

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA BHR 6/2018

11 December 2018

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 35/15, 31/3 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imposition of the death penalty, including cases where there is an immediate risk of execution, and the conduct of trials in the Bahrain.

According to the information received:

Case of Maher Al-Khabbaz ([REDACTED])

He was arrested 19 February 2013 by police officers in plain clothing. He disappeared for one week at the Roundabout 17 police station, during which he was allegedly tortured to confess to killing a police officer. In particular, he was forced to sign a written statement, the contents of which were not disclosed to him, as he is illiterate. This statement was used in the trial against him. He was then convicted and sentenced to death on 19 February 2014. The judgment was upheld by the Court of Appeals on 31 August 2014, and confirmed by the Court of Cassation on 31 January 2018. Complaints regarding his torture and forced confession were submitted to the Special Investigations Unit, which found no evidence of torture. It did, however, not meet with Mr. Al-Khabbaz, nor did it arrange any independent medical examination. He is at immediate risk of execution.

Case of Salman Isa Ali Salman ([REDACTED])

He was arrested on 27 December 2014 by police officers without a warrant. He was brought to the Criminal Investigations Directorate (CID), where he was allegedly subjected to torture to coerce a signed confession. He was denied access to legal counsel. He was sentenced to death on 29 April 2015. This sentence was upheld on

31 December 2015 by the Appeals Court. On 7 November 2016, the Court of Cassation granted the appeal and referred the case back to the Appeals Court. On 7 March 2018 the Appeals Court upheld the sentence. On 4 June 2018 the Court of Cassation upheld the sentence. He is at immediate risk of execution.

Case of Sayed Ahmed Fuad Abbas Isa Ahmed Al Abbar ([REDACTED])

He was arrested on 24 April 2016 by agents of the National Security Agency (NSA) without a warrant. He was transferred to the CID, where interrogators allegedly tortured him for five days in order to make him sign a confession. On 6 June 2017, he was sentenced to death on charges of unlawful assembly with the intent to undermine the constitution of the state, terrorism and premeditated murder. The Court of Appeals upheld this sentence on 26 February 2018, and the Court of Cassation confirmed his death sentence on 21 May 2018. He is at immediate risk of execution.

Case of Husain Ali Mahdi Jasim Mohamed ([REDACTED])

He was arrested on 24 April 2016, by NSA officers without a warrant. On 16 April 2016, he was charged with three separate counts of: (1) unlawful assembly, (2) unlawful possession of a firearm, and (3) burning a security vehicle in an incident which killed a security officer in Karbabad. On 6 June 2017, the Court sentenced him to the death penalty for killing a security officer. On 3 July he submitted a complaint to the Ombudsman, and on 21 August 2017 the Ombudsman decided that the case falls under the jurisdiction of the Special Investigation Unit and the Ombudsman will follow up their decisions on the case. The Court of Appeals upheld this sentence on 26 February 2018, and the Court of Cassation confirmed his death sentence on 21 May 2018. He is at immediate risk of execution.

Case of Husain Ebrahim Ali Husain Marzooq ([REDACTED])

He was arrested on 10 July 2016 by officers from the CID without a warrant. During interrogation at the CID, officers allegedly tortured him to sign a confession. It is presumed that he did sign the confession and that it was used against him at his trial. He was charged with around 12 crimes, including being involved in a bombing which killed a teacher, possession of explosives and weapons, communication and conspiracy with a foreign country, and being trained by the Iranian Revolutionary Guards. On 19 June 2017, he was sentenced to death and stripped of his nationality. The Court of Appeals upheld his conviction on 22 November 2017, which the Court of Cassation confirmed on 28 February 2018. He is at immediate risk of execution.

Case of Ali Mohamed Ali Mohamed Hakeem Al Arab ([REDACTED])

He was arrested on 9 February 2017 without a warrant by officers of the Ministry of Interior. He disappeared for a month, during which CID officers allegedly forced him to sign a confession while blindfolded and subjected to torture while detained. He was charged with killing a security officer on 29 January 2017, firing on a security patrol and injuring one of its officers on 14 January 2017, assisting in the escape of his cousin from Jau Prison on New Year's Day 2017, and possession of firearms. Officers transported Al Arab to the courthouse for his trial, then held him on the bus and denied him the ability to attend trial sessions. He was sentenced in absentia to the death penalty and denaturalized on 31 January 2018. He learned of the sentence through a phone call with his family later that day. His sentence was upheld by the Court of Appeals on 16 April 2018. At present, the death sentence needs to be confirmed by the Court of Cassation.

