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HuMENA pour les Droits de l'Homme et l'Engagement Civique
هيوميننا لحقوق الإنسان والمشاركة المدنية

Bahrain's Death Penalty Cases:

**Judicial Complicity
in Human Rights
Violations**

Trigger Warning:

This report may contain testimonies of torture or triggering information related to torture and execution. If you are sensitive about reading horrifying torture testimony that would jeopardize your safety and mental health, we ask that you avoid reading the report.

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Abbreviations:

AHRC: The Arab Human Rights Committee

BCHR: Bahrain Center For Human Rights

BIRD: The Bahrain Institute for Rights and Democracy

CAT: United Nations Committee against Torture

Death Penalty: Capital punishment is the execution of a person sentenced to death by a court of law for a criminal offense.

Fair Trial: A fair trial is held fairly, justly, and procedurally regularly by an unbiased judge. It's a human and international right.

Gulf Region: Arab states of the Persian Gulf

HRC: Human Rights Committee in the United Nations

ICCPR: United Nations Convention; International Covenant on Civil and Political Rights

Jaw Prison: Bahrain's largest and most crowded custody is run by the Ministry of Interior.

OHCHR: The Office of the United Nations High Commissioner for Human Rights is a department of the United Nations Secretariat

Reprieve: Reprieve is a legal action non-governmental organization (NGO).

UN Second Optional Protocol of ICCPR: The Second Optional Protocol to the International Covenant on Civil and Political Rights is a subsidiary accord to the International Covenant on Civil and Political Rights that aims to abolish the death penalty.

Salam DHR: SALAM for Democracy and Human Rights

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Chapter 1

1.1 Abstract:

This report aims to demonstrate how the local legal framework in Bahrain has failed to protect the fundamental rights of the defendant and the right to a fair trial, including the principle of presumption of innocence, the right to be treated with dignity, the right to freedom from torture, the right to legal assistance, and how the death penalty has been used as a tool of suppression against pro-democracy movements in Bahrain. The report includes case studies and testimony of the torture of prisoners sentenced to death in Bahrain. Bahrain, a signatory to the ICCPR, has failed to satisfy its fundamental commitment to defend people's rights to a fair trial, freedom from torture, and the right to life. The International Human Rights Law forbids the use of evidence gained by torture, which protects not just the procedural right to a fair trial but also against the abhorrence of torture itself.¹ It is worth mentioning that the General Recommendations of the UN Special Rapporteur on torture firmly state that "No statement of confession made by a person deprived of liberty, other than one made in the presence of a judge or a lawyer should have a probative value in court, except as evidence against those who are accused of having obtained the confession by unlawful means".² Bahrain Courts have used confession under torture as the only evidence against the convicted individuals who are sentenced to death in Bahrain.³ The report intends to provide extensive and recorded case studies for all stakeholders and advocacy groups working to suspend and abolish the death sentence worldwide, particularly in the Gulf Region.

1.2 Introduction:

The Universal Declaration of Human Rights (Universal Declaration), adopted on December 10, 1948, proclaimed that "Everyone has the Right to Life" and "no one shall be subjected to Torture or cruel, inhuman or degrading treatment or punishment."⁴ The Death Sentence is linked to two essential human rights principles: the Right to Life and the protection from harsh, inhuman, and degrading punishments. The International Legal Framework and the basic International Human Rights Treaties

¹ Alvarez, J. E. (n.d.). The Admissibility of Evidence Obtained by Torture under International Law - Institute for International Law and Justice. Institute for International Law and Justice. <https://www.iilj.org/publications/admissibility-evidence-obtained-torture-international-law/>

² General Recommendations of the Special Rapporteur on torture. (n.d.). United Nation Human Rights Treaty Bodies. <https://www.ohchr.org/sites/default/files/Documents/Issues/SRTorture/recommendations.pdf>

³ Bahrain: Death Sentences Follow Torture, Sham Trials. (2022b, October 10). Human Rights Watch. <https://www.hrw.org/news/2022/10/10/bahrain-death-sentences-follow-torture-sham-trials>

⁴ Universal Declaration of Human Rights, G.A. Res. 217A(III), U.N. GAOR, 3d Sess. art. 3, U.N. Doc. A/810 (1948).

have been completed with additional Protocols that prohibit capital punishment, and as of 2022, 170 countries have abolished the death penalty in law or practice or introduced moratoriums on the Death Penalty, which is, in practice, the majority of the countries in the world, although 55 countries have still retained the Death Penalty, including Bahrain.⁵

Bahrain's Constitution states, "An accused person is innocent until proven guilty."⁶ Bahrain is a signatory to the International Covenant on Civil and Political Rights and the Convention against Torture and other cruel, inhuman, and degrading treatment or punishment. Torture and ill-treatment are prohibited by Article 7 of the ICCPR, while Article 14(3)(g) stipulates that a person is "not to be compelled to testify against himself or confess guilt."⁷ Bahrain Constitution also forbids Torture and ill-treatment, as well as the use of coerced confessions against criminal defendants in court. Bahrain's Code of Criminal Procedure has the same bar on the inclusion of forced confessions, as well as other fundamental fair trial criteria, for example, a prisoner's access to legal counsel and the opportunity to cross-examine witnesses.⁸

Bahrain describes its use of the Death Penalty as "rare," but Bahrain's execution rate per capita has been extremely high in recent years".⁹ Jassim Abdulmanan, a Bangladeshi national sentenced to Death in Bahrain in 2007 for murder, was executed on 8 July 2010. Since February 2011, Bahrain's courts have imposed multiple Death Sentences, some in Military courts and others in Criminal courts, in violation of Article 10 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights. Despite its commitment to International Standards, at least 51 individuals between 2011 and 2020 were sentenced to Death. From 2011 to 2020, the country's Death Sentence rate grew by 600%, with 51 new formal Death Sentences. Between January 2017 and July 2019, Bahrain executed six individuals after court conviction: Sami Merza Mushaima, Abbas Jamil al-Samea, Ali AbdulShahid al-Singace, Ali Mohd Alarb, Ahmed Almalali, and an unnamed Bangladeshi migrant. As of June 2022, 26 men remain on Death Row, having exhausted their appeals. Under Bahraini law, the King can ratify, commute, or pardon these sentences. While International Human Rights Law does not prohibit the Death Penalty, the International Covenant on Civil and Political Rights

