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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

## **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.

[29 January 2020]

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



## **Bahrain's death penalty**

Americans for Democracy & Human Rights in Bahrain (ADHRB) wishes to take the opportunity at the 43rd session of the United Nations (UN) Human Rights Council (HRC) to raise concerns about Bahrain's use of the death penalty, in particular, the executions of two Bahrainis in July 2019 that commenced despite strong international opposition, including from Members of the United States Congress, Members of the European Parliament and the French Parliament, and the UN Special Rapporteur on executions.<sup>1</sup> The recent executions have exacerbated concerns that Bahrain could move ahead in other capital punishment cases. Currently, there are eight people being held in Bahraini prisons that are at imminent risk of execution.<sup>2</sup>

### **The end of the De Facto Moratorium**

In January 2017, Bahrain executed three Bahraini men: Ali Al-Singace, age 21, Abbas Al-Samea, age 27, and Sami Mushaima, age 42, breaking their seven-year de facto moratorium on the death penalty. Al-Singace, Al-Samea, and Mushaima are the first three Bahrainis to be executed since March 1996. The Court of Cassation upheld the life sentences against seven other men as well. All ten were arrested nearly three years prior, in 2014 for allegedly causing the death of three police officers. They were all convicted in an unfair trial in 2015 that used evidence that was extracted as a result of torture. Despite this, the Court of Cassation denied their allegations of torture and claimed that there was no evidence that security force officers had tortured or otherwise coerced the defendants.

Their execution runs 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. Bahrain was among those who voted in 2018 to oppose the UN's resolution.<sup>3</sup>

### **The execution of Ahmed Al-Malali and Ali Al-Arab**

On 27 July 2019, the Bahraini government executed Ali Al-Arab, 25-years old, and his cousin Ahmed Al-Malali, who was 24-years-old.<sup>4</sup> The two cousins were facing life in prison and the death penalty after allegedly assisting an escape from Jau prison in 2017. They were also convicted of offences that included forming and joining a terrorist group. Ahmed Al-Malali, was previously detained for participating in peaceful demonstrations and allegedly possessing a firearm. Ahmed was stripped of his nationality, tried, and sentenced to life imprisonment in absentia despite being in police custody. He was denied permission to meet with his attorney during his hearings where the judge also denied the defense attorneys' requests to produce evidence that could have served as Al-Malali's defense.

Ali Al-Arab was wrongly detained in 2017 by Ministry of Interior officers who did not possess a warrant. During his time in prison, he was tortured and coerced into signing a confession blindfolded. Ali bore obvious signs of physical torture as he was being transported via wheel chair due to the multiple injuries he incurred from the beatings he received from the prison guards. Ali, like Ahmed, was stripped of his Bahraini nationality. He was denied access to his defense attorney and to a fair trial, in contravention to many international laws.

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<sup>1</sup> "ADHRB Strongly Condemns Bahrain's Unjust Execution of Ali AlArab and Ahmed AlMalali," ADHRB, 29 July 2019, [www.adhrb.org/2019/07/adhrb-strongly-condemns-bahrain-unjust-execution-of-ali-alarab-and-ahmed-almalali/](http://www.adhrb.org/2019/07/adhrb-strongly-condemns-bahrain-unjust-execution-of-ali-alarab-and-ahmed-almalali/).

<sup>2</sup> Kenneth Roth, "World Report 2020: Rights Trends in Bahrain," Human Rights Watch, 14 January 2020, [www.hrw.org/world-report/2020/country-chapters/bahrain](http://www.hrw.org/world-report/2020/country-chapters/bahrain).

<sup>3</sup> "Global Abolition of the Death Penalty a Step Closer," Amnesty International, 17 December 2018 [www.amnesty.org/en/latest/news/2018/12/global-abolition-closer-than-ever-as-record-number-of-countries-vote-to-end-executions/](http://www.amnesty.org/en/latest/news/2018/12/global-abolition-closer-than-ever-as-record-number-of-countries-vote-to-end-executions/).

<sup>4</sup> Profiles in Persecution: Mohamed Ramadan and Husain Ali Moosa," ADHRB, 26 November 2019, [www.adhrb.org/2018/02/profiles-in-persecution-mohamed-ramadan-husain-ali-moosa/](http://www.adhrb.org/2018/02/profiles-in-persecution-mohamed-ramadan-husain-ali-moosa/).

