



# From uprising to executions

The death penalty in Bahrain, ten years on from the Arab Spring

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Reprieve and the Bahrain Institute for Rights and Democracy (BIRD)'s data on the use of the death penalty in Bahrain in the decade from 2011 through to the start of 2021 shows that the use of the death penalty has dramatically escalated since the Arab Spring protests in 2011.

In parallel, according to the data, the use of torture – particularly in 'terrorism-related' death penalty cases – was endemic, despite significant ongoing funding and public support from the UK public and private sectors dedicated to torture reform since 2011.<sup>i</sup>

The reality of the use of the death penalty and torture in Bahrain as set out in this report is in stark contrast to the promises of human rights reform made by Bahrain in the aftermath of the Arab Spring, as well as to the narrative that Bahrain<sup>ii</sup> and its allies, particularly the UK,<sup>iii</sup> have promoted about the Bahraini reform agenda and progress on human rights in the past decade.

## In particular, our data shows that:

### i.

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Bahrain's **execution rate per capita** is extremely high [see Chapter 1]. The data shows that in 2019, Bahrain's execution rate was almost two-thirds of the per capita rate of executions in Iran, one of the world's top executioners. Iran's execution rate per 100,000 people was 0.30 in 2019, with 251 executions; Bahrain's execution rate per 100,000 people was 0.18 in the same time period.<sup>iv</sup> **Execution rates** in Bahrain have risen by 20% since 2011. Between 2011 and 2020, at least 6 executions were carried out, compared to 5 in the previous decade. **Death sentences** in Bahrain have risen by over 600% in the last decade. Between 2011 and 2020, Bahrain has sentenced at least 51 people to death. Between 2001 and 2010, the decade before the Arab Spring protests, there are reports of 7 death sentences in Bahrain.<sup>v</sup> The number of people **on death row facing imminent execution** in Bahrain has increased by 2500% over the past decade from 1 person at the end of 2010 to at least 26 in 2021.

### ii.

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**Torture** is endemic in Bahrain, particularly in **'terrorism-related' cases** [see Chapter 2]. 83% of the men executed in Bahrain since 2011 were convicted of terrorism charges. 100% of these individuals alleged torture. Of the 51 people sentenced to death in Bahrain since 2011, at least 31 of them (61%) were convicted on 'terrorism-related' charges. Of these, 20 (65%) allege torture. 12 of the 26 people (46%) facing imminent execution in Bahrain were convicted of terrorism-related offences. 92% of them (11 out of 12) allege torture by the Bahraini authorities, and of these, at least 3 (27%) allege that they were convicted on the basis of a false torture 'confession'. International experts have criticised Bahrain's counter-terrorism legislation and practices as not complying with international law.<sup>vi</sup> Judges overseeing death penalty cases admit and rely on torture evidence,<sup>vii</sup> and the UK-funded and trained institutions mandated with investigating torture allegations have been found to not be fit for purpose.<sup>viii</sup>

### iii.

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The data shows that the death penalty in Bahrain is used in a discriminatory way against **foreign nationals** – in particular, **Bangladeshi nationals** [see Chapter 3]. Of the 13 foreign nationals who received a death sentence from 2011 to the end of 2020, 62% were Bangladeshi nationals. Of the executions that took place in the review period, the only foreign national to be executed was a Bangladeshi national. No pardons or commutations were given to any Bangladeshi nationals who received death sentences (in contrast to Bahraini nationals and nationals from the Philippines). Bangladeshi nationals represent nearly 30% (8 out of 26) of the individuals currently on Bahrain's death row facing imminent execution.

### iv.

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In 2018 Bahrain imposed the death penalty for **non-lethal drug offences** for the first time in the country's history [see Chapter 4]. Of those facing imminent execution in Bahrain today, 12% (3 out of 26) are on death row for non-lethal drug offences. Bahrain has never executed anyone for a non-lethal drug offence. Handing down death sentences for non-lethal drug offences is a concerning step backwards, and in clear breach of international law. Of those sentenced to death for 'terrorism-related' offences during the review period, 9 out of 31 (29%) were convicted of **non-lethal offences**. 37 Bahraini nationals were sentenced to death in the review period; 12 of them (32%) were convicted of non-lethal offences.

### v.

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According to the data analysis, at least 14 of the 26 men currently on death row in Bahrain facing imminent execution (54%) are there as a result of **unsafe capital convictions** and death sentences [see Chapter 5]. 11 of the men allege torture. In none of these cases have torture investigations meeting minimum standards been carried out. 3 of the men are convicted of non-lethal drug offences, and should not be facing the death penalty under international law. Over half of those facing imminent execution in Bahrain have unsafe convictions and death sentences and their executions would be a violation of international law.

Our investigations have further identified key cases of individuals on Bahrain's death row – including **Hussain Moosa, Mohammed Ramadhan and Maher Abbas** – who have suffered severe abuses of their fair trial rights, have been subjected to brutal torture, and have been failed by the internationally endorsed and funded mechanisms that are supposed to offer accountability and redress [see Chapter 6].

These case studies and the data uncovered and analysed by Reprieve and BIRD reveal a dangerous escalation of the use of the death penalty in Bahrain in grave violation of international and domestic laws, with over half of those currently facing imminent executions having unsafe convictions and death sentences.

**It is clear that Bahrain must urgently reform its use of the death penalty. The international community must make it clear that support for the justice sector and endorsement of human rights reform in Bahrain is contingent on ending the use of the death penalty and torture, starting with commuting the death sentences of the 26 people facing imminent execution.**

Reprieve and BIRD maintain a database of all death sentences handed down and executions carried out in Bahrain since records began. The information on death row was compiled through Reprieve and BIRD's casework in Bahrain, open-source research, and investigation through interviews with lawyers, activists, officials and death row prisoners wherever possible. The figures above are broken down according to death sentences, imminent executions, and executions, with a focus on the period from 2011 to the end of 2020/ start of 2021. They are up-to-date as of February 2021.

It is important to note that this data may not be comprehensive and the real figures of death sentences and torture allegations may be much higher. Bahrain should make data on the death penalty public. The UN General Assembly has repeatedly called on all states that continue to apply the death penalty to *“make available relevant information, disaggregated by sex, age, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, the number of death sentences reversed or commuted on appeal or in which amnesty or pardon has been granted, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty.”* Unfortunately, the vast majority of executing states, including Bahrain, have failed to make any such information available.<sup>ix</sup>

This report includes reference to the activities of the Government of Bahrain, and the Government of the UK, particularly the UK Foreign, Commonwealth and Development Office and the Home Office, the UK College of Policing, a UK local constabulary, and University of Huddersfield who were all contacted for comment. At the time of writing only the University of Huddersfield has responded substantively.



