

Bahrain

Foreign Nationals and the Death Penalty

Death Penalty Overview

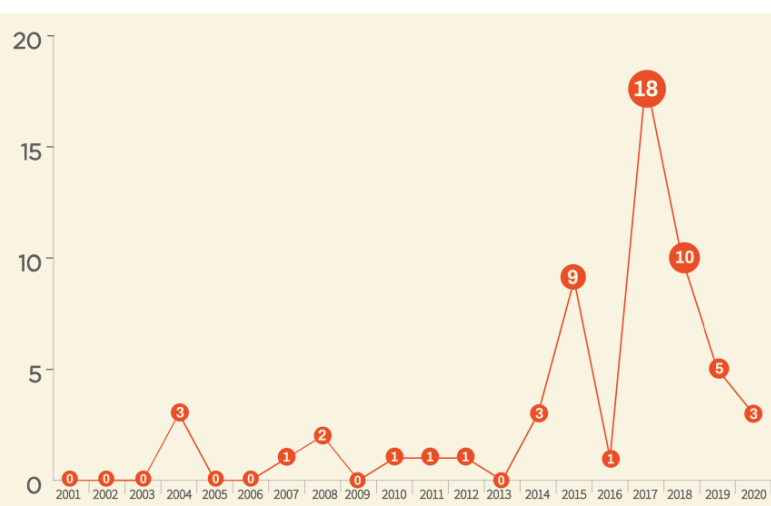
There has been a marked escalation in the use of the death penalty in Bahrain in recent years. After Bahrain lifted a seven-year moratorium on the death penalty in 2017, execution rates have increased by 20% and death sentences have risen by an alarming 600%.

Despite international pressure and opposition from the United Nations, the death penalty remains an integral part of Bahrain's penal system. Bahrain has a dual legal system, with both civil and Shari'a courts. The death penalty can be imposed for a range of offences, including treason, terrorism and drug trafficking. The death penalty can also be imposed for sexual

assault of a minor, arson of public or government buildings, and espionage. Of particular concern is the increasing use of the death penalty in cases allegedly related to terrorism, which often appear to target critics of the Bahraini government. The ill-defined offence of 'terrorism' has raised concerns as it allows the Bahraini government to weaponise the legal system to criminalise acts of opposition, and limit freedom of expression and assembly.

A joint report by Human Rights Watch (HRW) and the Bahrain Institute for Rights and Democracy (BIRD) (2022) makes serious allegations about the judicial process, suggesting that many of these sentences are based on 'manifestly unfair trials' and primarily or solely on confessions that were believed to be extracted through torture and ill-treatment.

In a significant departure from previous practice, Bahrain introduced the death penalty for drug offences for the first time in 2018. According to a report by Reprieve and BIRD, 12% (3 out of 26) of those on death row in Bahrain in 2021 were sentenced to death for drug offences. Although no executions have yet been carried out for drug offences,



Death Sentences, Reprieve (2021)

the increasing rate of executions in the country raises concerns that this may change in the near future.

Bahrain's execution process lacks transparency and predictability, creating an environment of uncertainty for death row prisoners who face execution without proper notice. Once a death sentence has been confirmed and ratified by the King, there is no legal timetable for when the execution will take place. Some have remained on death row for two to four years after the final confirmation of their death sentence by the Court of Cassation, while others have been executed as soon as 16 days after exhausting all appeals.

Data presented by Reprieve & BIRD (2021) suggests a pattern of human rights violations in Bahrain, particularly in relation to individuals on death row accused of terrorism-related offences. The majority (83%) of those executed since 2011 were convicted of terrorist offences, in contrast to the previous decade, when no such convictions were made. Each of these men claimed to have been tortured in custody.

This trend continues among those currently awaiting execution, 46% of whom have been convicted of terrorism-related offences. Almost all (92%) of these individuals claim to have been tortured by the Bahraini authorities, with some (27%) even claiming that their confessions were falsely obtained through torture.

Moreover, these cases appear to be linked to political opposition, all of them related to dissent against the Bahraini regime.

In its 2017 review, the UN Committee Against Torture expressed concerns about Bahrain's compliance with the Convention Against Torture, to which it is a signatory. They highlighted deficiencies in both the Ombudsman and the Special Investigations Unit (SIU), suggesting that these bodies could not conduct adequate torture investigations in line with Bahrain's international obligations.

This view was echoed by the International Rehabilitation Council for Torture Victims (IRCT) in their 2020 review of a death penalty case, finding the investigations conducted by the Ombudsman and the SIU to be inadequate, ineffective and biased and called for the verdict to be overturned.

Foreign Nationals

Research suggests that Bahrain's use of the death penalty shows foreign nationals are discriminated against, particularly those from Bangladesh (Rajab, 2010, among others).

A report published by Reprieve & BIRD (2021) states that of the foreign nationals sentenced to death between 2011 and 2020, approximately 62% were Bangladeshi.

The recent BIRD study further highlights that among those prisoners facing imminent execution on Bahrain's death row, almost 30% (8 out of 26) were Bangladeshi nationals and the only foreign national executed in the decade between 2011 and 2021 was from Bangladesh.

Further research by the Death Penalty Research Unit, University of Oxford, found that from 2016 to 2021, foreign nationals constituted 85% of the death sentences for homicide offences, although they made up only 55% of the population (Harry et al, 2023).



Jau Prison in Bahrain, where some death row prisoners are held.

Furthermore, unlike Bahraini nationals as well as some individuals from the Philippines, no Bangladeshi nationals on Bahrain's death row have received a pardon or commutation.

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<https://www.law.ox.ac.uk/death-penalty-research-unit>