured into providing a confession later used as evidence to sentence them to death.
6. One individual is being held in military custody.
7. The last known execution in Bahrain took place in 2019, when three men were executed[[5]](#footnote-5).
8. Since then, Bahrain has failed to implement a moratorium on the death penalty. In December 2022, Bahrain voted against the UN General Assembly’s 9th resolution for a moratorium on the use of the death penalty.[[6]](#footnote-6)

**Bahrain’s 2023 UPR**

1. On 24 March 2023, the UN Human Rights Council adopted the final outcomes of the reports of the Universal Periodic Review Working Group for Bahrain.[[7]](#footnote-7)
2. Of the 73 recommendations that were “noted” by Bahrain, 25 pertained to the death penalty, making it the most frequent issue with noted recommendations.[[8]](#footnote-8)
3. In response to these recommendations, Bahrain stated:

 “The death penalty is imposed in very limited circumstances and only for particularly serious crimes, following the completion of legal proceedings at all levels and in accordance with the guarantees enshrined in the country’s legislation.”[[9]](#footnote-9)

1. However, Bahrain continues to hand down the death penalty for non-lethal offences that do not meet the threshold for “most serious crimes” as defined in the ICCPR and the Arab Charter on Human Rights, to which Bahrain is a state party.[[10]](#footnote-10)
2. The most recent known instance of this was a death sentenced handed down in July 2022 for non-lethal drugs offences. This sentence was reduced to life imprisonment in January 2023.[[11]](#footnote-11)
3. Reprieve and BIRD are aware of at least three individuals still on death row for non-lethal drug offences.

**Failure to safeguards the rights of those on death row**

1. A report published in October 2022 by BIRD and Human Rights Watch found that Bahraini courts systematically and manifestly failed to protect fundamental fair trial rights of those facing death sentences, including obtaining confessions alleged through torture and ill-treatment.[[12]](#footnote-12)
2. In several cases, the courts relied on confessions as the only or primary evidence to sentence individuals to death, while failing to address meaningfully, if at all, claims that the defendants had been subjected to torture and their confessions coerced. In every such case, courts rejected those arguments, summarily concluding that no abuse had occurred or based on analyses that were replete with inconsistencies or contradicted by undisputed evidence.
3. In several of the cases of men on death row, the Bahraini courts at all levels failed to fulfil their obligations to investigate reports of torture or other abuses and to prohibit the use of coerced confessions as evidence.[[13]](#footnote-13)

**The use of torture, solitary confinement and ill-treatment**

1. There has been various documentation of the abysmal detention conditions in Bahrain’s Jau Prison.[[14]](#footnote-14) Death row inmates are subjected to human rights violations, including the use of solitary confinement, torture and ill-treatment.[[15]](#footnote-15)
2. On 14 May 2023, prison guards carried out an unannounced inspection of death row and confiscated inmates’ personal belongings. When death row inmate Mohamed Ramadhan attempted to lodge a complaint about this, he was handcuffed in a stress position for three hours.[[16]](#footnote-16)
3. When other inmates complained about Mr Ramadhan’s treatment, a senior prison authority reportedly began to spray pepper spray directly in prisoners’ faces then beat them, using the can as a weapon. We understand that this resulted in the prisoners fighting back in self-defense.
4. Another death row inmate, Husain Marzooq, was reportedly beaten in front of Mr Ramadhan by ten prison guards. Other inmates sustained injuries, including one that required stitches to the head.[[17]](#footnote-17)

1. Mr Ramadhan and Mr Marzooq were then placed in solitary confinement for one week. During this time, Mr Ramadhan was shackled with his hands in a rear stack position for three days and kept in a cold room without a mattress.[[18]](#footnote-18) Mr Ramadhan and Mr Marzooq’s family members were not informed of their location, despite repeated requests to clarify their whereabouts and safety.
2. This incident is illustrative of Bahrain's continued violations of its obligations under international law regarding treatment of death row prisoners.[[19]](#footnote-19)