⁵ Death Penalty 2021: Facts and Figures. (2022, May 24). Amnesty International. <https://www.amnesty.org/en/latest/news/2022/05/death-penalty-2021-facts-and-figures/#:~:text=At%20the%20end%20of%202021%2C%20more%20than%20two,practice.%2055%20countries%20still%20retained%20the%20death%20penalty.>

⁶ Bahrain 2002 (rev. 2012) Constitution - Constitute. (n.d.-b). https://www.constituteproject.org/constitution/Bahrain_2012

⁷ International Covenant on Civil and Political Rights. (n.d.-b). Article 7 No One Shall Be Subjected to Torture or to Cruel, Inhuman or Degrading Treatment or Punishment. In Particular, No One Shall Be Subjected Without His Free Consent to Medical or Scientific Experimentation. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁸ Aiena, C. (2014). The Failure of the Bahraini Constitution.

⁹ From Uprising to Executions. (n.d.). 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.

(ICCPR) restricts it to the “most serious crimes.” Bahrain asserts that it applies the Death Penalty only for severe crimes like premeditated murder.¹⁰

The Arab Human Rights Committee (AHRC) held its 15th session in January 2019 to examine Bahrain’s compliance with the Arab Charter on Human Rights. The AHRC found in paragraphs 16 and 17 of its Concluding Observations that the Constitution does not safeguard the Right to life as stated in Article 5 of the Charter. The United Nations Human Rights Council (HRC) expressed concern in its November 2018 Concluding Observations on Bahrain’s Fulfillment of the International Covenant on Civil and Political Rights that Bahraini law allows for the Death Penalty for offenses like drug trafficking that do not meet the “most serious crimes” threshold (intentional killings). The Human Rights Committee is concerned by accusations that death sentences have been issued based on confessions acquired under coercion, Torture, or in Trials that do not follow International Standards. The HRC also called for the reinstatement of the death penalty Moratorium and Bahrain’s accession to the Second Optional Protocol to the Covenant, which seeks to abolish the death sentence. In January 2017, Bahrain overturned a Moratorium on the Death Sentence after a de facto seven-year prohibition.¹¹

1.3 Report Purpose:

This report will provide case studies of individuals who were sentenced to death in Bahrain and will explain how the Judiciary system in Bahrain was complicit in the deprivation of individuals’ lives and hid the crime of Torture committed against them by the National Security Officers and Police Officers to sign confessions extracted under Torture. This report will discuss how the Government of Bahrain has misinterpreted Sharia laws to prosecute individuals and establish fear in society of the potential bloody outcome and consequence of challenging or opposing the existing Government. This report further aims to raise the attention of the International Community and International Organisations and Advocacy Groups working on eliminating the death penalty in about 12 cases of individuals who are currently sentenced to death in Bahrain and at risk of Execution at any time.

¹⁰ Bahrain: Death Penalty used as political revenge tools. (2015, November 24). SALAM DHR. <https://salam-dhr.org/bahrain-death-penalty-used-as-political-revenge-tools-2/>

¹¹ Joint appeal - Bahrain: His Majesty, King Hamad bin Isa Al Khalifa, Kingdom of Bahrain. (2020). Amnesty International, 3. <https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE1128612020ENGLISH.pdf>

1.4 Report Legal Methodology:

The report will follow a qualitative approach, with desk reviews of previous publications about case studies and articles in international conventions focusing on the right to life.

This report referred to and relied on desk reviews of previous publications on the death penalty in Bahrain, articles from the Bahrain Constitution, and several international conventions, such as international humanitarian law, publications on the international efforts to eradicate the death penalty worldwide, including the UN general comment on Article 6 of the International Covenant on Civil and Political Rights, which protect the inherent right of every person to life. The report findings were conducted through semi-structured online interviews with activists and members of the affected families, as well as an analysis of legal documents. The report time frame is between 2017 and 2024 when the actual Death Penalty occurred in Bahrain. The report will identify case studies from Bahrain and the group of 12 individuals who have been sentenced to Death in Bahrain and are currently in jail and at high risk of imminent Execution. This report relied on official reports from the Human Rights Council on the Death Penalty, the United Nations High Commissioner for Human Rights, the UN Working Group on Arbitrary Detention, Bahrain Human Rights Groups such as Reprive, Salam for Democracy and Human Rights, American For Democracy and Human Rights in Bahrain, Bahrain Center For Human Rights, Bahrain Institute for Rights and Democracy, and the European Human Rights Commission.

Chapter 2: Context Analysis

There are currently 27 individuals who are sentenced to death in Bahrain; 12 of them are Political Detainees who are isolated in a cell in Bahrain's largest prison (Jaw Prison) under challenging conditions and with punitive measures against them by the Prison Administration. Due to a lack of transparency and available information, there is no information about the rest of the individuals sentenced to Death based on non-political Motives. The list below includes the names of individuals who are Political Activists and have been sentenced to Death.

1. **Maher Abbas Al-Khabbaz** – sentenced on 29 January 2018.
2. **Hussain Ibrahim Ali Hussain Marzouq** – sentenced on 26 February 2018.
3. **Sayed Ahmed Fouad Abbas Al-Abbar** – sentenced on 21 May 2018.
4. **Hussain Ali Mahdi Jasim** – sentenced on 21 May 2018.
5. **Salman Isa Ali Salman** – sentenced on 4 June 2018.
6. **Mohammed Radi Abdullah Hasan** – sentenced on 25 February 2019.
7. **Hussain Abdullah Marhoun** – sentenced on 20 May 2019.
8. **Mousa Abdullah Mousa Jaafar** – sentenced on 3 June 2019.
9. **Hussain Abdullah Khalil Rashid** – sentenced on 15 June 2020.
10. **Zuhair Ibrahim Jasim Abdullah** – sentenced on: 15 June 2020.
11. **Mohammed Ramadhan Issa Ali Hussain** – sentenced on 13 July 2020.
12. **Hussain Ali Mousa Hasan Mohamed** – sentenced on 13 July 2020.