Case of Ahmed Isa Ahmed Isa Al Malali ([REDACTED])

He was arrested on 9 February 2017 by the Bahraini Coast Guard without a warrant. During the arrest, he was struck by at least two bullets in his right hand, breaking bones, and suffered a broken bone in his leg. The arrest reportedly took place within the context of a joint operation involving the Coast Guard, the NSA and other units in which a boat containing ten escapees from Jau prison allegedly attempting to flee to Iranian waters was intercepted. Doctors did not remove these bullets until 4 March 2017, 23 days later. He was allegedly tortured at the CID to coerce a confession, the contents of which were not known to him. He was prevented from meeting with a legal counsel and charged with possession of firearms, training in the use of firearms, and membership in a terrorist cell. Officers transported him to the courthouse for his trial, but held him on the bus and denied him the ability to attend trial sessions. He was sentenced in absentia to the death penalty and denaturalized on 31 January 2018. He did not learn the verdict until after he returned to prison. His sentence was upheld on 16 April 2018. At present, the death sentence needs to be confirmed by the Court of Cassation.

Case of Husain Abdulla Khalil Ebrahim ([REDACTED])

He was arrested on 30 December 2017 by police forces and *commando* forces (likely Special Security Force Command officers) in a random raid in Demistan, when the officers searched one house and arrested everyone inside. He was never granted access to a lawyer and was never clearly informed of the charges against him. He was sentenced to 55 years in prison and to the death penalty on multiple charges, including firearm possession and receiving funding from abroad in

absentia on 31 December 2015. Even though the charges for this sentence are unidentified, the family contends that the real reason behind the arrest is that he has been targeted for his participation in political demonstrations. His sentence was upheld by the Court of Appeals, the exact date is unknown, but believed to be sometime in 2016. At present, the death sentence needs to be confirmed by the Court of Cassation.

Case of Mohammad Radhi Abdulla Hassan ([REDACTED])

He was arrested on 1 August 2015 without a warrant by police officers in uniform, officers in plain clothing, and officers from the NSA. They took him to an NSA facility, where they allegedly subjected him to torture. He was subsequently sentenced to death and stripped of his nationality on 29 March 2017 for allegedly participating in a bombing in Sitra. His sentence was upheld by the Court of Appeals on 29 October 2018. At present, the death sentence needs to be confirmed by the Court of Cassation.

Case of Moosa Abdulla Moosa Jaafar ([REDACTED])

He was arrested on 26 April 2016 in Karranah by officers in plain clothing, who provided a warrant from the CID. He had been wanted since 2012 for his participation in protests, alleged damage caused to VIVA Telecom Company, and the burning of tires, among other charges. He was brought to the CID and allegedly tortured for two weeks to attempt to coerce a confession. He was subsequently charged with burning tires, and the killing of a policeman and injuring other police and civilians in the bombing of Karranah in 2015. He was sentenced to the death penalty and stripped of his nationality on 1 February 2018. The case is currently pending at the appeals stage.

Case of Husain Abdulla Marhoon Rashed ([REDACTED])

He was arrested on 28 June 2017 by officers in plain clothing, officers from the CID, riot police, and NSA officers in a raid on a home. The forces did not provide a warrant for either the raid or the arrest. He disappeared for 20 days, during which he was allegedly subjected to torture and interrogated without legal counsel. The confession extracted under torture was used in the trial against him. He was convicted of killing a policeman and sentenced to death for murder on 12 November 2018. The case is currently pending at the appeals stage.

Case of Mohamed Ramadan ([REDACTED])

He was arrested on 18 February 2014 by officers from the CID and taken to the CID, where he was allegedly tortured for four days to produce a confession to the killing of a police officer. He was convicted and sentenced to death on 29 December 2014. The sentence was upheld by the Court of Appeals on 27 May 2015 and confirmed by the Court of Cassation on 16 November 2015. However, on 28 March 2018 the Special Investigation Unit (SIU) of the Office of Public Prosecution and the Ministry of Justice requested to return his case to the Court of Cassation for a re-examination, due to new elements brought about by SIU investigations, including medical reports which may include evidence of torture. On 22 October 2018, the Court of Cassation overturned their confirmation of the death penalty. The Court referred their case back to the Court of Appeals where the case is currently pending. This appeal trial was set to begin Wednesday 5 December. However, the SIU has refused to disclose the findings of its investigation, and it is unclear if Mr Ramadan's allegedly coerced confession will be entered into evidence.