Throughout 2011, in response to largely peaceful pro-democracy protests, the Bahraini government carried out “a punitive and vindictive campaign of violent repression against its own citizens.”<sup>x</sup>

Following international criticism of the government’s abuses, including the use of arbitrary arrest, detention, torture, ill-treatment and unfair trials,<sup>xi</sup> King Hamad established the Bahrain Independent Commission of Inquiry (BICI) to look into allegations of human rights abuses that took place during 2011. The BICI had a credible and independent membership, and published its report on 23 November 2011. Its observations concluded that many detainees were tortured to extract confessions, in violation of Bahraini and international law. Mistreatment and physical and psychological abuse while in state custody were noted, including blindfolding, beating, punching, sleep-deprivation, standing for prolonged periods, threats of rape to the detainee or their family members, verbal abuse and religious insults.

The BICI’s recommendations included that “all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles.”<sup>xii</sup> King Hamad accepted the commission’s findings and promised to act on its recommendations.<sup>xiii</sup>

**In the decade since these promises were made, Bahrain’s use of the death penalty has dramatically increased. The data shows that this increase is inextricably connected with the failure of the Bahraini authorities to live up to their commitments to torture reform.**

**The data shows that the overwhelming majority of executions carried out and a significant proportion of death penalty sentences handed down in Bahrain since 2011 involve allegations of torture - in none of these cases have the torture allegations been investigated by an independent and impartial body, following international minimum standards, as recommended by the BICI.**

**At the same time, Bahrain continues to impose the death penalty on foreign nationals, in line with its practice before 2011, and has expanded its use of the death penalty to include non-lethal drug offences, in breach of international law.**

**Meanwhile, Bahrain’s allies maintain that Bahrain is making “notable progress”<sup>xiv</sup> on human rights reform,<sup>xv</sup> continuing to offer shadowy technical assistance on the basis of this false progress and in doing so potentially whitewashing abuses and blocking meaningful reform.**

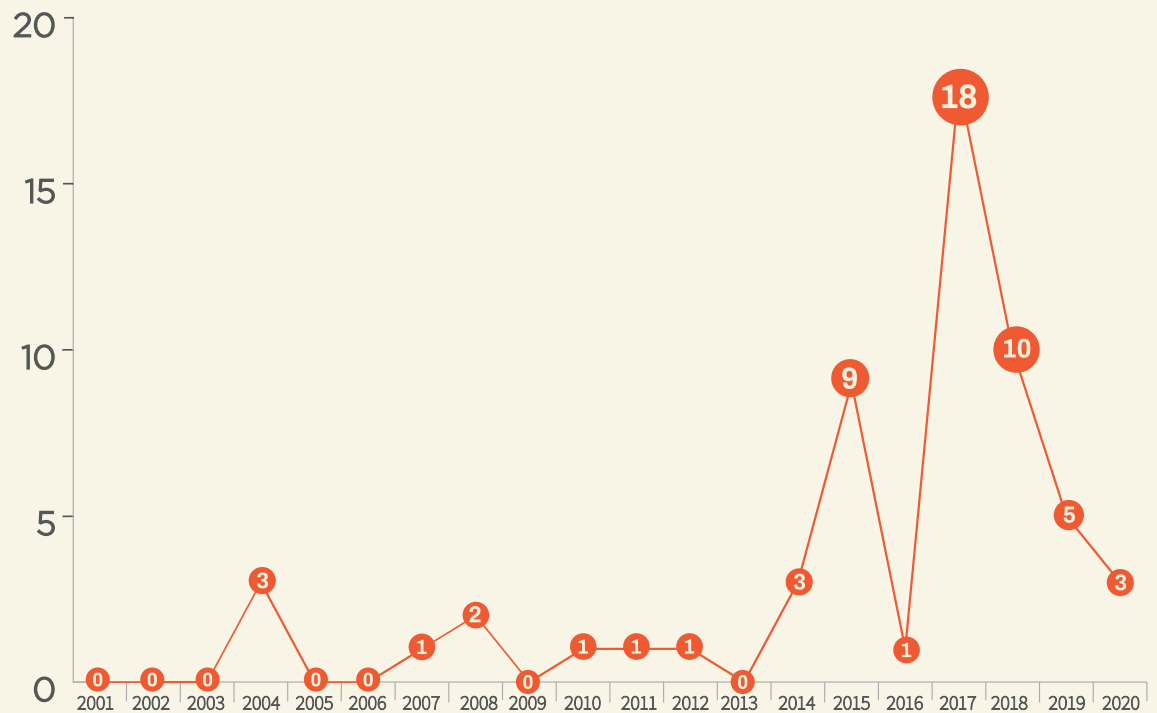
# A Decade of Death:

## Data Analysis of Bahrain's Use of the Death Penalty (2011 – 2021)

### A. Death sentences

Despite rhetoric from Bahrain and its allies about reform,<sup>xvi</sup> death sentences in Bahrain have risen by over 600% in the last decade. Between 2011 and 2020, Bahrain has sentenced at least 51 people to death. Between 2001 and 2010, the decade before the Arab Spring protests, there are reports of 7 death sentences in Bahrain.<sup>xvii</sup>

Rates of death sentences since 2001



### B. Executions

In parallel, execution rates have also risen dramatically. Though Bahrain describes its use of the death penalty as “rare”,<sup>xviii</sup> the data shows that compared to other executing countries, Bahrain’s execution rate per capita has been extremely high in recent years.