All levels of litigation have been exhausted for these individuals, and they are waiting either for the king to approve their Death Sentence, to overturn rulings, or to commute them to life imprisonment, as happened in one case during the past seven years.¹² All 12 people have testified that police tortured them, and these testimonies were delivered to the Judge and reported to their families and human rights organizations. Under international Human Rights Law and Bahraini Law, evidence and/or confessions gained by Torture are deemed contaminated and, therefore, inadmissible in Court. However, Bahraini law enforcement and courts continue to disregard this issue with impunity.¹³

Bahrain usually uses the Bahraini Terrorism Laws, which have previously been internationally condemned, against opponents. For example, Najah Yusuf, a human rights activist, was detained for two years and sentenced to three years with charges under Terrorism Law after she posted on social media posts calling for Formula One to cease racing activity in Bahrain.¹⁴ The individuals against whom the death penalty has already been carried out and the 12 who were all sentenced to Death were tried according to the Terrorism Law, which doubles and compounds the sentences and gives the Judge the authority to sentence the Death Penalty as well as to revoke citizenship.¹⁵

¹² Testimony of families of executed prisoners, on file with Reprieve and BIRD. International human rights law requires that individuals on death row are provided with timely notification about the date of their execution and that the families of death row prisoners are notified of their execution, see General comment no. 36, Article 6 (Right to Life), para. 40, available at UN Human Rights Committee (HRC), General comment no. 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, available at:

<https://www.refworld.org/docid/5e5e75e04.html>

and 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, available at: www.hrlibrary.umn.edu/undocs/887-1999.html

¹³ The Death Penalty in Bahrain: A system built on torture. (2021, October 12). SALAM DHR. <https://salam-dhr.org/the-death-penalty-in-bahrain-a-system-built-on-torture/>

¹⁴ Tzabiras, M. (2019, September 23). UN experts call on Bahrain authorities to compensate activist Najah Yusuf for unlawful detention - IFEX. IFEX. <https://ifex.org/un-experts-call-on-bahrain-authorities-to-compensate-activist-najah-yusuf-for-unlawful-detention/#:~:text=On%2025%20June%202018%2C%20Bahrain%E2%80%99s%20Fourth%20Criminal%20Court,their%20citizenship%20and%20sending%20false%20information%20to%20them.>

¹⁵ The Government of Bahrain's Systematic Use of Anti-Terrorism Laws to Justify Violations of Human Rights Against its Own People. (2021). humanrightscommission.house.gov, 3. [https://humanrightscommission.house.gov/sites/evo-subsites/humanrightscommission.house.gov/files/documents/ADHRB%20Lantos%20Abuse%20of%20Anti-Terrorism%20Laws%20Nov%202021%20\(2\).pdf](https://humanrightscommission.house.gov/sites/evo-subsites/humanrightscommission.house.gov/files/documents/ADHRB%20Lantos%20Abuse%20of%20Anti-Terrorism%20Laws%20Nov%202021%20(2).pdf)

2.1 Cases of Torture of Individuals on Death Row

1- Maher Abbas al-Khabbaz was arrested in 2013, and the Bahraini Ministry of Interior alleged that he killed a Police Officer. He reported being severely tortured while in police custody, which was corroborated by a forensic doctor's report. Alkhabbaz was subjected to enforced disappearance for seven days, according to a report by Bahrain Center For Human Rights.¹⁶ Alkhabbaz was subjected to a variety of types of torture, including regular beatings with fists, wires, and clubs, being made to stand for extended periods of time, electrocution, being barred from praying, eating, and using the lavatory.¹⁷ The Court disregarded these findings and sentenced him to death based on a coerced confession. Despite the Court of Cassation interventions, the courts ultimately failed to appropriately address the Torture allegations, leaving al-Khabbaz on Death Row.¹⁸

2- Zuhair Ebrahim Jasim Abdullah was arrested in 2017 due to his participation in an anti-government demonstration, and the Ministry of Interior alleged that he killed a Police Officer. He also reported that he was subjected to extreme Torture. His request to stay proceedings until investigations into his Torture were complete was denied. The court dismissed his Torture claims, and he was sentenced to Death, a decision which was upheld on appeal despite the ongoing investigations. Despite Zuhair's lawyer's claim that no tangible evidence was produced to link him to the killings, he was condemned to death and stripped of his citizenship on November 29, 2018, in a severely unjust trial. The judge declined to give a court order allowing the Special

¹⁶ Bahrain: Death Sentences Follow Torture, Sham Trials: Court Records Show Pervasive Rights Violations. (2022, October 12). BCHR. <https://bahrainrights.net/?p=136666>

¹⁷ Abbas. (2014b, October 30). NGOs Condemn Capital Punishment Sentence for Maher al-Khabaz. BCHR. <https://bahrainrights.net/?p=6729>

¹⁸ "The Court is Satisfied with the Confession." (2022). In Human Rights Watch. <https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials>

Investigations Unit (SIU) and the Ministry of Interior Ombudsman, two watchdog authorities, to release the results of their inquiry into Zuhair's torture allegations. While Zuhair's citizenship was reinstated on June 15, 2020, Bahrain's highest appeals court maintained his death sentence.¹⁹

3- Mohamed Ramadhan and Husain Moosa were arrested in 2014.