**Failure of oversight bodies**

1. The Office of the Ombudsman and the Special Investigation Unit (SIU) are responsible for investigating allegations of torture in Bahrain, but continue to fall short of their obligations under the Istanbul Protocol[[20]](#footnote-20) to carry out prompt and impartial investigations.
2. This is exemplified in the situation described above. Despite numerous complaints submitted by family members to oversight bodies in Bahrain after the incident, the Ombudsman’s investigation failed to identify any prison officers that may have been responsible for the abuse, and did not provide any information on how they investigated allegations on the use of force and solitary confinement. The Ombudsman denied that the prisoners were subject to collective punishment.[[21]](#footnote-21) The SIU has yet to publish its findings.
3. Bahrain has evaded scrutiny by UN mechanisms. UN Special Rapporteurs have not been granted visits to independently verify Bahrain’s claims.[[22]](#footnote-22) [[23]](#footnote-23)
4. A visit by an OHCHR delegation to Bahrain in September 2023, was “postponed until further notice” one day before it was set to take place, without any further explanation by the Bahraini government.[[24]](#footnote-24)

**Impact on death row inmates**

1. Death row inmates remain in a constant state of fear that they may be executed at any time. Mr Ramadhan states, “When there is a shift in prison guards or when there is a security alert, the first thing that comes to our mind is that this is the time of execution […] there is a state of fear, and we get ready for anything that might come [...] Any human would think about this every moment based on the tragic experience we were put through and the psychological pressure they put on us.”[[25]](#footnote-25)
2. Mr Ramadhan added, “We are denied even the simplest rights: we cannot talk to people that are around us […]We have to fight to even communicate with our family.”[[26]](#footnote-26)
1. Reprieve and Bahrain’s database gathers information on death sentences, executions and the procedural posture of individuals at risk of the death penalty. It is disaggregated by age, nationality, sex and includes information on the nature of the charges. [↑](#footnote-ref-1)
2. U.N. Human Rights Comm., General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, U.N. Doc. CCPR/C/BHR/GC/36 (30 Oct. 2018). [↑](#footnote-ref-2)
3. Bahrain has failed to make publicly available any disaggregated data on the death penalty. As such, the true number of Bahrain’s death row population may be higher. [↑](#footnote-ref-3)
4. All 26 men have exhausted their legal appeals, and their only recourse is a pardon or commutation from the King of Bahrain. [↑](#footnote-ref-4)
5. On 26 July 2019, Bahrain executed Ali al-Arab, Ahmed al-Malali and an unnamed Bangladeshi national. This happened despite calls from UN human rights experts for Bahrain to halt the executions due to concerns that Ali and Ahmed had been coerced to make confessions through torture and underwent unfair trials. The executions were strongly condemned by the UN High Commissioner for Human Rights. Both Ali and Ahmed had connections to political opposition and it is understood that this was the reason for their torture, death sentences and subsequent executions. Three men executed by firing squad in Bahrain: Ali Mohammed Hakeem Al-Arab and Ahmed Isa Ahmed Isa Al-Malali, available at https://www.amnesty.org/en/ documents/mde11/0830/2019/en/#:~:text=On%2027%20 July%202019%2C%20Ali,Malali’s%20convictions%20 and%20death%20sentences; Press Release, Office of the U.N. High Commissioner on Human Rights, UN experts call on Bahrain to halt executions of two individuals amid torture allegations, U.N. Press Release, 21 May 2019, available at https:// www.ohchr.org/EN/NewsEvents/Pages/DisplayNews. aspx?NewsID=24635&LangID=E; Press Briefing, Office of the U.N. High Commissioner for Human Rights, Press briefing note on Bahrain, U.N. Press Release, 30 July 2019, available at: https:// www.ohchr.org/en/NewsEvents/Pages/DisplayNews. aspx?NewsID=24863&LangID=E; Reprieve and the Bahrain Institute for Rights and Democracy, From uprisings to executions: The death penalty in Bahrain, ten years on from the Arab Spring, 27 July 2021, available at: <https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf>; [↑](#footnote-ref-5)
