



KINGDOM OF BAHRAIN

Reprieve

and

Bahrain Institute for Rights and Democracy (BIRD)

For the 41st Session of the Working Group on the Universal Periodic Review

Submitted 31 March 2022

Reprieve is a legal non-governmental organization that promotes and protects the rights of those facing the death penalty around the world, and those suffering human rights abuses (with a focus on arbitrary detention, torture, and extrajudicial executions) carried out by governments in the name of “counter-terrorism” or “national security”. Reprieve was granted ECOSOC Special Consultative Status in 2018.

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Bahrain Institute for Rights and Democracy (BIRD) is a UK-based non-profit and non-governmental organization established in 2013 that investigates human rights abuses in Bahrain, exposes them to the world, and advocates for an end to abuse and accountability in the country. BIRD is independent and apolitical with a mission to promote human rights, effective accountability, and democratic reform in Bahrain. BIRD regularly communicates with special rapporteurs at the United Nations, including the Special Rapporteur on torture, the secretariat of the Working Group on Arbitrary Detention and the High Commissioner for Human Rights.

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EXECUTIVE SUMMARY

1. In this submission, Reprieve and BIRD provide an overview of developments in the application of the death penalty in Bahrain since the last Universal Period Review (UPR). Bahrain has failed to implement supported recommendations from the previous review in respect of the death penalty and torture.
2. The data in this submission is taken from BIRD and Reprieve's joint report 'From Uprisings to Executions: The death penalty in Bahrain, ten years on from the Arab Spring' analysing our findings on the death penalty and torture between 2010 and February 2021 ([Annex 1](#)).¹
3. Reprieve and BIRD maintain a database of all death sentences handed down and executions carried out in Bahrain. Reprieve and BIRD's data shows that:
 - Bahrain's execution rate was extremely high, having risen by 20% since 2011;
 - 83% of executions were for terrorism offences;
 - 100% of men executed for terrorism offences alleged they were tortured;
 - In 2019, the execution rate was almost two-thirds the per capita rate of Iran;
 - There was a 600% increase in death sentences in the last decade with 51 death sentences handed down since 2011;
 - The number of persons facing execution has risen by 2500%, with 26 people having exhausted all legal avenues;
 - The first recorded death sentence for drug offences in Bahrain's history was handed down in 2018;
 - 44% of foreign nationals sentenced to death were Bangladeshi nationals, and the only foreign national executed since 2017 was Bangladeshi;
 - 12% of death row is comprised of persons convicted of non-lethal drug offences;
 - 29% of death row inmates were convicted of non-lethal terrorism offences;
 - 54% of men on death row face execution following unsafe convictions;
 - 46% of men facing execution were convicted of terrorism-related offences, 92% of them allege they were tortured, with 27% convicted on the basis of torture-tainted confessions.
4. However, as Bahrain has failed to make publicly available any disaggregated data on the death penalty, the true extent of Bahrain's death row population may be much higher.²
5. Bahrain's continued application of the death penalty is in breach of the right to life under Article 6 of the International Covenant on Civil and Political Rights (ICCPR), falling well below international minimum standards. Bahrain's justice system does not comply with international human rights obligations, including the right to fair trial, and the prohibition against torture and discrimination provided across international legal instruments.

I. RISE IN EXECUTIONS AND DEATH SENTENCES

6. During the last review, Bahrain failed to support crucial recommendations to immediately halt executions after breaking a seven year de facto moratorium on the use of the death penalty.³ Between 2017 and 2019, Bahrain carried out six executions and Bahrain's courts continued to sentence people to death in cases where flagrant fair trial violations had taken place.⁴
7. On 15 January 2017 Bahrain executed three Bahraini nationals. On 29 July 2019, Bahrain executed two Bahraini nationals and one Bangladeshi national. All five of the Bahraini nationals executed had reported credible allegations of torture used to extract false confessions relied upon at trial to secure death sentences. Little information is known about the Bangladeshi national executed on 29 July 2019. To BIRD and Reprieve's knowledge, no steps have been taken to investigate the torture alleged by the men executed in 2017 or to bring the alleged perpetrators to justice.⁵
8. Execution rates have increased by 20% since 2011. Though Bahrain has described its use of the death penalty as "rare,"⁶ the data shows that compared to other executing countries, Bahrain's execution rate per capita is extremely high. 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.⁷ Iran's execution rate per 100,000 people was 0.30 in 2019, with 251 executions, while Bahrain's execution rate per 100,000 people was 0.18 over the same time period.⁸
9. In parallel, 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 seven death sentences. 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 2021.⁹
10. As of 30 March 2022, at least 26 people are at risk of execution in Bahrain who have exhausted all legal avenues and could be executed at any moment.¹⁰ This is an increase from 2017, when at least two people were at risk of imminent execution.¹¹ This means that at least 24 people have had their death sentences upheld since 2017, during this UPR review period.
11. In five of the six executions carried out between 2017 and 2019, no notification was provided to the families. Failure to provide notification of an execution, to either the prisoner or their relatives, may amount to torture.¹²
12. Failure to respect international minimum standards in the application of the death penalty, including reliance on torture-tainted confessions renders any execution a violation of the right to life.¹³