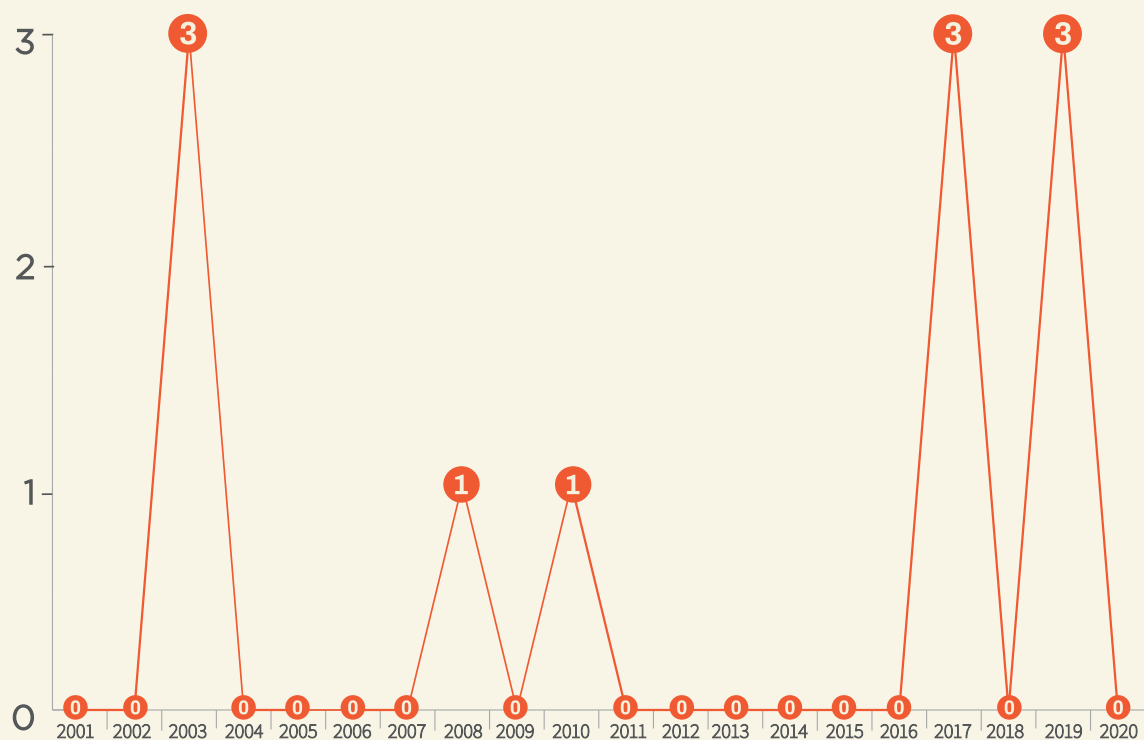


In 2019, Bahrain's execution rate was almost two-thirds of the per capita rate of executions in Iran, one of the world's top executioners. Iran's execution rate per 100,000 people was 0.30 in 2019, with 251 executions; Bahrain's execution rate per 100,000 people was 0.18 in the same time period.<sup>xix</sup>

Execution rates have risen by 20% since 2011. Between 2011 and 2020, at least 6 executions were carried out, compared to 5 in the previous decade.

There is a real prospect that execution rates will continue to increase as rates of death sentences and the population of death row continue to rise, increasing the numbers of people who can be subject to execution and raising the spectre of mass executions.

### Executions since 2001



## C. Imminent executions

**The number of people facing imminent execution in Bahrain has increased by 2500% over the past decade, from at least 1 person at the end of 2010 to at least 26 in 2021.**

All of these 26 people have exhausted their legal appeal avenues and could be executed at any moment with no warning in breach of international law, as was the case in relation to executions that took place in 2017 and 2019.<sup>xx</sup>

On 23 April 2019 Bahrain's close regional ally, Saudi Arabia, carried out a mass execution of 37 people with no warning.<sup>xxi</sup> There is a serious risk that authorities in Bahrain could do the same to the 26 people facing imminent execution in the country.

# Torture, “Terror” & Protest in Bahrain:

## The Brutal Aftermath of Bahrain’s Arab Spring

### A. Individuals connected with political opposition targeted, tortured, sentenced to death and executed

**83% of the men executed in Bahrain since 2011 were convicted of terrorism charges. 100% of these individuals alleged torture.**

In the decade before the Arab Spring, none of the 5 individuals executed had been convicted of terrorism. 5 of the 6 men executed in Bahrain since 2011 were convicted of terrorism charges, an increase of 500%. All 5 men had connections to political opposition.

Of the 51 people sentenced to death in Bahrain since 2011, at least 31 of them (61%) were convicted on ‘terrorism-related’ charges. Of these, 20 (65%) allege torture.

12 of the 26 people (46%) facing imminent execution in Bahrain were convicted of ‘terrorism-related’ offences. 92% of them (11 out of 12) allege torture by the Bahraini authorities, and of these, at least 3 (27%) allege that they were convicted on the basis of a false torture ‘confession’.

Of the 12 people currently facing imminent execution for ‘terrorism-related’ offences, 100% of these cases are connected to political opposition.

The data makes clear that in the context of the death penalty in Bahrain, torture and terrorism offences are intrinsically linked. In particular, the data suggests that individuals who are politically opposed to the Bahraini regime are being targeted, tortured, sentenced to death and executed in increasingly high numbers.

### Case Study:

On 15 January 2017, Bahrain executed torture victims Ali Al-Singace, Abbas Al-Samea and Sami Mushaima.<sup>xxii</sup> UN human rights experts raised concerns that Bahraini authorities had reportedly coerced all three men to confess to the offences for which they were convicted and executed, and that they were tortured through methods including electric shocks and sexual humiliation.<sup>xxiii</sup> The UN Special Rapporteur on Executions described their executions as “extrajudicial killings.”<sup>xxiv</sup>

On 26 July 2019, Bahrain executed Ali al-Arab, Ahmed al-Malali,<sup>xxv</sup> as well as an unnamed Bangladeshi national, despite calls from several UN human rights experts for Bahrain to halt the executions amid concerns that Ali and Ahmed had been coerced into making confessions through torture and did not receive fair trials.<sup>xxvi</sup> The Office of the UN High Commissioner for Human Rights “strongly condemn[ed]” the executions and reiterated concerns that both Ali and Ahmed had been tortured to confess to crimes they had not committed”.<sup>xxvii</sup>

Ali, Abbas, Sami, Ali Al-Arab and Ahmed all had connections to political opposition and it is understood that this was the reason for their torture, death sentences and executions.

## B. Absence of torture safeguards – failings of key torture bodies

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**International human rights law provides for two key safeguards against torture evidence being admitted in criminal proceedings, these are particularly important where the death penalty is available:**

- 1.** A prompt and impartial investigation by a competent authority, wherever there is reasonable ground to believe that an act of torture has been committed.<sup>xxviii</sup> The United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”) provides international standards for States to carry out their international obligations to promptly and impartially investigate torture.<sup>xxix</sup>
- 2.** States must ensure that any statements made as a result of torture are not invoked as evidence in any proceedings.<sup>xxx</sup>

**The first safeguard** reflects the 2011 BICI recommendation, accepted by the Bahraini authorities, that “all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles.”<sup>xxxi</sup>

In response to the BICI recommendations, the Bahraini government established the Office of the Ombudsman (General Secretariat of Complaints) within the Ministry of the Interior (the Ombudsman) and the Special Investigation Unit (SIU) within the Public Prosecutor’s Office to investigate allegations of torture. Both bodies were formed in 2012.<sup>xxxii</sup>

**The second safeguard**, excluding torture evidence from proceedings, is one that is usually upheld by the courts.

Since their establishment, the UK government has provided extensive training and support to both the Ombudsman and the SIU, as described below, and has engaged with the Bahraini judiciary.<sup>xxxiii</sup>

An analysis of the data from the last decade shows neither of the two safeguards intended to prevent torture and torture evidence being relied on in criminal proceedings are working to protect people from being convicted, sentenced to death and executed on the basis of torture evidence.

