



# 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 the Kham Rehabilitation Center for Victims of Torture, 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.

[16 August 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-15045(E)



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## **Bahrain and the Death Penalty\***

The Government of Bahrain ratified the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), and the Convention on the Rights of the Child (CRC). However, and despite its ratification of the international treaties and commitment to defend human rights, the brutal human rights abuses have been continuously reported.

- **Death Penalty as Mean of Tools**

Repressive authorities, including those of Bahrain, generally use the death penalty against opposition members, fabricating accusations and charges against them to score political points and seek revenge wholly from a political aspect, and not a legal one.

From a criminal point of view, the international human rights community calls for the abolishment of the death penalty as it believes there is no tangible deterrent value to stop the offence being committed again. From a human rights perspective, the penalty should be abolished, as it has become a means for political tactics that are contrary to human rights – like political revenge and the silencing of political opponents.

This is especially true when considering the lack of an independent, impartial and fair judiciary and the absence of the principles of separation of powers, resulting in the absence of the most basic conditions of fair trials. There is no doubt that it will result in unfair judgments being handed down, which is what is happening in Bahrain.

The legislature, the judiciary, and the executive falls into one hand that oversees and dispenses, yet is above questioning as he is considered “higher and untouchable”. From here the general provisions associated with death penalty loses its integrity, transparency and fair justice. Death penalties emanating from such judiciaries are immersed in international criticisms, and the penalty should be stopped.<sup>1</sup>

- **Fabrication of Charge and Death Penalty in Bahrain**

The Constitution of Bahrain does not refer to the death penalty and it is unclear whether the death penalty is mandatory for any offence in Bahrain. Nevertheless, the death penalty in Bahrain has been carried arbitrarily and discriminately, especially against political dissidents. The Bahraini courts have continued to disregard of evidence and proofs that the security apparatus caused deaths, tortured prisoners, extracted false confessions and fired live rounds during the crackdown on peaceful protests.<sup>1</sup>

All those sentenced to death have complained of the same or similar treatments and processes. These include rough arrests, harsh torture and obscure and questionable evidences. These all strongly indicate and illustrate a political scheme. The typical practices endured by death row inmates include blindfolding, long periods of forces standing, electrocution, insults, sleep and deprivation, etc.

All three victims of the recent execution, Mushaima, al-Samea, and Al-Singace were tortured by police after their arrest and two of them admitted that they were forced to sign false confessions under duress.

Sami Mushaima was forced to sign documents despite being illiterate. Although he had a family member who was a prominent opposition politician, it was known that he had never been involved in activism. Abbas al-Samea, who was at school at the time of the bombing incident as a teacher, was admitted to hospital for surgery as a result of his interrogation. Ali Abdulshaheed Al-Singace was arrested as a teenager and convicted in absentia, after being tortured with electric shocks.<sup>2</sup>

The total number of Bahrainis on death row is five; all coming from politically related backgrounds following the uprisings in 2011. All of them have suffered mistreatment, torture, and unfair trials.<sup>3</sup>

- **Death Penalty and ICCPR**

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1 <http://www.salam-dhr.org/?p=1862>

22 <http://www.reprive.org.uk/press/three-executions-bahrain-imminent-without-urgent-action/>

33 <https://www.adhrb.org/2017/01/11579/>

Bahrain ratified the International Covenant on Civil and Political Rights (ICCPR) on September 20, 2006 (Opening sentence). Article 6 of ICCPR clearly states that no one shall be arbitrarily deprived of his life. It also emphasises that the death penalty would be imposed only for the most serious crimes.

However, the government of Bahrain have deployed the death penalty as a tool of political revenge. Since the civil unrest in 2011, Bahrain's courts have continued to confirm a number of death sentences, some in marital courts and others in criminal courts.

Most recently, on 10 May 2017, Bahrain's High Appeals court upheld the death sentence of Maher Al Khabbaz, on charges related to his alleged role in the murder of a police officer in February 2013.

Additionally, on 9 January 2017, the Bahraini authorities upheld the death sentence against three activists – Sami Mushaima, Abbas Al-Samea, and Ali Al-Singace, who were arrested in 2014, being accused of killing three policemen in a bombing incident, known as 'Al-Daih Blast'. After exhausting all legal procedures, on 15 January 2017, the three activists were immediately executed.<sup>4</sup>

The execution of the three activists was the first executions of Bahraini citizenship holders since 1996, although the victims were technically stateless after being stripped of their citizenship. This proves the serious retrogression of human rights in the country in the last two decades.

The Constitution of Bahrain does not refer to the death penalty, and it is unclear whether the death penalty is mandatory for any offence in Bahrain.<sup>5</sup> Nevertheless, the death penalty in Bahrain has been carried arbitrarily and discriminately, especially against political dissidents.

Besides, the Bahraini courts have continued to disregard evidence and proofs that the security apparatus is involved in death cases, torturing prisoners, extracting false confessions and firing live rounds during its crackdown on peaceful protests.

All those sentenced to death have complained of the same or similar treatments and processes, including arbitrary arrests, harsh torture, and trials based on obscure and questionable evidence. The typical practices endured by death row inmates include blindfolding, long periods of forces standing, electrocution, insults, sleep and deprivation, etc.<sup>6</sup>

These measures strongly indicate and illustrate a political scheme, which the government implement against the citizens.

So far, the total number of Bahraini citizens on death row is five; all coming from politically related backgrounds. All of them have suffered mistreatment, torture, and unfair trials, as retaliation for their activism demanding rights and reforms, following the uprisings in 2011.<sup>7</sup>

- **Recommendations**

The government of Bahrain to:

- Immediately release all those currently sentenced to death and drop all charges against them.
- Stop use of torture to extract confession and investigate and prosecute relevant individuals and personnel.
- Find alternative sentences for prisoners found to be guilty by an independent and fair judiciary.
- Set a date for Special Rapporteurs to visit, communicate and meet with death row prisoners.

The members of Human Rights Council to:

- Prevent countries like Bahrain, which lack justice and fairness and have a history of trial manipulation, from issuing and carrying out death penalties, specifically against political and human rights activists.

4 Bahrain Centre for Human Rights, "Bahrain Executes Three Stateless Torture Victims Following King Hamad's Authorisation," 15 January 2017, <http://www.bahrainrights.org/en/node/8434>.

5 Cornell Centre on the Death Penalty Worldwide, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Bahrain#f14-2>.

6 Salam for Democracy and Human Rights (2017), "Systematic Torture in Bahrain," [http://www.salam-dhr.org/wp-content/uploads/2017/03/Systematic-Torture-in-Bahrain\\_-22-Mar-2017.pdf](http://www.salam-dhr.org/wp-content/uploads/2017/03/Systematic-Torture-in-Bahrain_-22-Mar-2017.pdf).

7 Americans for Democracy & Human Rights in Bahrain, "Bahrain Court of Cassation Upholds Death Sentence against 3 Torture Victims," 9 January 2017, <http://www.adhrb.org/2017/01/11579/>.

- Oppose and restrain death sentences lacking conditions of fairness, transparency and fair litigation, and compel the Government of Bahrain to abolish the death penalty against political and human rights activists who exercise their right to freedom of expression.
- To the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Bahrain.

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\* Salam For Democracy and Human Rights, NGO without consultative status, also shares the views expressed in this statement.