Recommendations

The Kingdom of Bahrain must:

- Immediately restore a moratorium on executions, pending a full review to identify death sentences handed down in reliance on torture-tainted evidence or other human rights violations.
- Make information relating to its death row population public and available. This information should be broken down by sex, age, nationality and race and must include the number of persons sentenced to death, the number of persons on death row, the number of executions carried out, the number of death sentences reversed or commuted on appeal, and the number of cases in which amnesty or pardon has been granted, as well as information on any scheduled executions.
- Conduct a public inquiry into the executions carried out in 2017 and 2019 and provide redress to the families of victims found to have been arbitrarily deprived of their life.
- Promptly carry out an in-depth investigation into all allegations of torture and ill-treatment alleged by the men executed in 2017 and 2019 respectively and bring those responsible to justice.

II. THE USE OF THE DEATH PENALTY FOR NON-LETHAL OFFENCES IN BAHRAIN

13. Bahrain has failed to implement the only supported recommendation on its use of capital punishment: to restrict its use of the death penalty to offences that meet the 'most serious crimes' threshold under international law.¹⁴ In the last decade Bahrain has increasingly used the death penalty for non-lethal offences which do not meet that threshold, in violation of international law.¹⁵ No steps have been taken by Bahrain to review or amend legislation¹⁶ to restrict the death penalty to offences relating to intentional killing only or to ensure it meets human rights standards, in line with international law.¹⁷
14. Article 30 of Bahrain's Law on Narcotic and Psychotropic Substances (Law 15/2007) retains the death penalty for non-lethal drug offences.¹⁸ Bahrain imposed the death penalty for drug offences for the first time in the country's history in 2018.¹⁹ This is irreconcilable with Bahrain's commitments during the last UPR cycle. Of those facing execution, 12% (3 out of 26) are on death row for non-lethal drug offences.²⁰
15. Article 1 of Bahrain's Law on Protecting Society from Terrorist Acts (Law 58/2006) provides an overly broad definition of terrorism,²¹ which has been consistently applied since pro-democracy protests swept the country in 2011 to sentence people to death for non-lethal offences, which do not meet the 'most serious crimes' threshold under international law.²² BIRD and Reprieve's data shows that of the men on Bahrain's death row convicted under counterterrorism legislation, 29% (9 out of 31) were convicted of non-lethal offences, and of the 37 Bahraini nationals sentenced to death since 2011, 12 (32%) were convicted of non-lethal offences.²³
16. 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."²⁴

The imposition of the death penalty for non-lethal offences is explicitly prohibited under international law, rendering any death sentence unsafe and any execution in breach of the right to life.²⁵

Recommendations

The Kingdom of Bahrain must:

- Conduct a review of all legislation where the death penalty can be applied to ensure that it complies with the ‘most serious crimes’ threshold under international law.
- Commute all death sentences handed down for offences that do not cross the ‘most serious crimes’ threshold, including drug offences and terrorism offences.
- Immediately amend the Law on Narcotic and Psychotropic Substances to abolish the death penalty for drug offences.
- Review and amend the Law on Protecting Society from Terrorist Acts to comply with international human rights obligations, including abolishing the death penalty for non-lethal offences.