In 2017 and again in 2020, independent torture experts examined the performance of the Ombudsman and the SIU and the role of the judiciary in death penalty cases and more broadly and concluded that: 1) the Ombudsman and the SIU are not fit for purpose,<sup>xxxiv</sup> and 2) the courts are not playing their critical role of excluding torture evidence from criminal proceedings.<sup>xxxv</sup>

In 2017, the UN Committee Against Torture reviewed Bahrain's compliance with the Convention Against Torture, to which Bahrain is a signatory. They warned that the Ombudsman and the SIU, as well as other oversight bodies, are not capable of carrying out torture investigations that comply with Bahrain's international obligations. These concerns relate to both structural flaws inherent in both oversight bodies and the day-to-day functioning of the Ombudsman and the SIU.

The UN Committee Against Torture further noted that since they were established in 2012, the Ombudsman and SIU "have had little or no effect, and that the authorities provided negligible information regarding the outcome of their activities,"<sup>xxxvi</sup> concluding that "[the Ombudsman and the SIU, among other bodies,] are not independent, that their mandates are unclear and overlapping and that they are not effective given that complaints ultimately pass through the Ministry of the Interior."<sup>xxxvii</sup>

The UN Committee Against Torture also raised concerns about "the widespread acceptance by judges of forced confessions" in Bahrain and recommended that judges "should review cases of convictions based solely on confessions, since many may have been based on evidence obtained through torture and ill-treatment."<sup>xxxviii</sup>

The International Rehabilitation Council for Torture Victims (IRCT) is a world leader on the investigation and documentation of torture and ill-treatment.<sup>xxxix</sup> In 2020, the IRCT reviewed the documents available in a death penalty case and assessed that investigations conducted by the Ombudsman and the SIU in this were insufficient, ineffective and biased and failed to meet the minimum legal and professional standards outlined in the Istanbul Protocol.<sup>xl</sup>

The IRCT also reviewed a court judgment in the same case and concluded that the judgment was "critically flawed" and should be vacated since it is based on an insufficient and ineffective torture investigation by the SIU, and thereby violates the international legal obligations to investigate torture effectively and exclude evidence that arises from torture.<sup>xli</sup>

## CASE STUDY



# MAHER ABBAS

**Maher was sentenced to death on the basis of coerced confessions made by his co-defendants under torture. On 29 January 2018, the Court of Cassation—Bahrain’s highest court—confirmed Maher’s death sentence, exhausting Maher’s legal remedies and placing him at imminent risk of execution, pending ratification from the King. There is no guarantee that his family or international observers will be provided notice of his execution.**

Maher was among hundreds of thousands who attended pro-democracy protests that swept Bahrain from 2011 onwards. Maher’s conviction and death sentence rest on forced confessions obtained from his co-defendants under torture. His co-defendants have repeatedly raised in court that these confessions were coerced and are therefore invalid. No court or oversight body has adequately investigated the torture allegations raised by Maher’s co-defendants.

# Discrimination and the Death Penalty:

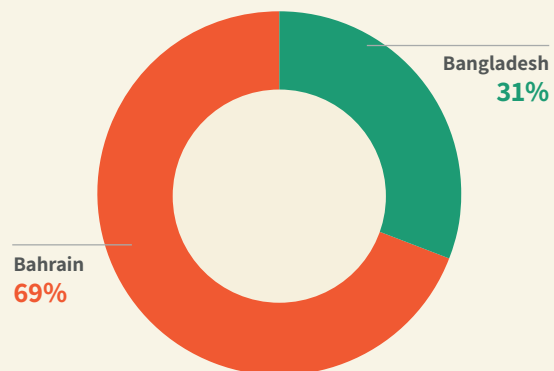
## Foreign Nationals on Bahrain's Death Row

Data gathered between 2011 and 2021 shows a pattern of discrimination levelled against foreign nationals in the context of the death penalty in Bahrain. In particular, Bangladeshi nationals are disproportionately represented on Bahrain's death row.

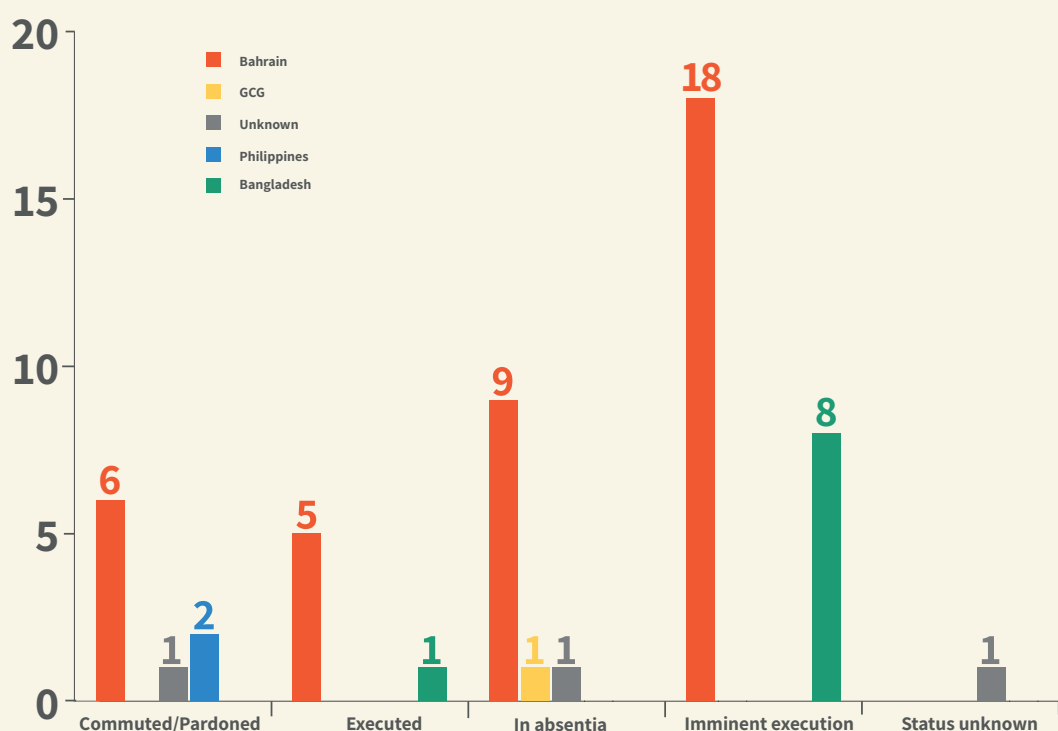
Of the 13 foreign nationals who received a death sentence from 2011 to the end of 2020, 62% were Bangladeshi nationals.

Of the executions that took place between 2011 and 2021, the only foreign national to be executed was a Bangladeshi national. No pardons or commutations were given to any Bangladeshi nationals who received death sentences (in contrast to Bahraini nationals and nationals from the Philippines). Bangladeshi nationals represent nearly 30% (8 out of 26) of the individuals currently on Bahrain's death row facing imminent execution.