6. World Coalition against the Death Penalty, 9th Resolution for a moratorium on the death penalty: the trend is growing, 20 December 2022, available at: <https://worldcoalition.org/2022/12/20/9th-resolution-for-a-moratorium-on-the-death-penalty-the-trend-is-growing/> [↑](#footnote-ref-6)
7. “Human Rights Council Adopts Universal Periodic Review Outcome of Bahrain”, 24 March 2023, available at: <https://www.ohchr.org/en/news/2023/03/human-rights-council-adopts-universal-periodic-review-outcome-bahrain> [↑](#footnote-ref-7)
8. UPR of Bahrain (4th Cycle - 41st Session). In response to recommendation 124.4 to “Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Estonia) (Finland); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as previously recommended (Uruguay)”, Bahrain stated that it “continually studies all international instruments and their compatibility with national legislation and policies in order to ensure the protection, respect and promotion of human rights within its territory”. Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, para 11, available at: https://documents.un.org/doc/undoc/gen/g23/027/58/pdf/g2302758.pdf?token=G7MKOtBAZYWtv7E897&fe=true [↑](#footnote-ref-8)
9. Human Rights Council, Report of the Working Group on the Universal Periodic Review, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, para 57, available at: <https://documents.un.org/doc/undoc/gen/g23/027/58/pdf/g2302758.pdf?token=G7MKOtBAZYWtv7E897&fe=true> [↑](#footnote-ref-9)
10. General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, Human Rights Committee, 30 October 2018 (CCPR/C/GC/36); Arab Charter on Human Rights, Translated from Arabic version provided by the League of Arab States, UN Office of the High Commissioner for Human Rights, 2004 (CHR/NONE/2004/40/Rev.1). [↑](#footnote-ref-10)
11. “Bahraini gets death sentence for drug trafficking”, Gulf Daily News, 19 July 2022, available at: <https://www.gdnonline.com/Details/1127758>; “Reducing a Bahraini sentence by bringing 50 kilos of hashish to life instead of the death penalty”, Al-Watan News, 30 January 2023, available at: <https://alwatannews.net/Bahrain/article/1049106/%D8%AA%D8%AE%D9%81%D9%8A%D9%81-%D8%B9%D9%82%D9%88%D8%A8%D8%A9-%D8%A8%D8%AD%D8%B1%D9%8A%D9%86%D9%8A-%D8%AC%D9%84%D8%A8-50-%D9%83%D9%8A%D9%84%D9%88-%D8%AD%D8%B4%D9%8A%D8%B4-%D9%84%D9%84%D9%85%D8%A4%D8%A8%D8%AF-%D8%A8%D8%AF%D9%84%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85> [↑](#footnote-ref-11)
12. “‘The Court Is Satisfied with the Confession’,” Human Rights Watch, October 2022, available at: <https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials> [↑](#footnote-ref-12)
13. The UN Human Rights Committee determined that in death penalty cases “scrupulous respect of the guarantees of fair trial is particularly important” in General comment No. 32 (2007) on Article 14 of the International Covenant on Civil and Political Rights, on the right to equality before courts and tribunals and to a fair trial, July 2007, (CCPR/C/GC/32) [↑](#footnote-ref-13)
14. Human Rights Watch, Bahrain: Address Hunger Strike Grievances Release All Unjustly Detained; Treat All Prisoners Humanely, 1 September 2023, available at: <https://www.hrw.org/news/2023/09/01/bahrain-address-hunger-strike-grievances> [↑](#footnote-ref-14)
15. Tweet by Zainab Ebrahim (@zainabmohamed55), wife of Mohamed Ramadhan, 24 May 2023, Available at:

https://twitter.com/zainabmohamed55/status/1661333129267757056 [↑](#footnote-ref-15)
16. Tweet by Zainab Ebrahim (@zainabmohamed55), wife of Mohamed Ramadhan, 24 May 2023, available at: https://twitter.com/zainabmohamed55/status/1661333129267757056.