III. DISCRIMINATION AGAINST FOREIGN NATIONALS

17. Bahrain received nine recommendations on discrimination and the treatment and protection of migrants and migrant workers.²⁶ Bahrain supported recommendations to strengthen legal protections for migrant workers against discrimination on the grounds of race, sex, religion or nationality.²⁷

18. However, Reprieve and BIRD’s data suggests that Bahrain’s justice system continues to discriminate against migrants and fails to protect them from discrimination within the context of the death penalty:²⁸

- Bangladeshi nationals are disproportionately represented on Bahrain’s death row;
- Of the 9 foreign nationals who received a death sentence from 2017 to the end of 2021, 62% were Bangladeshi nationals;
- 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.

19. Reprieve and BIRD’s data suggests that Bahrain’s criminal justice system fails to adequately protect foreign nationals from discrimination within the context of the death penalty. Any execution resulting from discrimination, whether in law or in fact, is an arbitrary deprivation of life in breach of Article 6 ICCPR.²⁹

Recommendations

The Kingdom of Bahrain must:

- Conduct a review of its judicial process with the aim of challenging discriminatory practices, particularly in capital cases, and ensure that the justice system does not use the death penalty disproportionately against foreign nationals.
- Strengthen anti-discrimination legislation to ensure that foreign nationals, particularly migrant workers, are treated equally before the law.

IV. TORTURE, FAIR TRIAL VIOLATIONS AND THE DEATH PENALTY IN BAHRAIN

20. Bahrain supported one recommendation to criminalise torture in national legislation.³⁰ Articles 208, 232 and 357 of the Penal Code already prohibited the use of torture to extract confessions and/or to coerce someone into self-incrimination and set a prison term for persons guilty of using torture, force or the threat of force against a suspect to coerce them into admitting to the commission of a crime or to give information in respect thereof.³¹
21. No steps have been taken by Bahrain to implement the remaining recommendations on the use of torture, the fight against impunity or to ensure the judiciary safeguards fair trial rights.³² The use of torture in Bahrain remains widespread, particularly in terrorism-related cases. Bahrain continues to sentence individuals to death despite continued reports of torture by Bahrain's authorities in extracting 'confessions' which are used against defendants in legal proceedings.
22. BIRD and Reprieve have documented the following forms of torture and ill-treatment used by officers in Bahrain alleged by men who have been executed or remain on death row:³³
- Beatings while blindfolded or restrained, with blows to sensitive areas the body;
 - 'Falaqa': which involves beating victims on sensitive areas of the palms of hands and soles of feet;
 - Threats of further beatings if defendants do not confess;
 - Threats of physical and sexual violence against loved ones and relatives;
 - The use of derogatory language;
 - Suspension for several days;
 - Sexual humiliation and rape.

Torture-tainted confessions and politically motivated death sentences

23. Reprieve and BIRD's data suggests that individuals who are politically opposed to the Government of Bahrain are being targeted, tortured, sentenced to death and executed:³⁴
- 54% (14 of 26) currently facing imminent execution are in that position as a result of unsafe capital convictions and death sentences;
 - 83% of the men executed in Bahrain since 2017 had connections to political opposition
 - 100% alleged they were tortured;
 - 46% (12 of 26) of Bahraini nationals on death row currently facing imminent execution were convicted of 'terrorism-related' offences and were connected with political opposition;
 - 92% (11 out of 12) allege torture by Bahrain security or police forces;
 - At least 27% (3 of 11) allege that they were convicted on the basis of false torture-tainted confessions.

24. Bahrain's Court of Cassation has upheld death sentences rendering them final, despite the lower courts' failure to properly investigate allegations of torture or to exclude torture-tainted evidence, in breach of victims' right to redress, fair trial rights, and the court's duty to exclude torture-tainted evidence.³⁵
25. On 29 January 2018, Bahrain's Court of Cassation confirmed Maher Abbas's death sentence, placing him at risk of execution.³⁶ Maher was among thousands who attended pro-democracy protests in 2011 and was sentenced to death based on torture-tainted confessions by his co-defendants. His co-defendants have repeatedly raised in court that these confessions were coerced and are therefore invalid.³⁷ No court or oversight body has adequately investigated the torture allegations raised by Maher's co-defendants. There is no guarantee that Maher's family or international observers will be given notice of his execution.
26. On 13 July 2020, the Court of Cassation upheld Mohamed Ramadhan and Husain Moosa's death sentences, exhausting legal avenues.³⁸ They now face execution by firing squad. They were arrested following their attendance at peaceful protests. Both were tortured by state security officers over a number of days. 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 has not been carried out.