### Imminent execution by nationality



### Death sentences by nationality



# The Death Penalty for Non-Lethal Offences:

## A Dangerous Step Backwards

The government of Bahrain maintains that it imposes the death penalty “in accordance with international law and human rights standards including the United Nations Safeguards.”<sup>xlii</sup> The imposition of the death penalty for non-lethal offences is explicitly prohibited in international law.<sup>xliii</sup> Despite this, the data analysis from the last decade in Bahrain shows that the authorities are increasingly using the death penalty for non-lethal offences, in violation of international law.<sup>xliv</sup>

### A. Death sentences for non-lethal drug offences

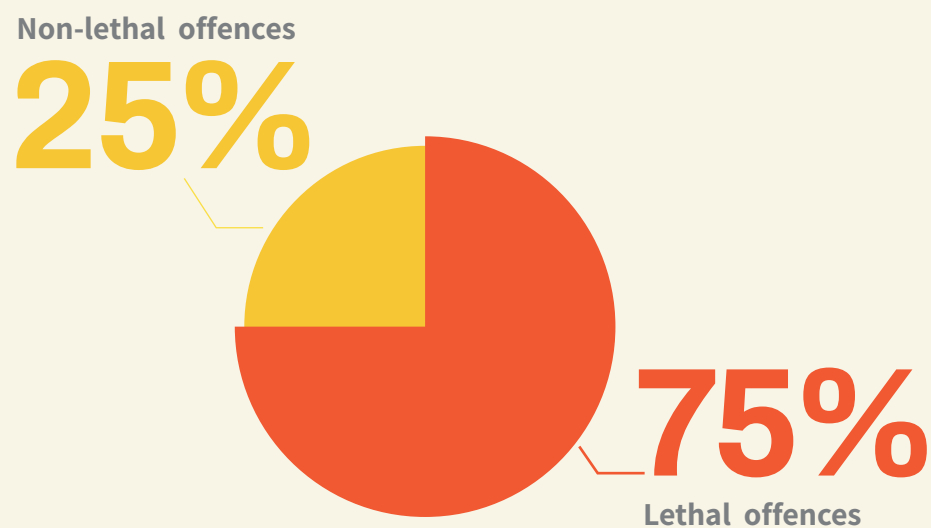
In a noteworthy backwards move for human rights in the country, Bahrain imposed the death penalty for non-lethal drug offences for the first time in the country’s history in 2018.

Of those facing imminent execution in Bahrain today, 12% (3 out of 26) are on death row for non-lethal drug offences. Bahrain has not yet executed anyone for a non-lethal drug offence, but given the uptick in executions, this could change in the near future.

### B. Death sentences for non-lethal ‘terrorism’ offences

Of those sentenced to death for ‘terrorism-related’ offences during the review period, 9 out of 31 (29%) were convicted of non-lethal offences. 37 Bahraini nationals were sentenced to death in the review period; 12 of them (32%) were convicted of non-lethal offences.

#### Death sentences by offence





## Lethal and Illegal: Majority of Death Sentences Unsafe or Unfair

According to the data analysis, at least 14 of the 26 men currently on death row in Bahrain facing imminent execution (54%) are there as a result of unsafe capital convictions and death sentences.



11 of the men allege torture. In none of these cases have torture investigations meeting minimum standards been carried out.



3 of the men are convicted of non-lethal drug offences, and should not be facing the death penalty under international law.



## UK Assistance:

### Failure to Critically Engage or Disingenuous Doublethink?

#### A. UK government assistance

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Since 2012, the UK government has provided over £6.5 million of technical assistance to Bahrain's justice and security sectors.<sup>xlv</sup> This assistance is funded in a secretive and opaque way,<sup>xlvi</sup> however, some details are available as the UK Foreign, Commonwealth and Development Office (FCDO) has publicly celebrated over a number of years its technical assistance to the Ombudsman and SIU,<sup>xlvii</sup> and the FCDO engagement with the judiciary and the police.<sup>xlviii</sup>

The UK has a long-standing opposition to the death penalty and raises general opposition to the death penalty with Bahrain.<sup>xlix</sup> However, the UK has so far failed to condemn flawed torture investigations, the reliance on torture evidence to secure convictions and death sentences, and the escalating use of the death penalty in Bahrain.

Instead, the UK government has celebrated the “notable progress”<sup>l</sup> made by Bahrain, despite the opinion of international experts that two vital torture safeguards are not functioning in the country (see further Chapter 2 above), leading to devastating outcomes for torture victims facing the death penalty and holding back meaningful torture reform.

The negative impact of this disingenuous doublethink is illustrated by the case of Mohammed Ramadhan and Husain Moosa, who have been repeatedly failed by the institutions Bahrain and the UK hold up as models of torture reform – the Ombudsman, the SIU and the judiciary – while the UK holds up their case as an example of “notable progress”.<sup>li</sup>

## CASE SUMMARY



# MOHAMMED RAMADHAN

# HUSAIN MOOSA

**Mohammed Ramadhan and Husain Moosa<sup>iii</sup> are men in their thirties who were arrested in February 2014 following attendance at peaceful protests. Both were tortured by Bahraini authorities over a number of days after their arrest. During Husain's torture, interrogators repeatedly ordered him to confess to a bombing that killed a police officer. Husain eventually succumbed to his torture and 'confessed'. This torture confession was used to convict and sentence Mohammed and Husain to death in breach of international law. An effective investigation into their torture allegations has not been carried out, again in breach of international law.**

Mohammed and Husain have exhausted their legal remedies, and now face imminent execution by firing squad. On 9 July 2020 Minister James Cleverly made a commitment to the UK House of Commons that if "the death penalties are upheld through the Court of Cassation process, the UK will publicly and loudly remind Bahrain of our opposition to the death penalty, and we will continue to seek to have [the death penalty] set aside."<sup>iii</sup>

Reprieve and BIRD are not aware of the UK government making a public call on the Bahraini authorities to set aside Mohammed and Husain's death sentences, despite the fact that Mohammed and Husain's death sentences were confirmed on 13 July 2020, a few days after the Minister's comments.

Instead, Mohammed and Husain have been subject to reprisals in retaliation for the political and media attention that their case has received.

Prison guards are closely monitoring and restricting their phone calls which, during the COVID-19 pandemic, have been their sole means of communicating with their family. If they speak with media or comment on their case, guards have threatened to revoke their phone privileges entirely. In the months following the imposition of the death sentence, amidst increasing restrictions on his phone access, Mohammed's mental health has deteriorated, and he has repeatedly expressed to his wife his overwhelming distress that his execution could be carried out at any moment.

Throughout Mohammed and Husain's case, the UK government has repeatedly failed to hold the government of Bahrain to account for repeated grave human rights violations and the failings of UK-endorsed oversight bodies. Worse still, their public comments have at times directly conflicted with the assessments made by international torture experts, and have served to whitewash abuses. See Figure 1 next page.

