

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Bahrain: King commutes four death sentences to life imprisonment but trials remain nonetheless unfair**

Amnesty International has today expressed grave concern about the unfair trial conducted by the Military Court in Bahrain, in which four men, including three civilians, saw their death sentences confirmed by the Military Court of Cassation. The three men, along with 14 others, are the first civilians to be tried by a military court since 2011. Despite the King's commutation of the sentences to life imprisonment the following day, Amnesty International remains concerned that these sentences were issued following unfair trials.

Amnesty International calls on King Hamad bin Issa Al Khalifa to quash the conviction against the four men and for them to be retried before an independent and competent ordinary court.

Also on 30 April, [a group of UN human rights experts called for the retrial of the four men sentenced to death](#), and stated: "The fact remains that they should have never been convicted on the basis of flawed trials, let alone sentenced to death, and they still face life sentences".

Military trials of civilians are inherently unfair as all officials in military courts, including judges, are serving members of the military. A [constitutional amendment ratified by the King on 3 April 2017](#) paved the way for trials of civilians in military courts. This constitutional amendment came as part of the broader pattern of clampdown on freedom of expression to crush dissent, including through the judiciary, which Amnesty International [documented in 2017](#). This is the first military trial of civilians following the new amendment.

On 25 April, the Military Court of Cassation issued its verdict against seven people, including one Private in the Bahraini army. The court confirmed the death sentences against the four men, and three prison sentences were upheld on appeal. They were convicted on charges including "forming a terrorist cell, attempting to assassinate the Commander in Chief of the Bahrain Defence Force (BDF) and committing other terrorist crimes".

The four men sentenced to death are Sayed Alawi Hussain al-Alawi and Fadhel Sayed Abbas Hasan Radhi, who were subjected to enforced disappearance for over a year prior to the trial, as well as Mohammed Abdulhassan Ahmed al-Mitghawi, and Mubarak Adel Mubarak Mhanna, a Private in the army. The court also upheld the seven and five-year prison sentences against three defendants as well as the citizenship revocation of all those who had appealed their sentences, rendering them effectively stateless. Under Bahraini law, once a death sentence has been confirmed by the Court of Cassation the decision is sent to the King who holds the authority to then ratify the sentence, commute it or grant a pardon.

Before the court began its final session on 25 April, the heads of the families of the four men sentenced to death were summoned to attend a meeting in the Military Court building, where they were told that they would have to be back the next day at 9:30am for another meeting, without any further information. The four heads of families went to the meeting, during which they were informed that the King had commuted the death sentences to life in prison. Two hours later,

following the completion of the formalities, the decision was officially announced on the [Bahrain News Agency](#) website.

While the commutation of the death sentences of [Sayed Alawi Hussain al-Alawi](#), [Fadhel Sayed Abbas Hasan Radhi](#), Mohammed Abdulhassan Ahmed al-Mitghawi, and Mubarak Adel Mubarak Mhanna is a welcome step, it remains a far cry from the right of these individuals to enjoy a fair trial before a competent court.

The trial before the High Military Court began on 23 October 2017, and was the first trial of civilians before military courts since 2011. The previous day, the military prosecution had announced that three defendants, including Sayed Alawi Hussain al-Alawi and Fadhel Sayed Abbas Hasan Radhi, had been charged with forming a terrorist cell targeting the BDF. This was the first time that Sayed Alawi Hussain al-Alawi and Fadhel Sayed Abbas Hasan Radhi were seen in public since they were subjected to enforced disappearance over a year ago. Only one lawyer was present during this trial session, having found out incidentally that it was taking place. Amnesty International had already expressed its concern that both men may have been forced to “confess” during their detention, and that their “confessions” were later used as evidence during their trial before the military court.

The High Military Court twice postponed the hearings and the number of defendants in the case rose to at least 18 men, ten of them detained, facing charges of “forming a terrorist cell, attempting to assassinate the Commander in Chief of the BDF and committing other terrorist crimes”. During a hearing on 2 November 2017, the defence lawyers requested that they be handed copies of the files but the military prosecution objected to this. The court upheld the objection stating that the files contained confidential information and that the lawyer would be able to consult the files in the security of the court building only. The defence lawyers also requested in court that their clients be examined by forensic doctors as the defendants looked in bad shape, but the court turned down the request. The High Military Court also banned publication of any information in electronic or print media concerning the trial citing general interest, protection of evidence and ensuring witnesses' right to legal protection, with the exception of authorized sources. Three more hearings took place before the verdict was issued on 25 December 2017.

Additional concerns related to this trial include the fact that the BDF Commander in Chief, who is mandated to appoint the judges in military courts, was himself the alleged assassination target, thereby calling into question the independence and impartiality of the military court's judges in this case. Further, the trial of the seven men was marred by irregularities including: the military court's reliance on the testimonies of secret informants and on alleged “confessions” extracted under duress, the court's refusal to allow the defendants to be examined by a forensic doctor despite the request of their lawyers, and discrepancies around the facts being investigated and the charges brought against the defendants.

On 25 December 2017, the High Military Court issued its verdict against the 18 defendants, including eight who were tried in their absence, and sentenced six of them to death. The six men included [Sayed Alawi Hussain al-Alawi](#), [Fadhel Sayed Abbas Hasan Radhi](#), Mohammed Abdulhassan Ahmed al-Mitghawi, and Mubarak Adel Mubarak Mhanna, a military person, as well as two other civilians who were tried in their absence. The court also sentenced seven men to seven years in each, and all 13 men were stripped of their nationality. Five other men were acquitted.

Thirteen of those convicted appealed their sentences before the Military Court of Appeal as those tried in their absence were not legally allowed to lodge their appeal. The first appeal hearing took place on 10 January and on 21 February 2018, the court upheld four death sentences and two

seven years prison sentences while it reduced two sentences from seven years' imprisonment to five years in prison, as well as the revocation of their citizenship. Seven men appealed their sentences before the Military Court of Cassation.

Deprivation of nationality is permitted only under narrow circumstances under international law, and must be accompanied by sufficient due process protections and a right to appeal, and should not leave people stateless. Stripping citizens of their nationality on the basis of vague allegations without due process protections is arbitrary and in violation of Bahrain's international human rights obligations. The right to a nationality, which must not be deprived arbitrarily, is enshrined in Article 15 of the Universal Declaration of Human Rights to which Bahrain is a state party.

Amnesty International calls on the King of Bahrain to quash the convictions of the seven men, allowing for their retrial before a competent ordinary court that meets international fair trial standards, to investigate allegations of torture, and if confirmed, exclude all evidence obtained under torture and other ill-treatment, as well as not to resort to the death penalty. The organization further urges the King to repeal the constitutional amendment that allows the trial of civilians by military courts in line with [international standards on fair trial](#); and reiterates its call on the Bahraini authorities to put an end to the practice of revocation of nationality that would render an individual stateless.