Failure to reform anti-torture bodies

27. BIRD and Reprieve's data shows that Bahrain's increased use of the death penalty is inextricably linked to Bahrain's failure to substantively reform oversight bodies tasked with investigating torture complaints. Bahrain has not implemented several supported recommendations on anti-torture reform to fight impunity, and to ensure that those found guilty of allegations of torture are brought to justice.³⁹ Bahrain further accepted recommendations to implement measures on the protection of victims of mistreatment and to offer victims of torture access to justice, redress and rehabilitation.⁴⁰ No steps have been taken to implement recommendations to ensure the independence, impartiality and effectiveness of national human rights institutions and oversight bodies.⁴¹
28. The Ombudsman within the Ministry of Interior and the SIU within the Public Prosecutor's Office are responsible for investigating allegations of torture in Bahrain. Both bodies were formed in 2012 following the Bahrain Independent Commission of Inquiry's (BICI) findings that torture was systematically used to crackdown on Arab Spring protests.⁴² The full recommendations of the BICI report remain unimplemented.⁴³
29. No steps have been taken by Bahrain to amend legislation to provide formal independence to either oversight body. The Ministry of Interior oversees the police, prison and state security forces alleged to have committed acts of torture. The Public Prosecutor's Office, which is the sole prosecuting authority in Bahrain, is alleged to have relied on torture-tainted confessions or failed to ensure adequate investigations into allegations of torture.
30. Investigations carried out by the SIU and Ombudsman continue to fall short of international minimum standards,⁴⁴ and have been repeatedly found to be cursory, biased and ineffective by international forensic medical experts.⁴⁵ In June 2019, the International Rehabilitation Council for Torture Victims (IRCT) conducted an independent expert review of a forensic medical report in the case of Maher Abbas. The IRCT's review found "numerous significant

deficiencies and shortfalls.”⁴⁶ According to the independent expert conducting the review, the medical forensic examination performed by Bahrain’s General Directorate of Forensic Science was “superficial,” “cursory,” “ineffective” and “very far from an acceptable standard.”⁴⁷

31. A similar review conducted by IRCT into the SIU’s investigation into Mohamed Ramadhan and Hussain Moosa’s torture found that the court’s decision to rely on it was “critically flawed” and that the SIU lacked institutional independence and should not be considered an appropriate investigative body.⁴⁸
32. The imposition of the death penalty in torture-tainted cases ultimately encourages the continued use of torture and undermines any movement towards reform in Bahrain. The use of torture-tainted evidence in judicial proceedings is a violation of international law.⁴⁹

Recommendations

The Kingdom of Bahrain must:

- Ensure that the judiciary is sufficiently trained to discharge its duty to investigate allegations of torture and ill-treatment and to exclude any torture-tainted evidence from any and all legal proceedings.
- Release all prisoners who have been unlawfully convicted and sentenced to death in violation of their fair trial rights and who continue to be held in detention arbitrarily.
- Establish an independent and impartial body tasked with the protection of the rights of accused parties in Bahrain and which is committed to fairness and due process.
- 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.
- Ensure that victims of torture and ill-treatment are provided with access to redress, rehabilitation and compensation.
- Ensure that perpetrators identified in the course of fully impartial and effective investigations into torture and ill-treatment are prosecuted.

V. NON-COOPERATION WITH UN AND FAILURE TO RATIFY HUMAN RIGHTS TREATIES

33. Bahrain has not implemented any of the concluding observations issued by the Committee Against Torture in 2017, particularly with respect to reform of its oversight bodies tasked with investigating torture and ill-treatment or to ensure that the judiciary complies with its obligation to exclude torture-tainted evidence.⁵⁰ Bahrain accepted two recommendations to work towards ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁵¹ Bahrain has not implemented these recommendations.
34. The UN Committee Against Torture warned that Bahrain’s oversight bodies, such as the Ombudsman and the SIU, are not capable of carrying out torture investigations that comply

with Bahrain's international obligations.⁵² 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 Committee 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,"⁵³ 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."⁵⁴ 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."⁵⁵

35. Mohamed Ramadhan and Husain Moosa remain on death row despite the UN Working Group on Arbitrary Detention (WGAD) Opinion No.4/2021 calling for their immediate and unconditional release.⁵⁶ Mohamed and Husain have been subject to reprisals in prison in retaliation for the political and media attention that their case has received. Prison guards closely monitor and restrict their phone calls which have been their sole means of communicating with their family during the COVID-19 pandemic. Guards have threatened to revoke their phone privileges entirely if they speak with the media or comment on their case. In the months following the imposition of his death sentence, amidst increasing restrictions on his phone access, Mohamed's mental health deteriorated, and he has repeatedly expressed to his wife his overwhelming distress that his execution could be carried out at any moment.