On 3 May 2021, the UN Working Group on Arbitrary Detention (WGAD) set out the opinion that a credible case can be made that Mohammed and Husain have been unfairly and unlawfully arrested and detained, and that they have been subjected to torture and tried on the basis of torture confessions. Given that the WGAD was of the view that their arrest and detention took place in violation of international law, the WGAD opined that they should never have been tried in the first place, and has called for their immediate and unconditional release.<sup>iv</sup> The call for their release is made only more urgent by the current context of the Covid-19 pandemic and the threat that it poses in places of detention, including the Jau prison where Mohammed and Husain are detained.<sup>iv</sup>

**Figure 1**

Date	Husain and Mohammed's case	Human rights experts assessment	UK government statement
<b>February 2014</b>	Husain and Mohammed arrested and tortured by Criminal Investigations Directorate.	In 2014, security forces continue the same abuses BICI documented in its November 2011 report. Bahraini authorities have failed to implement effectively the commission's recommendations relating to torture. <sup>lvi</sup>	Throughout 2014, the government of Bahrain continued to take incremental steps to implement its human rights and political reform agenda, though there continued to be serious concerns related to political and civil rights. <sup>lvii</sup>
<b>2014 – 2016</b>	Husain and Mohammed sentenced to death on the basis of Husain's torture confession.	In 2017, the UN Committee Against Torture raised concerns "at the widespread acceptance by judges of forced confessions" in Bahrain and recommended that judges "should review cases of convictions based solely on confessions, since many may have been based on evidence obtained through torture and ill-treatment." <sup>lviii</sup>	The UK government's annual report on human rights in Bahrain fails to address the role that the courts play in excluding torture evidence.
<b>2016 – 2018</b>	<p>Since 2014, repeated complaints made to the Ombudsman but no action taken to investigate torture allegations.</p> <p>More than 2 years after their arrest and torture in June, the Ombudsman issued a statement indicating it had begun a full investigation into a number of allegations of ill-treatment of both Mohammed and Husain</p> <p>In October 2016, the Ombudsman informed Reprieve that the case had been referred to the SIU.<sup>lix</sup></p>	<p>Mohammed and Husain's death sentences and the failure to conduct an investigation into their torture allegations prompt international outcry.<sup>lx</sup></p> <p>In 2017, the UN Committee Against Torture also warned that the Ombudsman and the SIU, as well as other oversight bodies, are not capable of carrying out torture investigations that comply with Bahrain's international obligations. These concerns relate both to structural flaws inherent in both oversight bodies and the day-to-day functioning of the Ombudsman and the SIU. The Committee further noted that since they were established in 2012, the Ombudsman and SIU "have had little or no effect, and that the authorities provided negligible information regarding the outcome of their activities."<sup>lxi</sup> The UN Committee Against Torture concluded that "[the Ombudsman and the SIU, among other bodies,] are not independent, that their mandates are unclear and overlapping and that they are not effective given that complaints ultimately pass through the Ministry of the Interior."<sup>lxii</sup></p>	<p>Whilst allegations of ill-treatment in detention continue, confidence in the Ombudsman and SIU is increasing, and they are working more effectively.<sup>lxiii</sup></p> <p>In its 2018 human rights and democracy report, the UK describes the Ombudsman and the SIU as "independent", ignoring the UN Committee Against Torture conclusion in 2017 that these bodies are not independent.<sup>lxiv</sup></p>

Date	Husain and Mohammed's case	Human rights experts assessment	UK government statement
<b>2018 – 2020</b>	<p>Following an investigation by the SIU, the case of Mohammed and Husain was referred back to the lower courts.</p> <p>A case review was conducted between 2018 and 2020 over a number of hearings.</p>	<p>Concerns are raised that the torture investigations conducted by the SIU and the Ombudsman were flawed, and that torture evidence would again be relied upon to secure convictions and death sentences.<sup>lxv</sup></p> <p>On 20 August 2019, the IRCT appointed an independent forensic expert and member of the Independent Forensic Expert Group (IFEG), Professor Dr Jason Payne-James, to conduct a review of the 2014 forensic medical reports of Mohammed and Husain, which were relied on in the SIU investigation.<sup>lxvi</sup> In his examination, Professor Dr Payne-James found that the 2014 forensic examinations failed to meet the minimum standards and principles of an appropriate investigation into allegations of torture and ill-treatment under international law.</p> <p>These assessments were made public in December 2019 and were available to the court conducting the case review in the case of Mohammed and Husain and to the UK government.</p>	<p>In June 2019, in relation to the case review in Mohammed and Husain's case, the UK states that it welcomes "the decision" to refer the case for review - no reference is made to concerns that Husain's torture confession may be relied on again to secure a death sentence.</p> <p>In 2020, the UK government said that in 2019 there was "progress in [Bahrain], notably active investigations by the human rights oversight bodies into allegations of violations."</p>
<b>8 January 2020</b>	<p>The Fifth Criminal High Court of Appeal handed down a judgment relying on the flawed SIU investigation, which relied on the insufficient 2014 forensic medical reports and the torture confession.<sup>lxvii</sup></p>	<p>On 5 February 2020, several UN Special Rapporteurs communicated with the Government of Bahrain in relation to the case of Mohammed and Husain, raising concerns that their convictions and death sentences relied solely on torture confessions, that their torture allegations have not been properly investigated, and that torture evidence was not excluded from any proceedings.<sup>lxviii</sup></p>	<p>The UK government received a number of parliamentary questions on the case during January 2020.</p> <p>In none of the answers did the UK acknowledge that the 2014 forensic medical reports which failed to meet minimum standards should not have been relied on by the SIU or the court, or the failure of the courts to exclude torture evidence.<sup>lxix</sup></p>

Date	Husain and Mohammed's case	Human rights experts assessment	UK government statement
July 2020	On 13 July 2020, Mohammed and Husain's final appeal was heard by the Court of Cassation. The court relied on the flawed SIU investigation and upheld the death sentences against them, announcing the verdict via the Public Prosecutor's Instagram and Twitter account. <sup>lxx</sup>	<p>On 11 July, there was widespread high-profile media coverage of IRCT's assessment that the Ombudsman and the SIU's investigation were insufficient, ineffective and biased and failed to meet the minimum legal and professional standards outlined in the Istanbul Protocol.<sup>lxxi</sup></p> <p>The IRCT also reviewed the judgment and concluded that the judgment of the Fifth Criminal High Court of Appeal in Bahrain was "critically flawed" and should be vacated since it is based on an insufficient and ineffective torture investigation by the SIU, and thereby violates the international legal obligations to investigate torture effectively and exclude evidence that arises from torture.<sup>lxxii</sup></p>	<p>Bizarrely and worryingly, the investigation by the Ombudsman and the SIU in Mohammed and Husain's case was described by the UK Foreign Secretary as "notable progress" on 16 July 2020.<sup>lxxiii</sup></p> <p>In a debate in the House of Commons, the Minister failed to answer questions about the IRCT's conclusions that the court judgment sentencing Mohammed and Husain to death was critically flawed and that the investigation by the Ombudsman and the SIU was insufficient, ineffective and biased and failed to meet the minimum legal and professional standards.<sup>lxxiv</sup></p>

**UK support for the Bahrain criminal justice system is wide-ranging and marked by a failure to critically engage with the reality of the human rights situation in Bahrain.**

For example, during 2018 – 2020 the FCDO funded expert visits and training to the SIU, which focused on the “practicalities of investigating allegations of ill treatment”.<sup>lxxv</sup>

This training came after the UN Committee Against Torture had concluded in 2017 that the SIU was not capable of carrying out a torture investigation in line with international minimum standards, as detailed above (see Chapter 2).

