

HM Sheikh Hamad bin Isa Al Khalifa
Office of HM the King
P.O. Box 555
Rifa'a Palace
Kingdom of Bahrain

29 May, 2023

Subject: Letter in Support of Inmates on Death Row in Bahrain and their Families.

Dear HM Sheikh Hamad bin Isa Al Khalifa ,

We write to you to urge you to take action to ensure that the Government of Bahrain (GoB) adheres to its international human rights obligations in response to reports of excessive use of force as well as cruel, inhuman and degrading (CID) punishment and other reports of ill-treatment arising from physical assaults reported around 17 May 2023 by the families of 12 death row inmates detained in Jau Prison.

According to press reports on 19 May 2023, Bahrain's Special Investigation Unit (SIU) reportedly initiated an investigation into this matter following notification from the Public Prosecution and Office of the Ombudsman. The judicial police reportedly led the investigation.

The [comprehensive investigation](#) will reportedly examine the dynamics of the incident, examining the inmates' medical reports and collecting CCTV footage from the facility.

We believe that evidence suggests that an investigation carried out by the SIU cannot and will not meet the level of independence required by this investigation.

2016 research by [Amnesty International](#) concluded that:

"[C]onsidering their mandate, powers and resources – and the training and other assistance and support they have received from UN agencies and the UK – the Ombudsman and the SIU could and should be far more effective in ensuring accountability than they have proved to date, even taking into account the political and judicial obstacles that they face in Bahrain. They should do so urgently if they are not to lose credibility in Bahrain, at least among those who should be their first and only priority – those who suffer serious human rights violations at the hands of the government and its security forces [...]"

In 2017, in paragraph 28 of the United Nations Committee against Torture's 29 May 2017 [Concluding observations on the second and third periodic reports of Bahrain](#), the Committee expresses its:

"[C]oncern that those bodies [including the SIU] 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. It is also concerned that their activities have had little or no effect, and that the authorities provided negligible information regarding the outcome of their activities. The Committee is further concerned about the loopholes in the existing complaints mechanisms whereby prison inmates have to submit complaints regarding torture or ill-treatment through prison wardens, the prison Director or Deputy Director, which does not guarantee that the complaints will be submitted to the competent authorities [...]"

In paragraph 29, the Committee called on the GoB to:

“(a) Ensure that all mechanisms empowered to consider complaints by pretrial detainees and convicted prisoners in all places of detention are independent”; (b) 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; (c) Ensure that all persons under investigation for having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation, while ensuring that the principle of presumption of innocence is observed [...]”

Finally, in its April 2021 report, *Defective And Deficient: A Review of Bahrain's National Human Rights Bodies*, the [Bahrain Center for Human Rights](#) found that:

“[T]he SIU has failed to uphold the principle of “superior responsibility” although the BICI found that the Bahraini security forces “followed a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture, with respect to a large number of detainees in their custody.” According to Istanbul protocol, to which the SIU is supposed to adhere, “the apparent existence of a pattern of abuse” is one of the factors that “support a belief that the state was involved in the torture.” Yet, no high-ranking official has been held accountable, where most prosecutions have been of low-ranking officers. Second, the number of cases referred to criminal courts by the SIU is low compared to the total number of complaints, where the rate was as low as 2.9% [...]”

As you may be aware, in an urgent statement released on 16th May, the families claimed that detained family members called them in distress. They revealed that their loved ones described how prison guards abused them, leading to injuries among some prisoners.

At the time of writing, the authorities had not disclosed the extent of these injuries to the families. Additionally, officials confirmed that they removed Mohamed Ramadhan and Husain Marzooq from the facility, without stating where they were taken.

The families are concerned about the ongoing ill-treatment and torture facing their loved ones while being isolated from the outside world. Such reports, along with denial of the right to contact with families since the start of this matter, each constitute a violation of human rights.

In view of global and domestic concern over the SIU's status in respect to this investigation, we call on the GoB to invite the relevant experts from the Office of the High Commissioner of Human Rights (OHCHR) to lead the investigation and ensure impartiality of the investigation and the legitimacy of the authorities' assessment of this matter.

With respect to the use of the death penalty in Bahrain, we recall that in January 2017, three individuals accused of killing three police officers were executed. The trial was, reportedly, flawed.

Over the past few years, since the lifting of the seven year de facto moratorium on the imposition of the death penalty, the GoB has handed down an ever-increasing number of death sentences, with 27 individuals currently on death row, facing imminent execution. This practice has been largely applied in spite of the Kingdom of Bahrain's supposed commitment to adopt international standards and guidelines to reform its laws and calls for a moratorium made by the country's own National Institution on Human Rights.

The [World Coalition Against the Death Penalty](#) echoes these calls.

During the November 2022 [Universal Periodic Review](#), at least 10 governments called on Bahrain to re-impose a moratorium on the death penalty, with a view to reviewing its place in

Bahraini law. European Union institutions, including the [European Parliament](#), have likewise called on partner states to end the death penalty.

The GoB voted against the imposition of a moratorium in the December 2022 [United Nations General Assembly \(UNGA\)](#) resolution on this issue.

Thus, while we echo the families' demands, we also call upon the GoB government to:

- Reinststate a moratorium on the use of the death penalty with a view to fully abolishing it;
- Immediately commute all death sentences; and
- Consider ratifying or acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

On the administration of justice in death penalty cases, we call on the GoB to:

- Ensure compliance with international human rights standards by reviewing current laws and practice related to capital punishment; and
- Strengthening judicial procedures, with a view to ensure fair trials and due process rights for individuals facing the death penalty.

We appeal to you as the King of Bahrain to ensure that the GoB conducts or oversees fair and independent investigations that meet minimum international standards, including by ensuring that independent investigators take part in or lead such investigations.

SIGNATORIES:

- ACAT Germany (Action by Christians for the Abolition of Torture)
- Bahrain Center for Human Rights
- Bahrain Forum for Human Rights
- Colegio de Abogados y Abogadas de Puerto Rico
- ECPM (Ensemble contre la peine de mort)
- Forum Marocain pour la Vérité et la Justice
- German Coalition to Abolish the Death Penalty (GCADP)
- Greater Caribbean for Life
- Gulf Institute for Democracy and Human Rights
- Japan Innocence and Death Penalty Information Center
- Regroupement des Jeunes Africains pour la Démocratie et le Développement Section Togo (REJADD-TOGO)
- SALAM for Democracy and Human Rights (SALAM DHR)
- The Advocates for Human Rights
- The Cornell Center on the Death Penalty Worldwide

- The Sunny Center Foundation
- Witness to Innocence