Recommendations

The Kingdom of Bahrain must:

- Commit to implementing the Concluding Observations of the UN Committee Against Torture, including conducting a full review of death row cases and identifying cases of convictions based on torture-induced confessions.
- Ratify the Optional Protocol to the UN Committee Against Torture.
- Ratify and accept the First Optional Protocol to the International Covenant on Civil and Political Rights, enabling the individual complaints mechanisms under the ICCPR.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view of abolishing the death penalty.
- Invite and facilitate a visit from the UN Special Rapporteur on Torture and the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.
- Immediately implement the opinion of the UN Working Group on Arbitrary Detention in respect of Mohamed Ramadhan and Husain Moosa and ensure their immediate release.

RECOMMENDATIONS BY THEME

The Kingdom of Bahrain must:

On the death penalty:

- Immediately restore a moratorium on executions, pending a full review to identify death sentences handed down in reliance on torture-tainted evidence or other human rights violations.
- Make information relating to its death row population public and available. This information should be broken down by sex, age, nationality and race and must include the number of persons sentenced to death, the number of persons on death row, the number of executions carried out, the number of death sentences reversed or commuted on appeal, and the number of cases in which amnesty or pardon has been granted, as well as information on any scheduled executions.
- Conduct a public inquiry into the executions carried out in 2017 and 2019 and provide redress to the families of victims found to have been arbitrarily deprived of their life.
- Promptly carry out an in-depth investigation into all allegations of torture and ill-treatment alleged by the men executed in 2017 and 2019 respectively and bring those responsible to justice.

On Constitutional and Legislative Framework:

- Conduct a review of all legislation where the death penalty can be applied to ensure that it complies with the 'most serious crimes' threshold under international law.
- Commute all death sentences handed down for offences that do not cross the 'most serious crimes' threshold, including drug offences and terrorism offences.
- Immediately amend the Law on Narcotic and Psychotropic Substances to abolish the death penalty for drug offences.
- Review and amend the Law on Protecting Society from Terrorist Acts to comply with international human rights obligations, including abolishing the death penalty for non-lethal offences.

On discrimination:

- Conduct a review of its judicial process with the aim of challenging discriminatory practices, particularly in capital cases, and ensure that the justice system does not use the death penalty disproportionately against foreign nationals.
- Strengthen anti-discrimination legislation to ensure that foreign nationals, particularly migrant workers, are treated equally before the law.

On the prohibition against torture and the fight against impunity:

- Ensure that the judiciary is sufficiently trained to discharge its duty to investigate allegations of torture and ill-treatment and to exclude any torture-tainted evidence from any and all legal proceedings.

- Release all prisoners who have been unlawfully convicted and sentenced to death in violation of their fair trial rights and who continue to be held in detention arbitrarily
- Establish an independent and impartial body tasked with the protection of the rights of accused parties in Bahrain and which is committed to fairness and due process.
- 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.
- Ensure that victims of torture and ill-treatment are provided with access to redress, rehabilitation and compensation.
- Ensure that perpetrators identified in the course of fully impartial and effective investigations into torture and ill-treatment are prosecuted.

On cooperation with the UN and treaty ratification:

- Commit to implementing the Concluding Observations of the UN Committee Against Torture, including conducting a full review of death row cases and identifying cases of convictions based on torture-induced confessions.
- Ratify the Optional Protocol to the UN Committee Against Torture.
- Ratify and accept the First Optional Protocol to the International Covenant on Civil and Political Rights, enabling the individual complaints mechanisms under the ICCPR.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view of abolishing the death penalty.
- Invite and facilitate a visit from the UN Special Rapporteur on Torture and the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.
- Immediately implement the opinion of the UN Working Group on Arbitrary Detention in respect of Mohamed Ramadhan and Husain Moosa and ensure their immediate release.

ENDNOTES

¹ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021) <https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf>. Up to date data is held by Reprieve and BIRD.

² UNGA Res 75/183 (16 December 2020) para 7(c).