The Ministry of Interior alleged that they were involved in killing a police officer. Both individuals were reported to have made Torture-induced confessions. Medical reports supported Moosa's claims of torture.²⁰ Their death sentences, initially upheld, were reconsidered but ultimately reaffirmed despite severe procedural flaws, including allegations of Torture being ignored. In all these cases, the courts relied heavily on coerced confessions, neglecting substantial evidence of Torture and other Fair Trial violations.²¹

4- Sayed Ahmed Alabar and Hussain Ali Mahdi were sentenced to death after being convicted of the allegation of killing a Pakistani Police Officer on April 16, 2016, during a protest in the village of Karbabad. Both of them testified that they were taken to the Royal Academy of Policing and were subjected to inhuman treatment and torture. Neither of them had the Right of Access to a Lawyer and were forced to sign confessions coerced under Torture. Both of them were taken to the Public Prosecutor without a lawyer, and the Police told the defendants to accept the charges against them and sign the official accusation by the Prosecutor.²²

5- Hussain Ebrahim Ali Hussain Marzooq was detained on July 10, 2016, in connection with the June 30, 2016, highway allegation of bombing that killed a lady near al-Eker village. He reported that he had been assaulted in the face, abdomen, and testicles. During his arrest, four police officers kicked him in the head. He was then brought to the Royal Academy of Policing in Jaw, where he was tortured and subjected to verbal and physical abuse for two days. The Police Officers forced him to sign a confession obtained under torture and transported him immediately to the public prosecutor's office in Manama without a lawyer. They also compelled him to sign the official allegation and deny all kinds of abuse and maltreatment.²³

¹⁹ Staff, A. (2020, June 29). Death Sentence Upheld for Two Bahraini Torture Victims: Zuhair Ibrahim Jasim Abdullah and Husain Abdulla Khalil Rashid. Americans for Democracy & Human Rights in Bahrain.
<https://www.adhrb.org/2020/06/zuhair-ibrahim-jasim-abdullah-and-husain-abdulla-khalil-rashid/>

²⁰ BBC , Bahrain executes three Shia men over 2014 police killing, 15 January 2017,
<https://www.bbc.co.uk/9>

²¹ "The Court is Satisfied with the Confession." (2022). In Human Rights Watch.
<https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials>

²² Ibid

²³ Ibid

6- Salman Isa Ali Salman On December 27, 2014, Salman Isa Ali Salman was arrested concerning the allegation of killing a Police Officer the previous July of the same year. Salman reported to his family that the initial attack cracked his nose and injured his left ear, causing some lifelong hearing loss. The family member reported that when they observed officers take Salman into A police car, he appeared to have lost consciousness. The Police took Salman to the Criminal Investigation Directorate (CID) in its Adliya headquarters. According to the family, Salman alleged that after his trial, police officers had assaulted him at the CID and subjected him to electric shock of his genitals. He alleged that Police Officers had further subjected him to harsh temperatures, confining him in a freezing chamber for up to many hours at a time, and that he was forcibly deprived of sleep for the first two days at CID. Officers regularly woke him up after barely an hour or two of sleep. Salman alleged that police Officers hung him upside down by his legs and demanded that he confess to the murder and attempted murder of Police Officers. Salman alleged that he initially refused but eventually “confessed” as commanded due to the assault he described. Salman did not have the right to access a lawyer during the interrogation or the Public Prosecution stage but only during the final stage in the court .²⁴

7- Husain Abdulla Khalil Rashid

Hussain was arrested on November 2, 2017. The arrest came after an official allegation from public prosecution that Rashid was participating in the murder of security forces. Following his arrest, he was detained incommunicado for 55 days. During this time, he was allegedly subjected to ill-treatment and torture, including forced nudity, electrocution, sexual harassment, and beatings. Some of these inadmissible allegations gained under torture were membership in a terrorist organization, a Bahrain prosecution claim of involvement in the murder of security personnel, and the manufacture and detonation of explosives.²⁵

The above cases of individuals sentenced to death represent a government suppression methodology to silence opponents and create fear in the anti-government and pro-democracy movements that the death penalty could be one of the options that can be used to terrorize them.²⁶ The above cases demonstrate cases of individuals engaged in daily anti-government demos and organizing protests.²⁷ All anti-government protests were matched with excessive use of force by the riot police, which resulted in

²⁴ Ibid

²⁵ Staff, A. (2020, June 29). Death Sentence Upheld for Two Bahraini Torture Victims: Zuhair Ibrahim Jasim Abdullah and Husain Abdulla Khalil Rashid. Americans for Democracy & Human Rights in Bahrain.
<https://www.bbc.co.uk/9>

²⁶ Bahrain: Death Penalty used as political revenge tools. (2015b, November 24). SALAM DHR.
<https://salam-dhr.org/bahrain-death-penalty-used-as-political-revenge-tools-2/>

²⁷ Bahrain: Death Sentences Follow Torture, Sham Trials. (2022, October 10). Human Rights Watch.
<https://www.hrw.org/news/2022/10/10/bahrain-death-sentences-follow-torture-sham-trials>

dozens of injuries and the deaths of protesters.²⁸ The government of Bahrain has always played the role of the victim, and they accused the victims of the government violence of using violence to escape from their bloody behaviors and justify the harsh sentence. The government has succeeded in minimizing pro-democracy protests by using the death penalty and force against protesters.²⁹

2.2 Cases of torture of individuals who were executed

1. Abbas Al-Samea: The public prosecution alleged that Abbas Al-Samea was responsible for the killing of police officers, including an Emirati police officer, in a bomb incident in Aldaih village in Bahrain. AL-Samea was arrested on 3 March 2014, three hours after the explosion that sparked the arrests. Security Forces repeatedly kicked him in the head and body and hit him in the face with a gun. After arriving at the General Directorate of Criminal Investigations (CID), security forces took Al-Samea into a series of rooms, subjecting him to various kinds of torture in each room. In one room, security forces handcuffed and stripped Al-Samea naked before kicking him repeatedly in his genitals. In another room, five officers stood on Al-Samea's chest. Security Forces also subjected Al-Samea to electric shocks in private and sensitive areas, including his genitals. Security Forces beat Al-Samea while he was suspended from the ceiling and denied him access to food. Alsamea did not have the Right of access to a lawyer and was threatened by the Public Prosecution to sign the accusations, or he would be retaken to CID.³⁰