Ali and Ahmed were both sentenced to death in an unfair mass trial on 31 January 2018. In 2019, the Bahraini High Court of Appeals and the Court of Cassation confirmed their death sentences. The execution of both Ahmed and Ali was widely opposed by the international community, including Members of the Italian Parliament, of the French Parliament like French Senator Pierre Laurant, Members of the Swiss Parliament, the Spanish Parliament, and the European Parliament, as well as international non-governmental organizations. Their executions were a violation of international law, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights.

### **Mohamed Ramadan and Husain Ali Moosa**

Mohamed Ramadan, 36-years-old, and Husain Ali Moosa, 32-years-old, are two Bahraini citizens who were sentenced to death in 2014 for their alleged involvement in the Al-Dair bombing in February of that year whose explosion killed a police officer and numerous civilians. The Criminal Investigations Directorate (CID) arrested Mohamed without a warrant while he was at work. While in custody, CID officers tortured Ramadan, coercing him to confess to committing the bombing. Like many others, he was denied access to his defense attorney and was given an unfair trial. His judgement was taken to the Appeals Court on the grounds that he was falsely accused, a victim of torture, and coerced to confess to a crime he did not commit. The Court of Cassation rejected Mohamed's final appeal and upheld his death sentence.

Husain Ali Moosa was also arrested without a warrant in the Samaheej in 2014. The CID officers that arrested Husain also tortured him and coerced him to confess to committing the Al-Dair bombing. He was also coerced to confess to Mohamed's involvement in the Al-Dair bombing. After CID officers extracted his confession, they transferred him to the Office of Public Prosecution where he withdrew his confessions. Upon learning that he withdrew his confession, CID officers took him back into custody and continued to torture him for the following three months. He too was denied legal counsel and was tried in an unfair hearing.

The Bahrain Government's actions against the two men violated multiple international laws, including but not limited to, the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, The International Covenant on Civil and Political Rights, and The International Covenant on Economic, Social and Cultural Rights.

### **Other men at risk of execution**

A number of other men are also at risk of execution. On 6 June 2017, the kingdom's 4<sup>th</sup> High Criminal Court issued death sentences against Sayed Ahmed al-Abbar and Husain Ali Mohamed. Both men were tortured into signing prepared confessions and are currently at risk of imminent execution. Salman Isa Ali Salman and Husain Ebrahim Ali Husain Marzooq are also at imminent risk of execution. Additionally, six of the men sentenced to death in 2017 were sentenced in the first military trial of civilians following an April 2017 amendment to remove a constitutional prohibition on the practice.<sup>5</sup> Their sentences were later commuted to life sentences.

On 29 January 2018, Bahrain's Court of Cassation confirmed the death sentence against Maher Abbas al-Khabbaz. He was tortured in detention until he provided a confession. Husain Abdulla Marhoon Rashid and Moosa Abdulla Moosa Jaafar, who were tortured to provide a confession, had their sentences confirmed by the court of appeal on 20 May and 3 June 2019 respectively and are at imminent risk of execution.

<sup>5</sup> "Bahraini military court convicts six to death on terror charges," Reuters, 25 December 2017, <https://www.reuters.com/article/us-bahrain-security/bahraini-military-court-convicts-six-to-death-on-terror-charges-idUSKBN1EJ0L7>.

## Conclusion and recommendations

At nearly every step in the cases of Ali Al-Singace, Abbas Al-Samea, Sami Mushaima, Ali Al-Arab, Ahmed Al-Malali, Mohamed Ramadan, Husain Ali Moosa, and many others, the Bahraini government violated their rights. The men were arrested without warrants, tortured, coerced into confessing to their crimes, and sentenced to death in unfair trials marred by due process violations. The application of the death penalty against them, also stands in contravention to numerous international human rights standards.

ADHRB calls on the Government of Bahrain to:

- Prior to the executions in January 2017, the kingdom had not executed anyone for several years, observing a de facto moratorium. The Bahraini government should reinstate its moratorium on the death penalty, with a view towards its ultimate abolition.
- The Bahraini government has commuted the death sentences of several individuals to life in prison. It should 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.
- The government should 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.
- Ensure that all future trials are consistent with the right to a fair trial and independent trial.

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