³ 114.75 Commute all the death sentences and establish a moratorium on executions (Portugal); Commute all death sentences, declare a moratorium on executions and move towards an abolition of the death penalty (Norway); Introduce a moratorium on the execution of the death penalty (Germany); Impose a moratorium on the use of the death penalty (Montenegro); Re-introduce the moratorium on executions with a view to definitively abolishing the death penalty (Spain); Impose an official moratorium on the death penalty and replace the death penalty with a sentence that is fair and proportionate and respects international human rights standards (Bulgaria) A/HRC/36/3/Add.1 - Para. 36. 114.76 Suspend without delay the executions and declare a moratorium on the application of death penalty as the first phase towards its abolition (France); Immediately implement a formal moratorium on the death penalty with a view to abolishing the practice (Australia); Immediately declare an official moratorium on executions with a view to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and the abolition of the death penalty (Austria); Establish without delay a legal moratorium on the application of the death penalty with a view to its subsequent abolition (Luxembourg), A/HRC/36/3/Add.1 - Para. 36. 114.74 Abolish the death penalty, and commute all death sentences to prison terms (Sweden); A/HRC/36/3/Add.1 - Para. 36. 114.77 Establish an official moratorium on the death penalty (Lithuania); establish a moratorium on executions with a view to abolishing the death penalty (Italy); Take urgent measures to establish a formal moratorium on executions of prisoners on death row (Argentina); Establish a moratorium on the death penalty with a view to its abolition (Chile); A/HRC/36/3/Add.1 - Para. 36.

⁴ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p3.

⁵ 114.87 Promptly carry out an in-depth investigation into all allegations of torture and ill-treatment, such as the case of the three persons executed in January 2017, and bring those responsible to justice (Switzerland), A/HRC/36/3/Add.1 - Para. 7a.

⁶ Bahrain Embassy UK, "#Statement #Bahrain Cassation Court Upholds Death Sentences for Killing Police Officers <https://t.co/DRTkzN3csU> (@BahrainEmbUK, Twitter, 13 July 2020) <<https://twitter.com/BahrainEmbUK/status/1282651389072748545>>.

⁷ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p3.

⁸ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p3.

⁹ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021) p3.

¹⁰ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p3.

¹¹ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p3.

¹² UN Human Rights Committee, *Mariya Staselovich v. Belarus*, Communication No. 887/1999, UN Doc. CCPR/C/77/D/887/1999, 3 April 2003, para. 9.2.

¹³ International Covenant on Civil and Political Rights, 19 December 1966, 999 UNTS 171, Can TS 1976 No 47 (entered into force 23 March 1976) (ICCPR), article 6; UN Human Rights Committee (HRC), *General Comment No. 36, Article 6 (Right to Life)*, 03 September 2019, CCPR/C/GC/35, para 54 <https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf>.

¹⁴ 114.78 Restrict the use of the death penalty to crimes that meet the threshold of "most serious crimes" under international law (Belgium): A/HRC/36/3/Add.1 - Para. 35.

¹⁵ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p14.

¹⁶ 114.70 Review the anti-terrorism law and its implementation in order to ensure it cannot be abused for harassment, detention and prosecution of dissenters (Czechia); A/HRC/36/3/Add.1 - Para. 32.

¹⁷ CCPR/C/GC/35, para 35; 114.127 Ensure that all aspects of criminal procedure are in line with accepted international standards (Australia) A/HRC/36/3/Add.1 - Para. 7b; 114.69 Ensure that counter-terrorist

measures are fully consistent with Bahrain's international human rights obligations (Brazil); A/HRC/36/3/Add.1 - Para. 30; 114.70 Review the anti-terrorism law and its implementation in order to ensure it cannot be abused for harassment, detention and prosecution of dissenters (Czechia); A/HRC/36/3/Add.1 - Para. 32.

¹⁸ Law No.15 of 2007 on Narcotic and Psychotropic Substances, as amended by Ministerial Decision 14 of 2020 (Arabic only) <<https://www.legalaffairs.gov.bh/HTM/K1507.htm>>

¹⁹ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p14.

²⁰ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p14.

