



Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact

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

May 2022

ABOUT REPRIEVE

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) that provides free legal and investigative support to those who have been subjected to state-sponsored human rights abuses. Our clients belong to some of the most vulnerable populations in the world. We protect the rights of those facing the death penalty and deliver justice to victims of arbitrary detention, torture, and extrajudicial execution.

ABOUT BAHRAIN INSTITUTE FOR RIGHTS AND DEMOCRACY

Bahrain Institute for Rights and Democracy (BIRD) is a UK-based non-profit and non-governmental 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 Procedures of 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.

SUMMARY

This submission responds to the UN Special Rapporteur's call for input on the evolving standard on the legality of the death penalty within the context of the prohibition on torture, and provides information on the execution process in Bahrain in the following areas:

- Treatment of individuals sentenced to death, including conditions on death row and access to family members and legal representatives;
- Impact of the death penalty on family members, including children and parents;
- Impact of the death penalty on other individuals, including prison officers, executioners, and medical practitioners involved in the execution;
- Information provided to individuals on death row, their families, and legal representatives in the lead-up to executions (e.g. date of execution, visits prior to the execution date, etc.);
- Methods of execution, including existing safeguards to prevent physical pain and suffering;
- Treatment of bodies of the executed, including the place of burial and the return of bodies.

Reprieve and BIRD are concerned that Bahrain’s execution process amounts to torture and ill-treatment by failing to provide death row inmates and their relatives with adequate notice of an execution. Failure to provide notice and inconsistent patterns of executions exacerbates already poor conditions on death row, death row phenomenon and causes overwhelming distress. There are no safeguards in place to ensure that executions are carried out in a way that prevents pain and suffering. Relatives are provided with limited access to participate in burial rites following execution.

SUBMISSION

1. Reprieve and BIRD are concerned that Bahrain’s execution process amounts to torture and ill-treatment by failing to provide death row inmates and their relatives with adequate notice of an execution. Failure to provide notice and inconsistent patterns of executions worsens already poor conditions on death row, exacerbates death row phenomenon and causes overwhelming distress. There are no safeguards in place to ensure that executions are carried out in a way that prevents pain and suffering. Relatives are provided with limited access to participate in burial rites following execution.
2. On 15 January 2017, Bahrain broke a seven-year de facto moratorium, executing three Bahraini men rendered stateless.ⁱ In 2019, three further executions were carried out, of two Bahraini nationals and one Bangladeshi national.ⁱⁱ Reprieve and BIRD’s data shows that execution rates in Bahrain have risen by 20% since 2011. Between 2011 and 2020, at least six executions were carried out, compared to five in the previous decade.ⁱⁱⁱ

i. Treatment of individuals sentenced to death, including conditions on death row and access to family members and legal representatives

3. Reprieve and BIRD are aware of at least 26 men with final death sentences awaiting ratification by the King for execution. Of them, 25 are held on a death row unit at Jau Prison. Our data suggests that Bahrain has consistently used the death penalty against persons perceived to be in political opposition to the Government.^{iv}
4. The use of torture to secure death sentences in Bahrain is endemic. Our data shows that:
 - 83% of the men executed in Bahrain since 2011 were convicted of terrorism charges. Of them, 100% of these individuals alleged torture;
 - Of the 51 people sentenced to death in Bahrain since 2011, at least 31 of them were convicted on ‘terrorism-related’ charges. Of them, 20 (65%) allege torture;
 - 46% (12 of 26) facing imminent execution in were convicted of terrorism-related offences.
 - 92% (11 out of 12) allege torture by the State authorities, and at least 3 (27%) allege that they were convicted based on a false torture ‘confession’.
5. Death row inmates are subjected to arbitrary cell searches, as well as verbal and physical abuse. In 2016, Reprieve and BIRD documented a raid carried out by prison authorities on the death row unit, in which detainees were subjected to verbal and physical abuse, had their food confiscated, fixtures removed from their cells, and religious texts and symbols destroyed.^v One death row inmate reported that, on complaining of not receiving sufficient food and water, a prison guard told him they wanted to starve him to death to avoid executing him. The same death row inmate reported that guards would blast loud music to prevent them from sleeping and would threaten them with execution.
6. Death row inmates face execution without notification, in circumstances where there is no timeframe established in law between final confirmation of a death sentence, ratification by the King of a death warrant, and execution. For example, the three men executed on 25 January 2017 exhausted all legal avenues 16 days before; the two Bahraini nationals executed in July 2019 exhausted all legal avenues two months before, while the Bangladeshi national executed exhausted all legal avenues five months before.^{vi} By contrast, several men remain on death row two to four years after final confirmation of their death sentence by the Court of Cassation.^{vii}
7. The uncertainty surrounding when an execution may occur has had a drastic impact on the mental health of men on death row. Mohamed Ramadhan, who is among the men awaiting execution without notice, has reported a serious decline in his mental health after the Court of Cassation confirmed his and his co-defendant’s death sentence in

2020.^{viii} He described feeling overwhelming distress that his execution could be carried out at any moment.