2. Sami Mushaima: The public prosecution alleged that Sami Mushaima was responsible for the killing of police officers, including an Emirati police officer, in a bomb incident in Aldaih village in Bahrain. Sami Mushaima was arrested on March 3, 2014, three hours after the bombing incident that sparked the arrests. Security forces repeatedly kicked him in the head and body and hit him in the face with a gun. After arriving at the General Directorate of Criminal Investigations (CID), security forces took Mushaima into a series of

²⁸ Bahrain protest deaths point to excessive police force. (2011). In Amnesty International. Retrieved February 15, 2011, from <https://www.amnesty.org/en/wp-content/uploads/2021/06/pre010632011en.pdf>

²⁹ A decade after 2011 protests, Bahrain suppresses all dissent | AP News. (2021, February 11). AP News. <https://apnews.com/article/bahrain-dubai-saudi-arabia-united-arab-emirates-persian-gulf-tensions-89f7d61bc6ec332de35675eb31265d29>

³⁰ Abbas. (2017, January 15). Bahrain Executes three Stateless Torture Victims Following King Hamad's Authorisation. BCHR. <https://bahrainrights.net/?p=8416>

rooms, subjecting him to different kinds of torture in each room. In one room, security forces handcuffed and stripped Mushaima naked. Mushaima was subjected to various forms of mental and physical abuse, and he did not have the right to consult a lawyer during the interrogation process or the Public Prosecution.

Ali al-Arab: The Bahraini public prosecution alleged that Ali Arab killed a police guard in Jaw Prison while trying to escape from jail. Ali al-Arab was detained on February 9, 2017, and convicted together with 58 other defendants on January 31, 2018, following a trial characterized by claims of Torture and due process abuses. Al-Arab's family told Human Rights Watch that interrogators from the Criminal Investigations Directorate beat him brutally, subjected him to electric shocks, and ripped out his toenails before forcing him to sign a confession while blindfolded. AlArab didn't have the right to access a lawyer at the Public Prosecution stage, but only at the court stage.³¹

Ahmed al-Malali: Bahrain public prosecution alleged that Ahmed Almalali killed a police officer in Bilad Al Qadeem Park. Ahmed Al Malali was arrested on February 9, 2017. The Al-Malali family reported to the Bahrain Institute for Rights and Democracy that Almalali alleged that he was subjected to ill-treatment and Torture by the Officers in the Criminal Investigations Directorate (CID) in Adlyia, including electric shocks, sexual harassment, and verbal abuse. AIMalai was forced to sign the police accusation form, though the defendant's confession was extracted under torture. Al-Malali did not have access to a lawyer during the interrogation and public prosecution stages.³²

The United Nations, OHCHR, and Special Rapporteurs have documented all of the cases of the Death Penalty in Bahrain, including the cases of 12 individuals and those who were already executed. The United Nations has repeatedly called on Bahrain to halt death penalty executions.³³ In addition, several United Nations experts have concluded that the defendants didn't have a Fair Trial and that they were subjected to

³¹ Bahrain: Suspend Death Penalty. (2019, May 15). Human Rights Watch. <https://www.hrw.org/news/2019/05/15/bahrain-suspend-death-penalty>

³² Champions for Justice: Death Row Prisoners – Bahrain Institute for Rights and Democracy. (2015, July 8). <https://birdbh.org/2015/07/champions-for-justice-death-row-prisoners/>

³³ The UN experts: Ms. Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions; Ms. Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Mr. Diego García-Sayán, Special Rapporteur on the Independence of Judges and Lawyers; and Mr. José Antonio Guevara Bermúdez, Chair-Rapporteur, Working Group on Arbitrary Detention.

Torture. The confession was extracted under torture and used in court as evidence, which is a clear contraindication to the UN norms and International Human Rights Law. ³⁴

The United Nations (UN) Committee Against Torture (CAT) issued its final findings on Bahrain's second and third periodic reports on May 12, 2017, as the panel's 60th session ended in Geneva. This was the first time in five years that the CAT reviewed Bahrain's record of non-compliance with its International Human Rights Commitments to prohibit Torture. The Committee also expressed concern about several troubling recent developments in Bahrain, including the reinstatement of the Death Penalty in January 2017, the restoration of law enforcement and arrest powers to the National Security Agency (NSA), and the April 2017 approval of a constitutional amendment that allows civilians to be tried in Military Courts in national security cases. Concerning the death sentence in particular, the CAT observed that the prosecutions of the three individuals killed in January were based on confessions acquired under Torture. The trials of inmates on Death Row in the country have also been ongoing. As such, the CAT urges the Government of Bahrain to consider re-establishing a Moratorium on the application of the Death Penalty and urges a retrial in the cases of individuals whose death sentences are based on confessions extracted under Torture. Finally, the Committee has also expressed concerns about the government's failure to interact with UN Special Procedures mandate holders, particularly the Special Rapporteur on Torture. ³⁵

³⁴ Pess Briefing, Office of the UN High Commissioner for Human Rights, Press Briefing Note on Bahrain, UN 16 Press Release, 30 July 2019
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24863&LangID=E>; Bahrain Institute of Rights and Democracy, Reprieve, and the European Commission, *From Uprising to Executions: The Death Penalty in Bahrain, Ten Years on From the Arab Spring*, 2021, p 9.