²¹ Law No.58 of 2006 on Protecting Society from Terrorist Acts as amended in 2013 and 2014 (official English translation)

<[https://www.mofa.gov.bh/Portals/0/pdf/AntiTerrorist/LAW%20NO.%20\(58\)%20OF%202006%20amended%20by%20law%20\(68\)%20and%20\(20\)%20PDF.pdf](https://www.mofa.gov.bh/Portals/0/pdf/AntiTerrorist/LAW%20NO.%20(58)%20OF%202006%20amended%20by%20law%20(68)%20and%20(20)%20PDF.pdf)>.

²² BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p9 and p14.

²³ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p9 and p14.

²⁴ Bahrain Embassy UK, '#Statement #Bahrain Cassation Court Upholds Death Sentences for Killing Police Officers <https://t.co/DRTkzN3csU>' (@BahrainEmbUK, Twitter, 13 July 2020)

<<https://twitter.com/BahrainEmbUK/status/1282651389072748545>>

²⁵ CCPR/C/GC/35, para. 35.

²⁶ 114.132 Continue to promote the rights of vulnerable groups, in particular girls, women, migrants and persons with disabilities (Senegal); A/HRC/36/3/Add.1 - Para. 12a; 114.154 Continue efforts to ensure the safety, security and dignity of foreign migrant workers, including women domestic workers, through requisite institutional and legislative measures (Nepal), A/HRC/36/3/Add.1 - Para. 19; 114.170 Ensure the effective protection of migrants, particularly women migrant workers, against discrimination (Philippines), A/HRC/36/3/Add.1 - Para. 19; 114.172 Continue to improve measures to strengthen the rights of foreign migrant workers, including putting in place the necessary domestic legislation and access to health care and legal aid (Sri Lanka) A/HRC/36/3/Add.1 - Para. 19.

²⁷ 114.171 Strengthen the legal protection for migrant workers, including domestic workers, against discrimination on the grounds of race, sex, religion or nationality (Sierra Leone); A/HRC/36/3/Add.1 - Para. 19.

²⁸ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p13; ICCPR, art 26.

²⁹ CCPR/C/GC/35, para 61 ICCPR, art 26.

³⁰ 114.82 Criminalize torture in its legislation and establish a national preventive mechanism for torture (Spain) A/HRC/36/3/Add.1 - Para. 7a.

³¹ Decree No.15 of 1976 on the Penal Code (unofficial English version)

<https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf> ; The Constitution of the Kingdom of Bahrain, 2002, as amended in 2017, article 19 (unofficial English translation)

<https://www.constituteproject.org/constitution/Bahrain_2017.pdf?lang=en>.

³² 114.80 Ensure accountability for perpetrators of torture and access by victims of torture to justice, redress and rehabilitation (Czechia); A/HRC/36/3/Add.1 - Para. 7a; 114.87 Promptly carry out an in-depth investigation in to all allegations of torture and ill-treatment, such as the case of the three persons executed in January 2017, and bring those responsible to justice (Switzerland); A/HRC/36/3/Add.1 - Para. 7a; 114.130 Guarantee the fight against impunity, ensuring that all those persons found guilty are brought to justice, in the context of allegations of the use of torture to obtain confessions from detainees (Luxembourg); A/HRC/36/3/Add.1 - Para. 7; 114.128 Focus on strengthening the legal framework, the institutions and the judiciary to guarantee an independent judicial system and the right to fair trial guaranteed by articles 9 and 14 of the International Covenant on Civil and Political Rights (France): A/HRC/36/3/Add.1 - Para. 7b.

³³ BIRD and Reprieve, Bahrain: Submission to the UN Committee Against Torture, 2017, <<https://birdbh.org/wp-content/uploads/2017/05/Reprieve-report.pdf>>.

³⁴ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p15.

³⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85 (CAT) art 13; ICCPR, art 14; CAT, art 15.

³⁶ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab

Spring' (2021), p12.

³⁷ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p12.

³⁸ BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p15.

³⁹ 114.39 Continue to strengthen the Office of the Ombudsman of the Ministry of the Interior, the Ombudsman of the National Security Agency and the Special Investigations Unit, so they can fulfil their mandates effectively (New Zealand); 114.83 Ensure the independence, impartiality and effectiveness of the Special Investigations Unit and other relevant human rights institutions in investigating all allegations of torture and other ill treatment, unlawful killings and deaths in custody (Finland).

