



Bahrain - The death penalty means torture: on 10 October 2023, the 21st World Day Against the Death Penalty, declare a moratorium on its use

The application of the death penalty in Bahrain continues to raise global concern. In 2017, Bahrain ended a seven-year de facto moratorium by executing three individuals, followed by another three in 2019. Currently, 27 individuals are at risk of execution.

In December 2022, the United Nations General Assembly adopted the 9th resolution for a moratorium on the use of the death penalty. 125 of the world's 193 states - or 65% - voted in favour of a moratorium. These states recognise that the death penalty is the ultimate cruel, inhuman and degrading (CID) punishment. They oppose it in all cases regardless of who is accused, the nature or circumstances of the crime, guilt or innocence or method of execution.

Contrary to the express call of its own [National Institute for Human Rights](#), the Government of Bahrain (GoB) voted against the resolution.¹ This places Bahrain against the direction of world opinion, especially as more countries supported the moratorium in 2022 compared to 2020.

Even if international law provides for the death penalty under strict fair trial standards and other safeguards, a growing body of evidence indicates that even when compliant with international fair trial standards, the process for handing down a death sentence can, itself constitute cruelty amounting to torture.

2017 onwards - from de facto moratorium to rapid rise in use of the death penalty

Bahrain executed three persons in 2003; one person each in 2008 and 2010. In 2017, Bahrain ended its de facto moratorium: the GoB executed three individuals in 2017 and another three in 2019,² for vaguely-worded offences against external and/or internal 'state security' arising from large-scale social unrest in 2011.

Courts had initially sentenced tens of people to death arising from the unrest. Each of the defendants in these cases alleged torture. Defendants in most of the cases in which courts have handed down death sentences have also alleged that GoB officials tortured them.³ On 2019, SALAM DHR recorded that courts 'reconsidered' two death sentences; changed 10 to life imprisonment, while a further three were passed to to the Court of Cassation, the highest court, and that [eight](#) persons were thought, then, to be at imminent risk of execution, pending ratification by the King.⁴

¹ In a [report](#) dated November 2022, on the occasion of the Fourth Cycle of the Universal Periodic Review (UPR), a UN human rights mechanism under the auspices of the United Nations Human Rights Council, Bahrain's own National Institution for Human Rights (NIHR) stated that it "*calls and strives for the implementation of the United Nations resolution for a moratorium on the use of the death penalty*". At the 9th resolution on the moratorium, on 15 December 2022, 37 voted against the moratorium; there were 22 abstentions and 9 state representatives were absent. On the eight occasions since 2007 when the UNGA has debated and voted to suspend the implementation of the death penalty, in half of them the GoB has abstained (2008, 2010, 2014, 2016). For seven years, between 2011-2017, the GoB maintained a de facto moratorium on the implementation of the death penalty.

² In January 2017 Bahrain executed Sami Merza Mushaima, 42; Abbas Jamil al-Samea, 27 and Ali AbdulShahid al-Singace, 21. The authorities had arrested them and seven others, who received life sentences, in connection with the death of three police officers. In 2015, they were all convicted in an unfair trial which used evidence extracted through torture. Despite this, Bahrain proceeded to execute the three men on 15 January 2017. See: Bahrain: Open appeal to His Majesty, King Hamad bin Isa Al Khalifa, Kingdom of Bahrain, 11 August, 2020, at: <https://salam-dhr.org/bahrain-open-appeal-to-his-majesty-king-hamad-bin-isa-al-khalifa-kingdom-of-bahrain/> The three executed in 2019 included: Ali al-Arab and Ahmad al-Malali. See Human Rights Watch's 2021 annual report at <https://www.hrw.org/world-report/2021/country-chapters/bahrain>

³ Courts handed down one death sentence in 2011; and another in 2012; three in 2014; nine in 2015; one in 2016; 18 in 2017; 10 in 2018; five in 2018 and three in 2020. See: From uprising to executions / The death penalty in Bahrain, ten years on from the Arab Spring, Reprieve and the Bahrain Institute for Rights and Democracy (BIRD), 2022, at: https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf

⁴ See: Bahrain: Five executed and eight at imminent risk of execution, 9 October 2019, at <https://salam-dhr.org/bahrain-five-executed-and-eight-at-imminent-risk-of-execution/>