³⁵ Staff, A. (2018, March 29). UN Committee Against Torture Releases Concluding Report on Bahrain. Americans for Democracy & Human Rights in Bahrain.
<https://www.adhrb.org/2017/05/un-committee-torture-releases-concluding-report-bahrain/>

Chapter 3: The Legal Framework Analysis

The International Legal Framework has provided international standards and safeguards to protect the right to a fair trial, which are crucial to safeguarding individuals' rights. However, in Bahrain, fundamental rights are violated. This chapter will demonstrate three basic rights that are essential for a Fair Trial, but these rights are neither respected nor protected. The first of these rights are the Right to be presumed innocent, the Right to be treated with dignity, the Right to freedom from Torture, and the Right to Legal Assistance. ³⁶

3.1 The Right to be Presumed Innocent

Everyone has the right to be presumed innocent and treated as such until the law convicts them in processes that fulfill at least the minimal conditions of a fair trial. This right protects the honor, dignity, and freedom of man, as well as the safety of life. This right is essential for a fair trial and is also the recognized norm of customary international law and should be applied in all circumstances and at all times. This concept guarantees the individual's right to access their lawyer and the assistance of their lawyer during questioning. The defendant should have the right to be given information about the consequences of silence and the permissible weight afforded to the silence when evaluating the evidence. Another implied is the right to be assumed innocent, the right not to be compelled to testify against oneself or confess serious crime, and the right to remain silent. These Standards are protected within International Human Rights Law and protected in the Code of Conduct for Law Enforcement Officials, 1979; ³⁷ The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, ³⁸ 1988; The Standard

³⁶ WHAT IS A FAIR TRIAL? A Basic Guide to Legal Standards and Practice. (n.d.). Lawyers Committee for Human Rights. https://hrea.org/wp-content/uploads/2020/12/What-is-a-Fair-Trial_-A-Basic-Guide-to-Legal-Standards-and-Practice.pdf

³⁷ Code of Conduct for Law Enforcement Officials. (n.d.). Code of Conduct for Law Enforcement Officials Adopted by General Assembly Resolution 34/169 of 17 December 1979. <https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>

³⁸ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. (n.d.). All Persons Under Any Form of Detention or Imprisonment Shall Be Treated in a Humane Manner and With Respect for the Inherent Dignity of the Human Person. <https://www.ohchr.org/en/instruments-mechanisms/instruments/body-principles-protection-all-persons-under-any-form-detention>

Minimum Rules for the Treatment of Prisoners,³⁹ 1955, The Guidelines on the Role of Prosecutors, 1990,⁴⁰ The Basic Principles on the Role of Lawyers, 1990.⁴¹

In all of the case studies provided in this chapter, none of these individuals had the right to be presumed innocent; the police violated this international and internal concept during the arrests, as all of them assert they were tortured during the arrest. Secondly, they had no right to access their lawyer upon arrest or during the investigation. Thirdly, they did not have the right to remain silent and were forced to testify against themselves. Fourthly, the constitutional court validated the concept of presumed innocence when they were satisfied with the Public Prosecution conclusion. It denied and rejected the defendant's and his lawyer's claim that the confessions had been coerced. Fifthly, the Court of Appeal and Court of Cassation were also satisfied with the Criminal Court's Conclusion, rejected the claims of Torture, and did not request an investigation. However, in the case of Mohammed Ramadan and Husain Moosa, the only evidence the court had were the confessions under Torture, which demonstrate the Court's complicity in human rights violations.⁴²

³⁹ Standard Minimum Rules for the Treatment of Prisoners. (n.d.). Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Held at Geneva in 1955, and Approved by the Economic and Social Council by Its Resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. Retrieved July 20, 2024, from https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

⁴⁰ Guidelines on the Role of Prosecutors (1990). (n.d.). (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990). Retrieved July 20, 2024, from <https://www.ohchr.org/en/resources/educators/human-rights-education-training/13-guidelines-role-prosecutors-1990>

⁴¹ Basic Principles on the Role of Lawyers. (n.d.). The Basic Principles on the Role of Lawyers, Set Forth Below, Which Have Been Formulated to Assist Member States in Their Task of Promoting and Ensuring the Proper Role of Lawyers. Retrieved July 20, 2024, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>
LAW. (n.d.). The Right to Be Presumed Innocent in the International Human Rights Law (IHRL). https://law.unimelb.edu.au/_data/assets/pdf_file/0003/3446274/Paper_Nguyen-Minh-Tam_Vu-Cong-Giao.pdf

⁴² Urgent Appeal to the Government of Bahrain to Stop New Executions. January 25. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=21118>

3.2 Human Rights during Criminal Investigations (The right to be treated with Dignity and the Right to freedom from Torture)

The Universal Declaration of Human Rights in Article 5⁴³ states that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. Article 7 in ICCPR⁴⁴ states that no one should be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. In particular, no one shall be subjected to medical or scientific experimentation without his free consent.⁴⁵ Furthermore, Article 19 Paragraph C of Bahrain's Constitution states that the use of torture to elicit confessions is unlawful,⁴⁶ and Article 20 Paragraph D states that "it is forbidden to harm an accused person physically or mentally."⁴⁷ The International Human Rights Law includes two fundamental protections against torture in criminal proceedings to guarantee the international standards of a fair trial:

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- ⁴³ Article 5 : No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (n.d.). Universal Declaration of Human Rights.
https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf
- ⁴⁴ International Covenant on Civil and Political Rights. (n.d.). Article 7 ; No One Shall Be Subjected to Torture or to Cruel, Inhuman or Degrading Treatment or Punishment. In Particular, No One Shall Be Subjected Without His Free Consent to Medical or Scientific Experimentation.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- ⁴⁵ Greer, S. (2015). Is the prohibition against torture, cruel, inhuman and degrading treatment really 'absolute' in international human rights law?. *Human Rights Law Review*, 15(1), 101-137.
- ⁴⁶ Bahrain 2002 Constitution. (n.d.). Article 19 D; No Person Shall Be Subjected to Physical or Mental Torture, or Inducement, or Undignified Treatment, and the Penalty for so Doing Shall Be Specified by Law. Any Statement or Confession Proved to Have Been Made Under Torture, Inducement, or Such Treatment, or the Threat Thereof, Shall Be Null and Void.
https://www.bahrain.bh/wps/portal/en/BNP/HomeNationalPortal/ContentDetailsPage!/ut/p/z0/fy9da8JAEEX_yvqQR5nRtNE--gG-JhbTWQtV9kY3ZxtF1N2bH0v77JilSKvTxwp1z7oCEFUirvqhQTM4qU-e1jDa92SMmwwnifPrQx7ePp0U0TnuYxiG8awvPINu5GU-xeg-1GQ76g3Gli7Ch0P50kiOQW2dZfzOsMltutA3Q8U5XPkCjftyZA6y0Uaxzwa6kreb_lv5L7Jf9JVFazRW0SB7JF7o4BZmpXKblkjC7Im8vD_17f3NQ4z8TnpiLcZ5vTxCsJykO87Mp15xdZ4mXP/
- ⁴⁷ Bahrain 2002 Constitution. (n.d.). Article 20 ; An accused person is innocent until proven guilty in a legal trial in which he is assured of the necessary guarantees to exercise the right of defense at all stages of the investigation and trial under the law. It is forbidden to harm an accused person physically or mentally
https://www.bahrain.bh/wps/portal/en/BNP/HomeNationalPortal/ContentDetailsPage!/ut/p/z0/fy9da8JAEEX_yvqQR5nRtNE--gG-JhbTWQtV9kY3ZxtF1N2bH0v77JilSKvTxwp1z7oCEFUirvqhQTM4qU-e1jDa92SMmwwnifPrQx7ePp0U0TnuYxiG8awvPINu5GU-xeg-1GQ76g3Gli7Ch0P50kiOQW2dZfzOsMltutA3Q8U5XPkCjftyZA6y0Uaxzwa6kreb_lv5L7Jf9JVFazRW0SB7JF7o4BZmpXKblkjC7Im8vD_17f3NQ4z8TnpiLcZ5vTxCsJykO87Mp15xdZ4mXP/

1. The authority should conduct a quick and impartial inquiry where there is reasonable suspicion of torture. "Istanbul Protocol" establishes International Standards for States to promptly and impartially investigate Torture cases.⁴⁸

2- States must prevent confessions obtained via torture from being used as evidence in legal proceedings.⁴⁹

According to the testimonies and documentation provided in this chapter by various human rights organizations, victims, and United Nations experts, all of the individuals claimed to have been tortured, which contradicted the Bahrain Constitution and International Human Rights Law. In 2012, the Bahraini Government established two Government Human Rights Bodies to prevent and investigate Torture: 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.⁵¹ However, these bodies have failed to prevent Torture or used confessions under Torture in the criminal procedure. As per UN experts, the courts are not playing a critical role in excluding evidence elicited under Torture from criminal proceedings.⁵² The UN Committee Against Torture found that the Ombudsman and SIU have had no impact since their establishment in 2012.⁵³ Authorities gave little information on the outcome of their actions, leading to the conclusion that the Ombudsman and SIU, among other entities, lack independence and have ambiguous missions. Complaints are ultimately routed via the Ministry of Interior, leading to duplicated and ineffective processes within the Ministry of Interior and resulting in the shelving of the case.⁵⁴

⁴⁸ Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (n.d.). Istanbul Protocol.

<https://www.ohchr.org/sites/default/files/Documents/Publications/training8Rev1en.pdf>

⁴⁹ Brants, C., & Franken, S. (2009). The protection of fundamental human rights in the criminal process General report. *Utrecht Law Review*, 7-65.

⁵⁰ Ombudsman for the Ministry of Interior of the Kingdom of Bahrain. (n.d.). IOI Members - IOI.

<https://www.theioi.org/ioi-members/asia/bahrain/ombudsman-for-the-ministry-of-interior-of-the-kingdom-of-bahrain>

⁵¹ Establishment and Specialization. (n.d.). SIU Was Established Pursuant to Public Prosecution Decision No. (8) of 2012. In Accordance With Article 4 of the Decision, Its Jurisdiction Is Limited to Investigating and Dealing With Allegations of Torture, Abuse and Cruel Treatment, by Determining Criminal Responsibility Against the Involved Public Officials, Including Those With Leadership Positions Under the Principle of Leadership Responsibility.

<https://siu.gov.bh/establishment-and-specialization/>

⁵² UN Commission Against. 2017. Concluding Observations on the Second and Third Periodic Reports of Bahrain. May 29.

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fP~PRiCAqhKb7yhsqYPuFZC34VM6MoD0MvS%2bS%2bhc-JI-3TUrOvvF%2fGu WWUtDMNTJ4IYASRqLw7nbC8lcS25V04L-GI8FMQttufqvlxyVSqBsgx3LVglkkCx%2bAgXg%2bL>

⁵³ Office of the UN High Commissioner on Human. 2019. UN Experts Call on Bahrain to Halt Executions of Two Individuals amid Torture Allegations. May 21.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24635&LangID=E>.

⁵⁴ Defective and Deficient A review of Bahrain's National Human Rights Bodies. (n.d.-b). Bahrain Center for Human Rights. Retrieved July 20, 2024, from

https://bahrainrights.net/wp-content/uploads/2021/05/A-Review-of-Bahrains-National-Human-Rights-Bodies_210421_RM.pdf

The International Rehabilitation Council for Torture Victims (IRCT) is an International leader in investigating and documenting torture and ill-treatment. In 2020, the IRCT examined and assessed materials from one of the Bahrain Death Sentence cases. The council concluded that the Ombudsman and SIU performed inadequate, ineffective, and biased investigations that did not satisfy minimum legal and professional requirements.⁵⁵ To conclude, the broad use of confessions under Torture as evidence in Bahrain courts, in particular in the cases of the Death Penalty documented in this report, has proven the apparent violation of the Bahraini Constitution and International Human Rights Law and Standards and undermines and contradicts the International Standards of a Fair Trial.

