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Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Unjust executions in Bahrain: the cases of Ali AlArab and Ahmed AlMalali

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 42nd session of the United Nations (UN) Human Rights Council (HRC) to raise attention to executions in Bahrain, in particular the recent executions of Ali AlArab and Ahmed AlMalali in July 2019, despite allegations of torture and unfair trials.

Overview

On Saturday 27 July 2019, the Government of Bahrain carried out the executions of Ali AlArab, Ahmed AlMalali, and a third man from Bangladesh.¹ Their executions come just two years after Bahrain ended its seven-year *de facto* moratorium on the death penalty by executing three torture victims - Ali AlSingace, Abbas AlSamea, and Sami Mushaima - in January 2017.² There are currently eight Bahraini men at imminent risk of execution in Bahrain.³ Additionally, there are ten other individuals on death row still undergoing appeals of their cases.⁴

The death penalty in Bahrain

Despite pressure and appeals from the UN and the international community, the death penalty continues to be part of the Bahraini legal system. Under Bahraini law, after the Court of Cassation confirms a death sentence, the decision is sent to the King, who has the power to ratify the sentence, commute it, or grant a pardon.⁵

Ali AlArab and Ahmed AlMalali

Ali Mohamed Hakeem Al Arab was arrested in a joint operation in February 2017 carried out by the Ministry of the Interior (MOI) alongside the General Directorate for Criminal Investigation and Forensic Science, the Special Security Force Command, and Bahrain's National Security Agency that reportedly "aimed at apprehending escaped prisoners and other terrorist fugitives."⁶ He was suspected of being involved in the murder of a police officer and of being involved in supporting the Jau Prison escapees. AlArab was held at the Criminal Investigations Directorate (CID) where he was coerced into signing a confession, after which officers transferred him to Dry Dock Detention Center.⁷ He was held in solidarity confinement for five days and repeatedly tortured until he was unable to stand.

¹ Bahrain Public Prosecution (@bppbahrain), Instagram, 27 July 2019, https://www.instagram.com/p/BOZ_HmWJJsS/.

² Bahrain Institute for Rights and Democracy, "Bahrain Executes three Stateless Torture Victims Following King Hamad's Authorisation," BIRD, 17 Jan. 2019, <http://birdbh.org/2017/01/bahrain-executes-three-stateless-torture-victims-following-king-hamad's-authorisation/>.

³ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Nì Aolàin and Nils Melzer, UA BHR 6/2018, 11 December 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24236>.

⁴ ADHRB, "ADHRB Strongly Condemns Bahrain's Unjust Execution of Ali AlArab and Ahmed AlMalali", July 29 2019, <https://www.adhrb.org/2019/07/adhrb-strongly-condemns-bahrain's-unjust-execution-of-ali-alarab-and-ahmed-almalali/>.

⁵ Human Rights Watch, "Bahrain: Suspend Death Penalty. Court Upholds Death Sentence for 2 Men", 15 May 2019, <https://www.hrw.org/news/2019/05/15/bahrain-suspend-death-penalty>.

⁶ Kingdom of Bahrain Ministry of Interior, "MOI issues statements on Feb.9 operations", 9 February 2017, <https://www.policemc.gov.bh/en/news/ministry/60161>.

⁷ UN General Assembly, Written statement submitted by ADHRB, "Bahrain: Halt the executions of two men sentenced to death after torture," A/HRC/41/NGO/33, 24 June 2019, <file:///C:/Users/cm/Documents/ADHRB%20Geneva/Written%20Statement%20of%20AlArab%20and%20AlMalali.pdf>.

He was one of 58 individuals convicted in an unfair mass trial in January 2018. The trial was marred with allegations of torture and due process violations. He reported being prevented from attending the appeals hearings during his detention. Despite clear violations of international standards and domestic laws throughout the arrest, detention, and trial, the Bahraini High Court of Appeals rejected all the appeals of the defendants.⁸ On 6 May 2019 the Court of Cassation, Bahrain's court of last resort, confirmed his death sentence⁹ and on 27 July 2019 he was executed.

Ahmed AlMalali's arrest was carried out of the same day as Ali AlArab's. He was arrested without an official warrant and he was reportedly struck by two bullets in his right hand.¹⁰ Following the arrest, officers held Ahmed *incommunicado* for a month at the CID, where he was subjected to brutal torture, including forced standing, exposure to cold, beatings causing a broken bone in his leg and electric shock. He was prevented from meeting with a legal counsel and charged with possessing firearms, training in the use of firearms, and membership in a terrorist cell.¹¹

He was not allowed to attend his trial sessions. Consequently, he was sentenced in *absentia* to the death penalty and denationalized on 31 January 2018. On 6 May 2019 he received the confirmation by the Bahraini Court of Cassation, and, with AlArab, he was executed by firing squad at Jau Prison on 27 July 2019.¹²