8. Prison authorities have threatened death row inmates who speak publicly about their case with revoking their telephone privileges to family members.^{ix} Although death row inmates and their relatives have some access to family visits, including with children, telephone calls are restricted and monitored by the prison authorities. Prior to the Covid-19 pandemic, relatives were allowed 30-minute visits behind a glass screen, and two 15-minute calls per week.^x
9. As of 6 May 2022, death row inmates are entitled to three phone calls per week, with a total allowance time of 30 minutes.^{xi} Video calls are rarely permitted. Families of death row inmates report waiting over two months to have a video call. During Eid Al-Fitr in May 2022, inmates were permitted to make video calls to their families.
10. Reprieve and BIRD are not aware of access being provided to legal representatives to meet with their clients on death row in prison, either during the trial or at post-conviction.

ii. Impact of the death penalty on family members, including children and parents

11. Reprieve and BIRD are not aware of any support provided to relatives of persons facing the death penalty by the Government of Bahrain. Family members have reported living in terror of an execution, owing to the lack of notification ahead of an execution. The wife of one man on death row said that “the terror of knowing that my husband can be executed by firing squad at any moment without proper notice is tearing me apart. I don’t know how I will be able to tell my three children that their father is never coming home.”^{xii}
12. She has also described how her children have grown up without a father, and the psychological toll this has taken on them, describing how they are frequently upset and cry all the time.^{xiii}

iii. Impact of the death penalty on other individuals, including prison officers, executioners, and medical practitioners involved in the execution.

13. BIRD and Reprieve are unable to provide information on the impact of the death penalty on those involved in the execution process, owing to limits placed on civil society access to prisons. The following persons are required by law to be present during an execution:^{xiv}

- The judge that rendered the final verdict;
 - A member of the Public Prosecution;
 - A prison officer;
 - A prison physician or any other physician designated by the Public Prosecution; and
 - The prison preacher.
14. Lawyers may only attend on special request; however, given the absence of a formal notification process, it is unclear when such an application can be made.^{xv}

iv. Information provided to individuals on death row, their families, and legal representatives in the lead-up to executions

15. Bahrain’s failure to provide relatives with adequate information in the lead up to an execution may amount to torture and ill-treatment.^{xvi} Under domestic law, relatives may be permitted a visit on the day of execution.^{xvii} However, there is no duty under domestic law to provide notification in the lead up to an execution to the prisoner, their relatives, or legal representatives. In five of the six executions carried out between 2017 and 2019, the relatives and the legal representatives of the men executed were not informed of the date, time, or location of the execution.^{xviii}
16. The relatives of the men executed in 2017 were allowed a visit the day before the execution was carried out; however, neither the prisoner nor their relatives were informed that the execution was scheduled for the next day.^{xix} The relatives of the Bahraini nationals executed in 2019 were only informed of the executions after they were carried out and informed that they could see the bodies.^{xx} The relatives received a call from the prison inviting them for a ‘special visit’ but were not informed that the executions were scheduled for the next day.^{xxi}
17. Reprieve and BIRD are unable to confirm any information with respect to the Bangladeshi national executed in 2019, including whether the relatives and the Consulate of Bangladesh were provided with notice.
18. It is unknown whether any of the prisoners were informed that their execution was scheduled.

v. Methods of execution, including existing safeguards to prevent physical pain and suffering

19. Executions are carried out by firing squad following the King's confirmation of the death sentence.^{xxii} Beyond the method of execution, there are no safeguards in place to prevent pain and suffering in the conduct of an execution. The number of persons required on the firing squad, their training, the type of weapon and ammunition required, the number of lethal shots to be administered, are unknown.
20. In the absence of any clear safeguards or independent monitoring, there is no way to ascertain whether the executions were carried out in a way to prevent pain and suffering. Relatives who were allowed to see the bodies of their loved ones following execution have noted more than four bullet wounds, and extensive bruising to the body.^{xxiii}

vi. *Treatment of bodies of the executed, including the place of burial and the return of bodies*

21. Bahrain's treatment of bodies of the executed risks exposing relatives to additional and unnecessary distress. There is no duty under domestic law to ensure that relatives can bury, grieve, or mourn their loved ones however they feel appropriate, or to return the body of the executed prisoner to their family. Bahrain is required to undertake the cost of burial unless the family make a request to do so. However, Bahrain's Criminal Procedure law prevents any funeral ceremony from being carried out.^{xxiv} There is no duty under domestic law to return the body of an executed prisoner.
22. Relatives were afforded limited access to perform religious rites or prohibited from doing so.^{xxv} In five of the six executions between 2017 and 2019, families were not allowed to carry out the traditional Muslim rite of *ghusl*, the washing of the body before burial. Limits were placed on who could attend the burial. They were not allowed to choose the burial site or erect a shrine to mark the grave. A State-appointed cleric oversaw the burial prayer in all but one burial. Those families who were allowed to see their loved one's bodies before burial reported that in some instances, the wounds had been superglued to prevent further bleeding, or that there were noticeable bruises on their body. In some instances, no wills were provided to the families. They received blood-soaked clothes the day after the state burial.