In another example, the UK FCDO and UK policing bodies engaged in training with bodies in Bahrain which are implicated in the torture of those on death row. In April 2016, the UK’s College of Policing delivered forensic and crime scene investigation and fingerprint analysis training in Bahrain, as part of a programme of training with Bahrain’s Ministry of Interior Forensic Science Directorate.<sup>lxxvi</sup> This course, which was based on the programme offered by the College, may have included elements tailored specifically to the needs of the Bahrain Police Service.<sup>lxxvii</sup>

The training was abruptly ended in September 2016, two months before its formal completion. The College of Policing cited an internal review, stating the decision to terminate the programme was not influenced by, or associated with, any developments in Bahrain, but was solely based on the College’s intent to concentrate on its main strategic objectives.<sup>lxxviii</sup>

The FCDO then commissioned a local UK constabulary to continue delivering forensic training, in return for a sum to cover all related costs.<sup>lxxix</sup> The contract for the new training programme for the Bahraini Police Force was signed in July 2018. The constabulary refused to disclose how much the deal was worth, but a police efficiency review by Her Majesty’s Inspectorate of Constabulary in 2016 noted that the “new links with Bahrain... may prove to be lucrative.”<sup>lxxx</sup>

An official statement on the agreement read “[t]his will enhance officers’ use of evidence to ensure that offenders are prosecuted and brought to justice, and also to enable those wrongly accused to be effectively acquitted.”<sup>lxxxi</sup> Bahraini police officers travelled to the UK to receive the training from November 2018 to September 2019, with the programme scheduled to run until August 2021.<sup>lxxxii</sup>

This training ran at the same time that Ministry of Interior officials are alleged to have been involved in the torture of at least 3 men who are now facing imminent execution and during the period in which Mohammed and Husain were sentenced to death for the second time on a basis of a torture confession extracted by Ministry of Interior officials.



## B. University of Huddersfield assistance to Bahrain's Royal Academy of Policing

**At a time when Bahrain's use of the death penalty is increasing at a rate never seen before, the University of Huddersfield has been partnering with Bahrain's Royal Academy of Policing (Royal Academy) to deliver a Master of Science (MSc) in Security Science. The Royal Academy falls under the jurisdiction of Bahrain's Ministry of Interior, a department associated with human rights violations.**<sup>lxxxiii</sup>

When asked for comment for this report, the University stated that "the University of Huddersfield opposes strongly the use of the death penalty and any form of torture."<sup>lxxxiv</sup>

The University of Huddersfield has declined to provide information on the income it received from Bahrain in relation to the MSc programme, based on the FOI Act's exemption under section 43 that the information requested was commercially sensitive and could jeopardise the University's commercial interests.<sup>lxxxv</sup> A conservative estimate based on the standard fees charged by the university for international students would value the contract to be worth at least £1million.<sup>lxxxvi</sup>

When asked by BIRD what human rights due diligence was conducted before their contract with the Royal Academy was signed, the University of Huddersfield said that it considered the 2016 Human Rights and Democracy UK Foreign and Commonwealth Office report.<sup>lxxxvii</sup> When contacted for comment the University stated that "[t]he University established this course after discussions with relevant Embassies and Ministries, having undertaken all proper due diligence and legal matters at the time. Further, as specific allegations have been brought to our attention, additional due diligence has been undertaken, including, but not exhaustively: liaison with Embassy officials in the UK and Bahrain and liaison with independent human rights organisations in Bahrain."<sup>lxxxviii</sup> Reprieve notes that the University of Huddersfield did not provide details of the independent human rights organisations consulted and that the FCDO assessments of the human rights situation in Bahrain over a number of years have been inaccurate, incomplete and have disregarded the conclusions of torture experts (see above).

Recently, the University of Huddersfield has not acted on publicly raised concerns that Royal Academy premises have been routinely used to torture detainees, including death row inmates.<sup>lxxxix</sup>

In January 2020, BIRD received testimonies from ten prisoners detained on charges which appear to be politically motivated at Jau Prison in Bahrain who reported being tortured at a building on the Royal Academy site, which is adjacent to the prison. Inmates described the Royal Academy as a "torture hub". The building has reportedly been used to interrogate prisoners since at least 2016.<sup>xc</sup>

The testimonies BIRD received detailed torture at the Royal Academy building at different times between 2017 and 2019. The men interviewed spoke of being taken to the Royal Academy where they were tortured, before being returned to Building 15 of Jau Prison. Those statements confirmed a consistent pattern of methods of torture and its use to extract 'confessions'. In February 2020, more statements emerged, including from refugees now living in the UK whose allegations were accepted as credible by the UK Home Office during their asylum-seeking process.<sup>xc</sup>

The University's only response to these allegations is to suggest that detainees consider approaching Bahraini human rights oversight bodies<sup>xcii</sup> – the same bodies that the UN Committee Against Torture and the IRCT have assessed as not fit for purpose, but continue to receive UK government assistance and endorsement.

Recently students and staff called for an end to the master's degree for Bahrain's Royal Academy of Policing in a letter which said "[i]t is reprehensible for the University of Huddersfield to aid an organisation involved in torture." The letter was signed by the University of Huddersfield's Students' Union, the Huddersfield University and College's Union (UCU) and the Unison trade union.<sup>xciii</sup>

In response, the University referred to a UK House of Commons statement last year from the Middle East and North Africa Minister James Cleverly claiming Bahrain "is taking steps in the right direction to improve its human rights record".<sup>xciv</sup>

## CASE STUDY



# ZUHAIR ABDULLAH

**Ali al-Arab, who was executed in 2019, and Zuhair Abdullah<sup>xcv</sup>, who was sentenced to death in 2018, were among those who have reported being tortured at the Royal Academy.**

Shortly after his arrest on 2 November 2017, Zuhair Abdullah was subjected to severe torture at CID Adliya, including the use of electric shocks to the chest and genitals, beatings and attempted rape. He was then transferred to Building 15 at Jau Prison. From there he was taken to the Academy for daily interrogations and only allowed to sleep for two to three hours when he was taken to Building 15 each night. During this period, the former Director of the Academy threatened Abdullah with further torture, asserting that they “have many torturers here”. Eventually, Abdullah agreed to sign a coerced ‘confession’. After an unfair trial, Abdullah was convicted of planting and detonating a bomb that killed a police officer and, consequently, was sentenced to death in 2018. The final appeal against his death sentence was rejected in 2020 and he is currently at risk of imminent execution.

