



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **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.

[03 June 2020]

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

GE.20-09054(E)



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## Death penalty in Bahrain

Ahead of the 44th session of the United Nations (UN) Human Rights Council, Americans for Democracy & Human Rights in Bahrain (ADHRB) wishes to take the opportunity to raise concerns about Bahrain's use of the death penalty and about death row inmates in Bahraini prisons. Recent executions have exacerbated concerns that Bahrain could move ahead in these capital punishment cases. Currently, there are 27 people being held in Bahraini prisons that are at risk of execution. In the following, three particularly concerning cases will be presented.

### Continuing the use of the death penalty

In January 2017, the Bahrain government broke its seven-year de facto moratorium on the death penalty by executing three Bahraini men: Ali Al-Singace, Abbas Al-Samea, and Sami Mushaima. Al-Singace, Al-Samea, and Mushaima are the first Bahrainis to be executed since March 1996. Against seven other men, the Court of Cassation upheld the life sentences. In 2014, these ten men were arrested in 2014 and convicted in 2015 for allegedly causing the death of three police officers. Their arrests and trials violated their right to fair trial due to the use of evidence obtained under duress. Nevertheless, the Court of Cassation denied allegations of torture. Their executions run counter to a 2007 UN General Assembly resolution in 2007 that called for a moratorium on executions that would ultimately lead towards the abolition of the death penalty. On 26 July 2019, a government firing squad carried out further unlawful executions against three individuals, including torture victims Ali AlArab, 25 and Ahmed AlMalali, 24, who were tried in an unfair mass trial alongside 58 others and were sentenced to death in January 2018. The executions went ahead despite significant international outcry on 27 July.

### At risk of execution

#### **Maher Abbas al-Khabbaz**

Al-Khabbaz was arrested in 2013 by Bahraini authorities for allegedly killing a police officer with a flare gun despite having an alibi and not being subjected to an arrest warrant.<sup>1</sup> Held *incommunicado* and thus left unaware of the charges for several weeks. Furthermore, he was physically and emotionally abused due to, amongst others, beating, whipping, electrocution, forced standing and deprivation of prayer and use of the toilet into signing a coerced confession.<sup>2</sup> In the Public Prosecution Office, he was threatened to be tortured again if he did not confess to killing the police officer. Large parts of Al-Khabbaz's trial were held *in absentia*, and due to the absence of crucial witnesses and evidence and the reliance on the coerced confession, on February 19, 2014, Al-Khabbaz was convicted on the charges and sentenced to death.<sup>3</sup> After a 2014 appeal and a 2017 retrial, on 29 January 2018, Bahrain's Court of Cassation confirmed the conviction of death row and with the court being the last legal instance, he can no longer appeal his death sentence. This decision was taken in spite of credible evidence that al-Khabbaz was tortured, as well as United Nations Special Procedures statements that voiced concerns with regards to due process violations and the validity of the original trial.<sup>4</sup> Al-Khabbaz's execution is now at the discretion of the king.

#### **Husain Ali Mohamed**

Husain Ali Mohamed is a young man from the Bahraini village of Karbabad studying in his second year of university when he was detained on 24 April 2016 along with his friend Sayed

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<sup>1</sup> <https://www.adhrb.org/2018/02/bahrain-maher-al-khabbaz-awaits-impending-execution-following-flawed-trial/>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

Ahmed al-Abbar by the riot police officers, including masked civilian forces.<sup>5</sup> Mohamed and his friend were also chased by helicopter. The arresting officers failed to issue a warrant for Mohamed's arrest, nor did they present any other official document at the time of the arrest. Furthermore, he was tortured by beatings and coerced into giving a forged confession. As it is typical for the Bahraini justice system, the charges against Mohamed and Al-Abbar were constructed based on a combination of rights-violative charge with allegations of acts of violence. As to the rights-violative charge, both men were accused of unlawful assembly, which is a charge frequently used for political activists in Bahrain.<sup>6</sup> A conviction based on charges for unlawful assembly is incompatible with Article 21 of the International Covenant on Civil and Political Rights, to which Bahrain is a party.<sup>7</sup> An unfair trial led to Al-Abbar's and Mohamed's conviction on the aforementioned charges. According to international legal standards, torture is outlawed under the international legal system, including the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), which Bahrain has joined. Thus, the confessions obtained under torture should be inadmissible and the legal presumption of innocence must stand. On 6 June 2017, the kingdom's 4<sup>th</sup> High Criminal Court issued death sentences against Al-Abbar and Mohamed.<sup>8</sup>

### **Other cases at risk of execution**

In 2014, Mohammed Ramadan and Husain Ali Moosa, were arrested without a warrant by the CID. Upon being coerced into confessing to their involvement in the Ali-Dair bombing earlier in 2014 whose explosion killed a police officer and numerous civilians, Ramadan and Moosa were tortured, denied access to defense attorney and given an unfair trial. Both were sentenced to death for their alleged involvement with the bombings. Their judgements were taken to the Appeals Court on the grounds of false accusations, subjection to torture and coercing into confessing to a crime. The Court of Cassation, however, rejected the final appeals and upheld the death sentences on 8 January 2020.

### **Conclusion and Recommendations**

With these arrests the Government of Bahrain has violated a number of international legal principles enshrined in the CAT, the ICCPR, and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Bahrain is a party to all of these treaties. The use of torture is prohibited in both the CAT and the ICCPR (Article 7), and the cramped conditions in Bahraini prisons are in violation of Article 10 of the ICCPR and Article 12 of the ICESCR. Given the international legal obligations, the Bahraini government must discontinue its practice of arbitrarily arresting, detaining and executing political activists and government opponents simply because of their activism.

In the light of these imminent death row cases, ADHRB calls on Bahrain to:

- Reinstates its moratorium on the death penalty, with a view towards its ultimate abolition.
- Annul the aforementioned convictions.
- Commute all capital punishment sentences against all individuals on death row, with a particular focus on individuals whose trials were marred by due process violations and allegations of torture, and ensure the cases are re-tried in accordance with standards set by international law.
- Ensure that any subsequent trial follows international fair trial standards.

<sup>5</sup> ADHRB has previously submitted a communication for this case in which it indicated that his arrest had been carried out by the Nation Security Agency. After communicating with the detainee Mohamed, he confirmed that there were many bahraini forces during the arrest, including riot police and civilian forces, but not the National Security Agency.

<sup>6</sup> Ibid.

<sup>7</sup> UN International Covenant on Civil and Political Rights, 16 December 1966, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>8</sup> Ibid.

- Launch an investigation into the cases of individuals sentenced to death who allege due process violations and torture in their trial and detention and prosecute all officials found to have tortured or otherwise abused inmates.
  - Address the overcrowding and poor conditions in Jau Prison.
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