

**The flawed, enduring character of the death penalty in Bahrain:**

**Input for SG report on a moratorium on the use of the death penalty**

1. Salam for Democracy and Human Rights ([SALAM DHR](https://salam-dhr.org/language/en/)), a mainly United Kingdom and Lebanon-based organisation submits this briefing in response to the [Call for Inputs](https://www.ohchr.org/en/calls-for-input/calls-input/call-inputs-secretary-generals-report-moratorium-use-death-penalty) in relation to the Secretary-General’s report on a moratorium on the use of the death penalty.
2. SALAM DHR is an independent non-governmental organisation that promotes adherence to international human rights standards and the principles of democracy, including through partnerships. Registered in several European states, it is not able to work in Bahrain, where it nonetheless has members.
3. The briefing provides an update in relation to developments in Bahrain, since 16 December 2020, on the question of a moratorium on the use of the death penalty and other issues included in resolution [A/RES/75/183](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/372/89/pdf/N2037289.pdf?OpenElement) of the General Assembly. It focuses on the issues raised in paragraph (7), Calls to states.
4. By way of introduction, SALAM DHR shares the concerns set out in the December 2020 resolution, that in Bahrain and Saudi Arabia, it remains the case that “*persons exercising their human rights and persons belonging to religious or ethnic minorities are disproportionately represented among those sentenced to thedeath penalty and the discriminatory application of the death penalty, to women [...]”*.
5. SALAM DHR expresses its dismay and concern that, to the best of the organisation’s knowledge, the Governments of Bahrain (GoB) and of Saudi Saudi (GoSA) have not appeared to act in any way in the spirit or letter of the December 2020 resolution.
6. SALAM DHR expresses its dismay towards the GoB and GoSA in that neither appears to have engaged with intergovernmental organisations (IGOs), international non-governmental organisations (INGOs)or even national non-governmental organisations in the promotion about the use and practice of the death penalty, including in relation to the administration of justice or the implications of a moratorium, as set out and welcomed in paragraph (5) of the resolution.
7. SALAM DHR expresses its dismay, in relation to paragraph (10) of the resolution, that neither the GoB nor the GoSA have taken any discernible or concrete action “*to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights [...]*”
8. A summary of SALAM DHR’s concerns in respect to the use of the death penalty by the GoB are set out in section B, between paragraphes 25-36 of its [[S]ubmission under the follow-up procedures to the 2018 Concluding Observations of the Committee](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/INT_CCPR_NGS_BHR_48450_E.docx) for the 135th Session of the Human Rights Committee, where we address, current use of the death penalty by the GoB. Some of the key points made in that submission are that the GoB has:

* Failed to act on repeated recommendations to immediately halt executions after breaking a seven year de facto moratorium;
* Continued to hand down death sentences even amongst international expressions of concern over the administration of justice and fair trial, including from United Nations human rights experts and bodies; INGOs including and regionally-focused NGOs such as SALAM DHR;
* Imposed death sentences for non-lethal offences and under vaguely worded provisions that may not amount to internationally recognizable criminal conduct and which may, in certain cases, constitute protected conduct;
* Provided inaccurate information to the UN by assedrting that death penalty may be imposed only for the “most serious crimes against society” when there are around 86 acts which attract the death penalty[[1]](#footnote-0);
* Not implemented the death penalty since 16 December 2020, but on 26 July 2019, the GoB executed Ali Al-Arab, Ahmed Al-Malali, as well as an unnamed Bangladeshi national amidst allegations that officials tortured the men and other clear, express fair trial concerns, including from UN experts; and
* Increased the use of the death penalty by some 600% over the past decade (outside the scope of the time frame under consideration but nevertheless a good indicator of the GoB’s position on the issue), with courts handing down 51 new death sentences between 2011 and 2020;

1. In May 2020 SALAM DHR wrote to the government’s Ombudsman in relation 12 specific cases and set out specific fair trial concerns in relation to the administration of justice in death penalty cases, including in relation to the finding - even by state bodies - that the authorities had tortured detainees. In June 2020, the Ombudsman - contrary to its alleged role and mission - told SALAM DHR by email that the cases are “out of its remit”. In light of this rejection of engagement by the very government body charged with examining such claims, SALAM DHR issued an [Open appeal to His Majesty, King Hamad bin Isa Al Khalifa, Kingdom of Bahrain](https://salam-dhr.org/bahrain-open-appeal-to-his-majesty-king-hamad-bin-isa-al-khalifa-kingdom-of-bahrain/). The specific concerns are likewise set out in this document.
2. These publications document the manner in which the GoB has acted contrary to paragraph 7 (d) of the December 2020 resolution, to “*progressively restrict the use of the death penalty*” or 7(e), to reduce the number of offences for which the death penalty may be imposed [...]
3. This briefing will be sent as a Word document on 22 April 2022, to: [registry@un.org](mailto:registry@un.org) and [nekane.lavin@un.org](mailto:nekane.lavin@un.org) and the e-mail subject line shall be *Input for SG report on a moratorium on the use of the death penalty*
4. Contact details for the sending organisation are:

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1. For instance, with regards to crimes against national security, one law contains the provision that, “*anyone who willfully commits an act that undermines the country's independence, unity, or territorial integrity shall be punished with the death penalty*”, and another provides that “*anyone who attacks the life or freedom of the Emir of the country shall be punished with the death penalty*”, in both cases, without further definition of the acts in question. [↑](#footnote-ref-0)