In respect to non-Bahrainis on death row, *“of the 13 foreign nationals who received a death sentence from 2011 to the end of 2020, 62% were Bangladeshi nationals.”* Moreover, *“of the executions that took place between 2011 and 2021, the only foreign national to be executed was a Bangladeshi national and Bangladeshi nationals represent nearly 30% (8 out of 26) of the individuals currently on Bahrain’s death row facing imminent execution.”*⁵

In 2018, the GoB sentenced individuals to death for non-lethal drug offences. While the GoB claims that it imposes the death penalty in accordance with international law and UN human rights standards, in 2021, 12% of individuals facing imminent execution were convicted of non-lethal drug offences. No one has yet been executed for a non-lethal drug offence. Moreover, between 2011 and 2021, 29% of individuals sentenced to death for terrorism-related offences were convicted of non-lethal offences.

Enduring prevalence of torture, notably in ‘national security’ cases

In its 2017 assessment of the GoB’s adherence to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations’ Committee against Torture (CaT) expressed its *“grave concern”* about the 2017 resumption of the death penalty; and that *“Reports that the trials of the three men convicted of killing three police officers in 2014 were based on confessions obtained under torture, and the fact that the reports were not properly investigated by the competent authorities”*.⁶ The CaT further expressed concern about *“the situation of Mohammed Ramadhan and Hussain Ali Moosa, who face the death penalty and are said to have been convicted on the basis of confessions extracted under torture.”*

The government appears to target political opponents by way of arrest, including for acts that may not constitute internationally recognisably criminal acts, including those that may attract the death penalty. Those detained by the GoB’s Criminal Investigations Directorate on vaguely worded provisions relating to ‘national security’ may face electric shock, suspension in painful positions, death or rape threats, beating, and sexual abuse, including instrumental rape of males.⁷ Opposition activists have claimed that every single person has faced the torture; the CaT noted that the GoB’s oversight bodies *“are not independent, that their mandates are unclear and overlap, and that they are not effective given that complaints ultimately pass through the Ministry of the Interior.”*⁸ The CaT urged the GoB to, amongst other things, *“Ensure that all reports of torture or ill-treatment are investigated promptly, effectively and impartially by an independent mechanism in which there is no institutional or hierarchical connection between the investigators and the alleged perpetrators”*.⁹

Act now: impose a moratorium on new death sentences; commit to halting executions

83 legal provisions provide for the death penalty in Bahrain yet the call by Bahrain’s non-independent NIHR to impose a moratorium reflects the growing internal debate and disquiet in Bahrain, amongst the population, civil society and lawyers about the use of the punishment, and public concerns over the administration of justice in cases which have resulted in death penalty convictions. On 10 October 2023, the 21st World Day Against the Death Penalty, we call on the GoB to:

- Immediately restore a moratorium on executions, pending a full review to identify death sentences handed down in reliance on torture-tainted evidence or other human rights violations.

⁵ See: From uprising to executions / The death penalty in Bahrain, ten years on from the Arab Spring, Reprieve and the Bahrain Institute for Rights and Democracy (BIRD), 2022, at: https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf

⁶ United Nations / Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Concluding observations on the second and third periodic reports of Bahrain, 29 May 2017, at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqYPuFZC34VM6MoD0Mvs%2BS%2BhcI3TUOvF%2FGuWWUtDMNTj4IYASRqLw7nbC8lcS25V04LGI8FMQtufqvixyVSqBsgx3LVglkCx%2BAGXg%2BL>

⁷ From uprising to executions / The death penalty in Bahrain, ten years on from the Arab Spring, Reprieve and the Bahrain Institute for Rights and Democracy (BIRD), 2022, at: https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf

⁸ Ibid. The independent complaints mechanisms are: the Office of the Ombudsman (General Secretariat of Complaints) of the Ministry of the Interior, the Directorate of Internal Investigations of the Ministry of the Interior, the General Directorate of Reform and Rehabilitation of the Ministry of the Interior, the Ombudsman’s Office of the National Security Agency, the Special Investigation Unit in the Public Prosecutor’s Office, the National Institution for Human Rights and the Prisoners’ and Detainees’ Rights Commission.

⁹ Ibid. See paragraph 29b

- Commute the death sentences of all individuals on death row for non-lethal offences, with a goal of moving towards commuting the sentences of all persons on death row.