 [↑](#footnote-ref-16)
17. Tweet by Zainab Ebrahim (@zainabmohamed55), wife of Mohamed Ramadhan, 24 May 2023, available at: https://twitter.com/zainabmohamed55/status/1661337155484934146. [↑](#footnote-ref-17)
18. Tweet by Zainab Ebrahim (@zainabmohamed55), wife of Mohamed Ramadhan, 24 May 2023, available at
 : https://twitter.com/zainabmohamed55/status/1661337327212326913. [↑](#footnote-ref-18)
19. Article 10 of the ICCPR requires authorities to treat all prisoners with humanity and respect for the inherent dignity of the human person, whilst the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) require prisons to make specialized treatment available or refer prisoners who require specialised treatment to the relevant facilities. [↑](#footnote-ref-19)
20. The United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”) provides international standards for States to carry out their international obligations to promptly and impartially investigate torture. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recommended by G.A. Res. 55/89 (4 Dec, 2000), available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/EffectiveInvestigationAndDocumentationOfTorture.aspx>; Letter from International Rehabilitation Council for Torture Victims to Reprieve, 1 July 2020, on file at Reprieve; The Times, Foreign Secretary urged to intervene to stop execution of Bahraini activists, 11 July 2020 see: https://www. thetimes.co.uk/article/foreign-secretary-urged-to-stop-execution-of-bahraini-pro-democracy-activists-qklg2p6j8; Reprieve and the Bahrain Institute for Rights and Democracy, From uprisings to executions: The death penalty in Bahrain, ten years on from the Arab Spring, 27 July 2021, available at: <https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf>; [↑](#footnote-ref-20)
21. Bahrain News Agency, “The Ombudsman reveals the results of the investigation into the events that took place at the Jaw Center”, 22 May 2023, available at: https://www.bna.bh/%D8%A7%D9%84%D8%A3%D9%85%D8%A7%D9%86%D8%A9%D8%A7%D9%84%D8%B9%D8 %A7%D9%85%D8%A9%D9%84%D9%84%D8%AA%D8%B8%D9%84%D9%85%D8%A7%D8%AA%D8%AA%D9%83%D8 %B4%D9%81%D9%86%D8%AA%D8%A7%D8%A6%D8%AC%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9 %82%D9%81%D9%8A%D8%A7%D9%84%D8%A3%D8%AD%D8%AF%D8%A7%D8%AB%D8%A7%D9%84%D8%AA%D9 %8A%D9%88%D9%82%D8%B9%D8%AA%D8%A8%D9%85%D8%B1%D9%83%D8%B2%D8%AC%D9%88.aspx?cms=q8 FmFJgiscL2fwIzON1%2bDi1Wr7UdaEbCCU6ncypVWqo%3d [↑](#footnote-ref-21)
22. “Special Procedures Country Visits”, Office of the High Commissioner for Human Rights, available at: <https://spinternet.ohchr.org/Search.aspx?Lang=en&CountryID=108>; The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also submitted a request on 6 September 2022 which has not been accepted by Bahrain as of the date of this submission. [↑](#footnote-ref-22)
23. The Special Rapporteur on extrajudicial, summary or arbitrary executions sent a reminder visit request in January 2024. This request has not been granted by Bahrain as of the date of this submission. [↑](#footnote-ref-23)
24. A source from the UN Office of Human Rights (OHCHR) confirmed to BIRD on 13 September 2023. [↑](#footnote-ref-24)
25. Call between Mohamed Ramadhan and BIRD on 10 July 2023; full transcript is available upon request. [↑](#footnote-ref-25)
26. Ibid. [↑](#footnote-ref-26)