Case of Husain Moosa Ali Moosa Hasan Mohamed ([REDACTED]

He was arrested without a warrant on 21 February 2014 by CID officers for his alleged involvement in a bombing in Al-Dair on 14 February 2014. He was brought to the CID, where he was allegedly subjected to torture to produce a confession which was subsequently used at the trial. He was subsequently convicted and sentenced to death on 29 December 2014. The sentence was upheld by the Court of Appeals on 27 May 2015 and confirmed by the Court of Cassation on 16 November 2015. However, on 28 March 2018 the Special Investigation Unit (SIU) of the Office of Public Prosecution and the Ministry of Justice requested to return his case to the Court of Cassation for a re-examination, due to new elements brought about by SIU investigations, including medical reports which may include evidence of torture. On 22 October 2018, the Court of Cassation overturned their confirmation of the death penalty. The Court referred their case back to the Court of Appeals where the case is currently pending. This appeal trial was set to begin on Wednesday 5 December. However, the SIU has refused to disclose the findings of its investigation, and it is unclear if Mr Moosa's allegedly coerced confession will be entered into evidence.

Case of Fadhel Sayed Abbas Hasan Radhi ([REDACTED]

He was arrested by riot police and officers in plain clothing on 28 September 2016 without a warrant or stated reason for arrest. He disappeared for eight months, until his trial. He was not granted access to legal counsel during this time. He was sentenced to death on 25 December 2017 by the Bahraini Military High Court for

forming a terrorist cell and plotting to assassinate the Bahrain Defense Forces' Commander-in-Chief. This sentence was upheld by the Military Court of Appeals on 21 February 2018. The Military Court of Cassation confirmed his death sentence on 25 April 2018. However, the King commuted his death sentence to life imprisonment the following day. Before commutation however, the King first ratified the sentence from the Military Court of Cassation, confirming that the military judiciary has the authority to sentence civilians to death.

Case of Sayed Alawi Sayed Husain Alawi ([REDACTED])

He was arrested on 24 October 2016 by officers in plain clothing. He disappeared for more than a year, and his whereabouts were not confirmed until after his trial. He was sentenced to 15 years in prison for terrorism, the death sentence for assassination charges in relation to an assassination plot against the Bahrain Defence Forces' Commander-in-Chief, and denaturalized on 25 December 2017. The Military Court of Appeals upheld this sentence on 21 February 2018 and the Military Court of Cassation confirmed on 25 April 2018. The King ratified his sentence, then commuted it to life in prison.

Case of Mohamed Abdulhasan Ahmed Kadhem AlMutaghawi ([REDACTED])

He was arrested during a demonstration on 23 May 2017. He disappeared for seven months, during which he was allegedly subjected to torture. He was subsequently sentenced to 15 years in prison for terrorism, the death sentence for assassination charges in relation to an assassination plot against the Bahrain Defence Forces' Commander-in-Chief, and denaturalized on 25 December 2017. The Military Court of Appeals upheld this sentence on 21 February 2018, and the Military Court of Cassation confirmed on 25 April 2018. The King ratified his sentence, then commuted it to life in prison.

Case of Zuhair Ibrahim Jasim Abdullah ([REDACTED])

He was arrested on 2 November 2017 at around 8:00 am by Bahraini forces from his home in Sitra and after a raid an hour earlier on his parents' home. Arresting forces allegedly held him in *incommunicado* detention for 55 days and reportedly subjected him to torture and ill-treatment, which included beatings, forced nudity and sexual assault. His wife was also beaten separately in her home while Mr. Abdulla was in detention. Officers also threatened her at gunpoint, and subjected her to threats of rape. After 13 days of torture, Mr. Abdullah was reportedly forced to sign a false confession to a number of charges alleged to have occurred between 2011 and 2017, including membership to a terrorist organisation,

making and detonating explosives, targeting security forces, and participating in the murder of security forces by planting or detonating explosives. On 29 November 2018, Bahrain's Fourth High Criminal Court sentenced Zuhair Ibrahim Jasim Abdullah to death. He is currently awaiting an appeal to be listed before the Court of Appeal.

Case of Ahmed Mohamed Ali Mahdi Ebrahim Zainuddin ([REDACTED]

He was convicted *in absentia* in the same trial as Husain Abdulla Marhoon Rashed (see above) on 12 November 2018. Because he was not present at the trial, he is unable to provide further information about the case. Mr. Zainuddin is not presently in Bahrain.