## C. Lack of transparency

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**The failure of the UK government and private sector to critically engage with the reality of the human rights situation in Bahrain is made more concerning by an increasing lack of transparency – restricting the ability of UK politicians and civil society to engage constructively with the assistance.**

The UK government has repeatedly refused to provide information about the support it is providing in Bahrain. Where Reprieve, BIRD and others have sought information on programmes the UK government continues to support, in the majority of instances the UK government has relied on exemptions to freedom of information requests normally reserved for information relating to the intelligence agencies.<sup>xcvi</sup>

In relation to reviewing the program, UK ministers have said that UK training and support is intended to build “effective and accountable institutions, strengthen the rule of law and deliver justice reform” and that support is “monitored and evaluated by officials on a quarterly basis.”<sup>xcvii</sup> On 6 May 2020, the FCDO’s Minister for South Asia and the Commonwealth, Lord Ahmad, reported that “the last review of the Bahrain programme indicated that the programme continued to meet programme and contract requirements and continued to comply with our human rights obligations.”<sup>xcviii</sup>

In 2018, the UK Foreign Affairs Committee, an influential UK parliamentary committee, requested that the FCO conduct a review and report to parliament on assistance to Bahrain. In its 2018 report, the Committee raised serious concerns about UK security and justice assistance to Bahrain, questioned the effectiveness of this assistance, “given the gravity of human rights violations there,” recommended that “states that fail to make progress, or that regress, should be subject to repercussions, including the suspension of support,” and urged that the FCO “review the current situation in Bahrain...and report its findings to us to further consider whether funding should continue.”<sup>xcix</sup> During a Committee evidence session on 21 April 2020, the Permanent Undersecretary and Head of the Diplomatic Service Sir Simon McDonald could not confirm that the review and report requested had taken place.<sup>c</sup>

Since the provision of technical assistance began in 2012, the funding source for the programme has changed twice; first from the Conflict, Stability, and Security Fund (CSSF) to the Integrated Activity Fund (IAF) in the 2016/17 financial year, and second, from the IAF to the Gulf Strategy Fund (GSF) in the 2020/21 financial year.<sup>ci</sup>

In a debate on the Transparency of the IAF in October 2020, David Linden MP noted that concerns about the technical assistance programme to Bahrain “caused the CSSF to come under parliamentary investigation for its lack of transparency. However, once the programme began to face scrutiny, it was simply transferred over to the [IAF].”<sup>cii</sup>

Minutes acquired by BIRD from an August 2019 meeting of the IAF’s Governance Board reveal that the decision to establish the GSF was made due to negative public perceptions of the IAF. The Governance Board concluded that the government needed to “own the narrative on the fund in future with proactive strategic communications,” while the FCO advocated a “root and branch overhaul of the [IAF].”<sup>ciii</sup>

Both the FCDO and the local UK constabulary have refused to provide BIRD with information about the police training programme, detailed above, citing exemptions under the Freedom of Information Act relating to security bodies, and stating that handing over the information would be a potential breach of trust that could create irreparable damage to international relations between the UK and other states. Both refused to say whether they conducted any human rights assessments before agreeing to the training programme.<sup>civ</sup>

**The government of Bahrain maintains that it has implemented all of the recommendations of the BICI report,<sup>cv</sup> including the investigation of all allegations of torture and similar treatment by an independent and impartial body following the Istanbul Principles, and that Bahrain imposes the death penalty “in accordance with international law and human rights standards including the United Nations Safeguards.”<sup>cvi</sup>**

The reality is that the promises made in relation to the BICI recommendations and Bahrain’s torture safeguard system are broken. The death penalty cannot be imposed in line with international law where torture is endemic, the bodies tasked with torture investigations are not fit for purpose, and the courts admit and rely on torture evidence.

The failure by Bahrain’s allies, particularly the UK, to engage critically and constructively on torture and the death penalty in Bahrain is an obstacle to real human rights reform, as illustrated by the increasing use of the death penalty in Bahrain.

In the past decade, rather than pursuing a human rights reform agenda, the government of Bahrain has imposed the death penalty on a scale never seen before, targeting those connected to political opposition and imposing the death penalty for drug offences in breach of international law, whilst continuing to sentence to death and execute foreign nationals.

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**Over half of those facing imminent execution in Bahrain have unsafe convictions and death sentences and their executions would be a violation of international law.**

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## In light of the foregoing, Reprieve and BIRD recommend that:

- the Bahraini government implements an immediate moratorium on the use of the death penalty, pending a full review of all capital cases to identify allegations of torture;
- the Bahraini authorities establish an independent and impartial commission of inquiry, which has no association or hierarchical relationship with the Public Prosecutor's Office or Ministry of Interior and is separate from the Ombudsman and SIU, to investigate allegations of torture in Bahrain;
- the courts in Bahrain quash all death sentences and overturn any convictions that rely on torture evidence;
- in line with the recommendation of the UN Committee Against Torture, there should be a review of death row cases to identify cases of convictions based on confessions, since many may have been based on evidence obtained through torture and ill-treatment;
- Bahrain should ratify the Optional Protocol to the UN Committee Against Torture and invite and allow a visit from the UN Special Rapporteur on Torture; and
- the United Kingdom government should freeze all assistance to Bahraini security and justice bodies demonstrated to be engaged in torture and the death penalty, including the SIU and Ombudsman, until such time as independent international experts verify these bodies are no longer enabling abuses.

## In relation to the cases of Mohammed Ramadhan and Husain Moosa, Reprieve and BIRD recommend that:

- King Hamad bin Isa Al Khalifa of Bahrain use his executive power to pardon Mohammed Ramadhan and Husain Moosa, and the men be immediately released from detention in accordance with WGAD Opinion No.4/2021 which calls for their *"immediate and unconditional release"*;
- an independent commission of inquiry be established to conduct an Istanbul Protocol compliant investigation into the torture of Mohammed Ramadhan and Husain Moosa; and
- the United Kingdom must condemn the failure of the courts in Bahrain to exclude torture evidence in the case of Mohammed Ramadhan and Husain Moosa and the failure to conduct an adequate torture investigation and call on Bahrain to comply with its international obligations by quashing their death sentences and convictions and conducting a new independent and impartial torture investigation in their cases.

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