⁴⁰ 114.80 Ensure accountability for perpetrators of torture and access by victims of torture to justice, redress and rehabilitation (Czechia); 114.87 Promptly carry out an in-depth investigation into all allegations of torture and ill-treatment, such as the case of the three persons executed in January 2017, and bring those responsible to justice (Switzerland); 114.130 Guarantee the fight against impunity, ensuring that all those persons found guilty are brought to justice, in the context of allegations of the use of torture to obtain confessions from detainees (Luxembourg); 114.79 Investigate all allegations of torture and start prosecuting all individuals found responsible (Norway); 114.94 Ensure that all allegations of enforced disappearances, torture or any other form of ill treatment are independently, promptly and thoroughly investigated, and perpetrators are brought to justice in accordance with international rule of law standards (Germany).

⁴¹ 114.126 Ensure that the oversight institutions established following the recommendations of the Bahrain Independent Commission of Inquiry are fully impartial and independent in order for them to effectively carry out their work (Sweden) A/HRC/36/3/Add.1 - Para. 15; 114.40 Take all measures to ensure the independence, including financial, and the effectiveness of the national human rights institution and to protect it from all forms of pressure or reprisal in connection with its work to promote and protect human rights (Montenegro); Strengthen the national human rights institution of Bahrain and ensure its full compliance with the Paris Principles (Republic of Korea); Continue strengthening the national human rights institution in accordance with Paris Principles, especially in terms of increasing its independence and authority (Indonesia) A/HRC/36/3/Add.1 - Para. 15.

⁴² BIRD and Reprieve, 'From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring' (2021), p6.

⁴³ 114.126 Ensure that the oversight institutions established following the recommendations of the Bahrain Independent Commission of Inquiry are fully impartial and independent in order for them to effectively carry out their work (Sweden) A/HRC/36/3/Add.1 - Para. 15; 114.37; Set a timeline with clear deadlines for the implementation of all Bahrain Independent Commission of Inquiry recommendations and provide regular and public reports on the progress of their implementation (Slovenia); A/HRC/36/3/Add.1 - Para. 14.

⁴⁴ CAT, art 13; UN Office of the High Commissioner for Human Rights (OHCHR), *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Istanbul Protocol")*, 2004, HR/P/PT/8/Rev.1.

⁴⁵ UN Committee Against Torture, *Concluding observations on the second and third periodic reports of Bahrain*, 29 May 2017, U.N. Doc. CAT/C/BHR/CO/2-3 <https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BHR/INT_CAT_COC_BHR_27465_E.pdf>.

⁴⁶ Letter from the International Rehabilitation Council for Torture Victims to Maya Foa (22 June 2019).

⁴⁷ Letter from the International Rehabilitation Council for Torture Victims to Maya Foa (22 June 2019).

⁴⁸ Letter from International Rehabilitation Council for Torture Victims to Maya Foa (1 July 2020).

⁴⁹ ICCPR, art 7 and 14, para 3(g); CAT, art 15.

⁵⁰ UN Committee Against Torture, *Concluding observations on the second and third periodic reports of Bahrain*, 29 May 2017, U.N. Doc. CAT/C/BHR/CO/2-3 <https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BHR/INT_CAT_COC_BHR_27465_E.pdf>.

⁵¹ 114.4 Continue the ratification process of the main international human rights-related instruments, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Italy), A/HRC/36/3/Add.1 - Para. 20; 114.17 Take steps to establish an independent, effective and well-resourced national preventive mechanism in compliance with Optional Protocol to the Convention against Torture requirements (Ghana) A/HRC/36/3/Add.1 - Para. 20; 114.26 Encourage the Government to cooperate with all special procedures mandate holders (Iraq); A/HRC/36/3/Add.1 - Para. 22;

114.27 Continue to strengthen its cooperation with United Nations human rights mechanisms, in particular by accepting country visits of special rapporteurs (Republic of Korea) A/HRC/36/3/Add.1 - Para. 22.

⁵² CAT/C/BHR/CO/2-3.

⁵³ CAT/C/BHR/CO/2-3, para. 28.

⁵⁴ CAT/C/BHR/CO/2-3, para. 28.

⁵⁵ CAT/C/BHR/CO/2-3, para. 16 and 17.

⁵⁶ UN Human Rights Committee, *Opinions adopted by the Working Group on Arbitrary Detention opinion No.4/2021 concerning Mohammed Ramadhan and Husain Moosa*, 31 May 2021, A/HRC/WGAD/2021/4

<https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session90/A_HRC_WGAD_2021_4.docx>.