3.3 The Right to Legal Assistance

Article 14 of “ICCPR” states that “In the determination of any criminal charge against him, everyone shall be entitled to be tried in his presence and to defend himself in person or through legal assistance of his choice; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not.”⁵⁶ The right to legal assistance is also guaranteed in the Bahraini constitution, as well as in criminal procedure measures. The Constitution of the Kingdom of Bahrain contains articles that govern and regulate judicial authority, most notably Article (20/F), which states that “the law guarantees the right to litigation,” and Article (4), which states that “justice is the basis of governance.” The right to legal assistance is guaranteed in Human Rights Law and multiple International and Regional instruments such as the European Convention for the Protection of Human Rights and Fundamental Freedoms and the American Convention on Human Rights.⁵⁷ The right to legal Assistance means that the defendant has the right to consult and ask for legal assistance at the very beginning of the arrest, before accusing the defendant of official charges, and before entering the interrogation hearing. The state

⁵⁵ The. 2020. Letter from International Rehabilitation Council for Torture Victims to Reprieve. July 1. <https://www.thetimes.co.uk/article/foreign-secretary-urged-to-stop-execution-ofbahraini-pro-democracy-activists-qklg2p6j8>

⁵⁶ Article 20 ; its forbidden to harm an accused person physically or mentally. e. Every person accused of an offence must have a lawyer to defend him with his consent. (n.d.). NIHR. <https://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/1-%20Constitution%20of%20the%20Kingdom%20of%20Bahrain.pdf>

⁵⁷ Kulmanis, O. (2021). The Right to Legal Assistance in Criminal Proceedings. Vilnius University Open Series, 65-73.

is obligated to assign him or her a lawyer if the defendant cannot finance the fees.⁵⁸ All of the individuals sentenced to death or those who were already executed were charged with violating the law to protect the country from Terrorist acts. This Law, which was condemned internationally in 2013,⁵⁹ allows the security authority to detain the defendant charged under it for up to 60 days before seeing a Public Prosecutor. During this period, the defendant was denied the right to access a lawyer and was also at high risk of being subjected to Torture, as was the case in the cases presented in this report. To conclude, the group of 12 individuals who are currently sentenced to Death and are awaiting the King to approve the verdict, reject it, or modify it has been denied access to their lawyer, and this is an apparent contravention of the Bahrain Constitution, international Human Rights Law, and International Standards for a Fair Trial.

58 .March 20). SALAM DHR ,2018). تقرير خاص عن انتهاكات معايير المحاكمة العادلة في البحرين.

<https://salam-dhr.org/%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d8%ae%d8%a7%d8%b5-%d8%b9%d9%86-%d8%a7%d9%86%d8%aa%d9%87%d8%a7%d9%83%d8%a7%d8%aa-%d9%85%d8%b9%d8%a7%d9%8a%d9%8a%d8%b1-%d8%a7%d9%84%d9%85%d8%ad%d8%a7%d9%83%d9%85%d8%a9/#>

59 BAHRAIN: NEW ANTI-TERRORISM POWERS WOULD POSE FURTHER RISK TO HUMAN RIGHTS. (2013). Amnesty International, AI .Index: MDE 11/026/2013, 1

<https://www.amnesty.org/en/wp-content/uploads/2021/06/mde110262013en.pdf>

Recommendations to the Government of Bahrain

- 1- The Bahraini Government should enable the UN Special Rapporteur on Torture to visit the nation and investigate claims about the pervasive use of torture and coercion inside its criminal justice system.
- 2- The Bahraini Government should ratify the Optional Protocol to the UN Committee Against Torture, which allows international experts to undertake frequent inspections of detention facilities and provides for the establishment of an independent inspectorate.
- 3- The Bahraini Government should reassess all cases based on false confessions and/or testimonies extracted by torture, commute the sentences of all Death Row detainees, and hold accountable those in authority who are responsible for their abuse.
- 4- The Bahraini government must immediately suspend the death penalty, particularly in light of allegations of torture and violations of due process.
- 5- The Bahraini Government should repeal Article 30 of Law No. 15 of 2007, which specifies that a death penalty might be applied to individuals guilty of drug offenses.

Conclusion

This report has illustrated case studies of Bahraini individuals sentenced to Death and at risk of being executed, as well as case studies of individuals who were executed already between 2017 and 2019. This report concluded that none of them have the right to a Fair Trial as per the International Standards for Fair Trials.

This report points out three fundamental Rights essential for a fair trial, but these rights are neither respected nor protected. The first Right is the Right to be presumed innocent, the Right to freedom from Torture, and the Right to Legal Assistance. This report has proven that all of the defendants were tortured and denied access to lawyers, and their right to be presumed innocent was violated by the police upon arrest and the Court as well. This report contends that the Bahraini Judicial system is complicit in human rights violations, including crimes such as Torture, which violate local and International Law. The Bahraini court has admissible the confessions extracted under torture and has used them as evidence against the defendants in the documented cases in this report in direct contradiction to international law. The international standards on the right to a fair trial refuse the admissibility of such evidence under torture.

This rule is based on Article 15 of the UN Convention against Torture. The exclusionary rule is part of customary international law, and the concept of *jus cogens* obliges all states to distance themselves from any violation of its substantive content and, therefore, refuse to accept any evidence obtained by torture. This report asserts that local Government Human Rights Bodies, 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, which was established to prevent and investigate torture, have failed to fulfill their mandate as per the UN Committee Against Torture. The report's outcome is essential to examining the root of the problem of injustice in Bahrain. The judiciary system in Bahrain is complicit in crimes and not independent, and it is the primary tool to silence opponents. The documented data in this report can be used by international organizations and states that are advocating for the elimination of the death penalty worldwide, in particular Bahrain. The government of Bahrain is justifying the crime of torture by referring to sharia law, as sharia is the primary source of law, and its legal system is a combination of it. The topic of the international legal framework of a fair trial should not be neglected while arguing with the Bahraini government to repeal the death penalty law. The international community should use its economic and strategic relations with Bahrain as an international ally to comply with human rights law and sign the UN's second optional protocol of ICCPR, which prohibits the death penalty.