ENDNOTES

- ⁱ “Bahrain executes three stateless torture victims following King Hamad’s authorisation,” Bahrain Institute for Rights and Democracy press release, 15 January 2017, available at:
- ⁱⁱ The Bahrain Institute for Rights and Democracy, “Three men executed in Bahrain amid international outcry,” 27 July 2019, available at <https://birdbh.org/2019/07/three-men-executed-in-bahrain-amid-international-outcry/> [accessed 27 April 2022].
- ⁱⁱⁱ Reprieve and BIRD, “From Uprising to Executions – The Death Penalty in Bahrain, Ten Years on from the Uprising,” June 2021, available at:
- ^{iv} Reprieve and BIRD, “From Uprising to Executions – The Death Penalty in Bahrain, Ten Years on from the Uprising,” June 2021, available at:
- ^v Reprieve WhatsApp exchange with a relative of a death row inmate, London, 02 December 2016.
- ^{vi} “Mosque imam murder death sentence upheld,” Bahrain News Agency, 11 February 2019, available at: https://www.bna.bh/en/MosqueImamMurdererDeathsSentenceUpheld.aspx?cms=q8FmFJgiscl2fwlzON1%2BDk_eHK%2BUQ5Rv9rVmPm3nFGLk%3D [accessed 27 April 2022].
- ^{vii} Reprieve and the Bahrain Institute for Rights and Democracy, “From Uprising to Executions – The Death Penalty in Bahrain, Ten Years on from the Uprising,” June 2021, available at:
- ^{viii} Reprieve and the Bahrain Institute for Rights and Democracy, “From Uprising to Executions – The Death Penalty in Bahrain, Ten Years on from the Uprising,” June 2021, available at:
- ^{ix} Reprieve and the Bahrain Institute for Rights and Democracy, “From Uprising to Executions – The Death Penalty in Bahrain, Ten Years on from the Uprising,” June 2021, available at:
- ^x Reprieve and BIRD interview with relative of death row inmate in Bahrain, London, 19 November 2019.
- ^{xi} BIRD telephone interview with relative of death row inmate in Bahrain, London, 06 May 2022.
- ^{xii} “Bahrain: Torture victims at risk of execution following court ruling,” Americans for Democracy and Human Rights in Bahrain press release, 13 July 2020, available at: <https://www.adhrb.org/2020/07/bahrain-torture-execution/> [accessed 27 April 2022].
- ^{xiii} Jerome Pugmire, “Son of man on death row sends Hamilton a new drawing,” Associated Press, 18 March 2022, available at: <https://apnews.com/article/sports-auto-racing-middle-east-bahrain-lewis-hamilton-a1e1ab7a94c871a5cf23fc767e9b3e1e> [accessed 27 April 2022].
- ^{xiv} Decree No.46 of 2002 Promulgating the Law on Criminal Procedure, article 332.
- ^{xv} Decree No.46 of 2002 Promulgating the Law on Criminal Procedure, article 332.
- ^{xvi} Mariya Staselovich (and Igor Lyashkevich) v. Belarus, communication No. 887/1999, para. 9.2
- ^{xvii} Decree No.46 of 2002 Promulgating the Law on Criminal Procedure, article 330.
- ^{xviii} BIRD telephone interview with a human rights activist, London, 09 September 2020.
- ^{xix} BIRD telephone interview with a human rights activist, London, 09 September 2020.
- ^{xx} BIRD telephone interview with a human rights activist, London, 09 September 2020.
- ^{xxi} “Bahrain: Executions could be imminent,” Human Rights Watch press release, 26 July 2019, available at: <https://www.hrw.org/news/2019/07/26/bahrain-executions-may-be-imminent> [accessed 27 April 2022].
- ^{xxii} Amiri Decree No. 15 of 1976 on the Penal Code, article 51. Unofficial English translation available at: https://sherloc.unodc.org/cld/uploads/res/document/bhr/1976/penal-code_html/Bahrain_Penal_Code_Decree_No_15_of_1976_EN_translation_-_non_official.pdf [accessed 27 April 2022].
- ^{xxiii} BIRD telephone interview with a human rights activist, London, 09 September 2020.
- ^{xxiv} Decree No.46 of 2002 Promulgating the Law on Criminal Procedure, article 335.
- ^{xxv} BIRD telephone interview with a human rights activist, London, 09 September 2020.