Case of Husain Ali Ahmed Dawood ([REDACTED]

He was convicted *in absentia* in the same trial as Husain Abdulla Marhoon Rashed (see above) on 12 November 2018. Because he was not present at the trial, he is unable to provide further information about the case. Mr. Dawood is not presently in Bahrain.

Case of Sayed Mohamed Qasim Mohamed Hasan Fadhl ([REDACTED]

He was convicted *in absentia* in the same trial as Husain Abdulla Marhoon Rashed (see above) on 12 November 2018. Because he was not present at the trial, he is unable to provide further information about the case. Mr. Fadhl is not presently in Bahrain.

While we do not wish to prejudge the accuracy of these allegations we are expressing our most serious concern that if confirmed the acts alleged would amount to instances of arbitrary detention, enforced disappearance, torture and convictions following trials that would not meet international standards of fair trial and due process, in contravention with Articles 7, 9, 10, 14 and 18 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 2, 15 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which were ratified by the Kingdom of Bahrain on 20 September 2006 and 6 March 1998 respectively.

We are extremely concerned about the allegations that confessions implicating several of the defendants were obtained under torture and used as evidence in court, thus forming the basis for conviction, particularly when defendants were denied the right to be assisted by a lawyer. We stress that, according to Articles 7 and 12 of the CAT, competent authorities must conduct prompt and impartial investigation whenever there are reasonable

grounds to believe that torture has been inflicted, with a view to establish the facts and to bring any officer responsible, direct or supervisory, to justice.

The imposition and implementation of the death penalty in such circumstances would constitute a violation of the right of every individual to life, liberty and security, as established in Article 6 of the ICCPR. We recall that, according to Article 5 of the United Nations Safeguards Protecting the Rights of those facing the Death Penalty, capital punishment may only be carried out pursuant to all possible safeguards of fair trial and due process. This is what distinguishes capital punishment from a summary execution. We further recall that the death penalty may only be imposed for the “most serious crimes,” involving intentional killing, which is not the case of several of those sentenced

We respectfully draw your Excellency’s Government’s attention to the relevant provisions of the United Nations Security Council resolutions [1373 \(2001\)](#), [1456\(2003\)](#), [1566 \(2004\)](#), [1624 \(2005\)](#), [2178 \(2014\)](#), [2242 \(2015\)](#), [2341 \(2017\)](#), [2354 \(2017\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#), [2395 \(2017\)](#) and [2396 \(2017\)](#); as well as Human Rights Council resolution [35/34](#) and General Assembly resolutions [49/60](#), [51/210](#), [72/123](#) and [72/180](#). All these resolutions require States to ensure that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law.

Lastly, we also recall that the deprivation by the authorities of nationality must meet certain conditions in order to comply with international law, in particular the prohibition of arbitrary deprivation of nationality. These conditions include serving a legitimate purpose, being the least intrusive instrument to achieve the desired result and being proportional to the interest to be protected. We stress that where loss or deprivation of nationality leads to statelessness, the impact on the individual is particularly severe. International law therefore strictly limits the circumstances in which loss or deprivation of nationality leading to statelessness can be recognized as serving a legitimate purpose (A/HRC/25/28).

We welcome the news that the King of Bahrain has commuted the death sentences to life in prison in the cases of Fadhel Sayed Abbas Hasan Radhi, Sayed Alawi Sayed Husain Alawi and Mohamed Abdulhasan Ahmed Kadhem Al Mutaghawi, but deplore the imposition of the capital punishment in the first place on the basis of reportedly flawed trials.

We urge Your Excellency’s Government to halt the executions of all individuals whose cases are described in this communication and to ensure that all of them are re-tried in full compliance with the Kingdom of Bahrein’s international human rights obligations.

We also call on Your Excellency's Government to establish a moratorium on executions with a view to consider abolishing the death penalty.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the details of the factual and legal grounds that have led to the arrest, trial, conviction and sentencing of the individuals whose cases are described in this communication.
3. Please provide details about the proceedings brought against them and explain how they are consistent with Bahrain's international human rights obligations.
4. Please provide information of whether any investigation into the above mentioned allegations has been launched and their results. If no investigation has been initiated, please explain why, and how this is consistent with Bahrain international legal obligations.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based appears to be sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential human rights implications of these allegations. Any public expression of concern on our part would indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days.

They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Fionnuala Ní Aoláin

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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