Their executions were carried out despite urgent calls to the Bahraini government to halt the executions from Members of Congress, including Senator Bob Menendez,¹³ the Tom Lantos Human Rights Commission co-chairs,¹⁴ and Representative Ro Khanna,¹⁵ as well as Members of the European Parliament, French Parliament, and Agnes Callamard, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions.¹⁶ Special Rapporteur Callamard referred to their executions as "arbitrary killings," and stated that she was "appalled" that their executions had been carried out.¹⁷

Eight individuals at imminent risk of execution

Many of the other men on death row have also alleged torture to coerce confessions, including those at imminent risk of execution, whose sentences only need ratification by the King. Bahraini authorities arrested Maher AlKhabbaz for allegedly killing a police officer in 2013.¹⁸ Authorities disappeared him for one week, during which he was tortured to

⁸ Bahrain News Agency, "High Appeals Court rules in terror group case", 28 January 2019, <https://www.bna.bh/en/HighAppealsCourtrulesinterrorgroupcase.aspx?cms=q8FmFJgiscL2fwIzON1%2bDq8XDazp6OgeQDjjRbY4gM8%3d>.

⁹ Ibid.

¹⁰ UN General Assembly, Written statement submitted by ADHRB, "Bahrain: Halt the executions of two men sentenced to death after torture", A/HRC/41/NGO/33, 24 June 2019, *supra* 10.

¹¹ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Nì Aolàin and Nils Melzer, UA BHR 6/2018, 11 December 2018, *supra* 2.

¹² Amnesty International, "Executed by firing squad in Bahrain: Ali Mohamed AlArab and Ahmed AlMalali", 2 August 2019, <https://www.amnesty.org/en/documents/mde11/0830/2019/en/>.

¹³ Senator Bob Menendez (@SenatorMenendez), Twitter, <https://twitter.com/SenatorMenendez/status/1154832795447037952?s=20>.

¹⁴ Tom Lantos Human Rights Commission, "Co-Chairs to Bahrain: Stay Executions of AlArab and AlMalali," Press release, 26 July 2019, <https://humanrightscommission.house.gov/news/press-releases/co-chairs-bahrain-stay-executions-alarab-and-almalali>.

¹⁵ Rep. Ro Khanna (@RepRoKhanna), Twitter, 26 July 2019, <https://twitter.com/reprokhanna/status/1154799067756662784?s=21>.

¹⁶ Office of the High Commissioner for Human Rights, "UN expert urges Bahrain to halt executions of two men amid torture allegations," Press Release, 26 July 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24855&LangID=E>.

¹⁷ Agnes Callamard (@AgnesCallamard), Twitter, 27 July 2019, <https://twitter.com/AgnesCallamard/status/1155116296851382272>.

¹⁸ ADHRB, "Bahrain: Maher Al-Khabbaz Awaits Impending Execution Following Flawed Trial", February 2018, <https://www.adhrb.org/2018/02/bahrain-maher-al-khabbaz-awaits-impending-execution-following-flawed-trial/>.

confess, and he was forced to sign a written statement used in trial against him. However, Maher is reportedly illiterate and would have been unable to read this “confession.” The Court of Cassation confirmed his sentence on 31 January 2018, and now he is at imminent risk of execution.

Similarly, Salman Isa Salman¹⁹ was arrested without a warrant under “terrorist” allegations, repeatedly beaten and tortured until he signed a prepared confession. On 4 June 2018 the Court of Cassation upheld the death sentence and now he is at imminent risk.²⁰

Husain Ali Mohamed²¹ was charged with “unlawful assembly” and “unlawful possession of a firearm” and arrested in April 2016. Bahraini security acted in the same inhumane and unlawful way during his detention and his trial. On 26 February 2018 his death sentence was confirmed, and he is now at imminent risk of execution.

Lastly, Husain Ali Marzooq was charged with around 12 crimes, including being involved in a bombing. In June 2017 he was convicted and sentenced to death and stripped of his nationality. The Court of Cassation confirmed the decision on 26 February 2018, rendering his verdict final.²²

Conclusion

ADHRB reiterates its condemnation of these executions and highlights the misapplication of the international law in the Kingdom. It calls on the Government of Bahrain:

- To halt the pending executions of the eight individuals at imminent risk of execution;
- To place a moratorium on the death penalty, with a view towards its abolition;
- To investigate allegations of pervasive and continuous acts of torture and ill treatment with a view towards holding perpetrators accountable; and
- To compensate the families of Ali AlArab and Ahmed AlMalali.

Additionally, ADHRB reiterates its concerns about Bahrain’s membership on the Human Rights Council, and calls on all Member States to raise these concerns and hold Bahrain accountable for its human rights violations.

¹⁹ ADHRB, “Profiles in Persecution: Salman Isa Salman”, August 2017, <https://www.adhrb.org/2017/08/profiles-in-persecution-salman-isa-salman/>.

²⁰ Supra 2.

²¹ ADHRB, “Profiles in Persecution-Husain Ebrahim Marzooq”, March 2018, <https://www.adhrb.org/2017/10/profiles-in-persecution-husain-ali-mohamed/>.

²² Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Nì Aolàin and Nils Melzer, UA BHR 6/2018, 11 December 2018, supra 2.