

Mr. Cornelis P. de Joncheere
President
International Narcotics Control Board

Monday 3rd February 2020

Subject: Urgent action to prevent two drug-related executions in Bahrain

Dear Mr. de Joncheere,

The International Drug Policy Consortium, Harm Reduction International, and the International Network of People who use Drugs, alongside 137 co-signing NGOs from 55 countries, are requesting the International Narcotics Control Board (INCB) – together with the United Nations Office on Drugs and Crime (UNODC) and the Office of the High Commissioner for Human Rights (OHCHR) - to take urgent action calling on Bahrain to halt two imminent executions for drug offences.

On 28 January 2020, Bahrain's highest court, the Court of Cassation, upheld death sentences against two defendants (whose identity has not been disclosed) convicted of drug trafficking and smuggling on 31 December 2018. They have now exhausted all legal remedies, placing them at imminent risk of execution.¹

Bahrain has carried out six executions since it lifted its *de facto* moratorium on the death penalty in 2017, which had been in place since 2010. In summer 2019, Bahrain executed Ali Mohamed Hakeem al-Arab, 25, and Ahmed Isa Ahmed Isa al-Malali, 24, despite the United Nations expressing 'serious concerns' that they had been subject to torture and unfair trials.² Agnes Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, described their deaths as 'arbitrary killings'.³ Another unnamed individual was executed alongside them.

As of January 2020, at least 24 people are on death row in Bahrain; of those, at least four have been convicted of drug offences, and at least 10 are at imminent risk of execution, having exhausted all legal remedies.⁴ The UN Committee Against Torture has expressed concerns about the 'continued and consistent allegations of widespread torture' to elicit confessions, as well as 'widespread acceptance' of forced confessions by Bahraini judges.⁵

Death sentences and executions for drug offences are prohibited under both international human rights and international drug control law.⁶

Drug offences do not meet the threshold of the 'most serious crimes' to which Article 6.2 of the International Covenant on Civil and Political Rights (which Bahrain acceded to) mandates that capital punishment be restricted in retentionist countries. This has been most recently reaffirmed by the Human Rights Council in its September 2019 Resolution 42/24,⁷ as well as by the OHCHR which has been unequivocal in its conclusion that 'The death penalty should be abolished for all crimes, including for drug offences'.⁸

¹ The Daily Tribune, 'Court Rejects Final Plea by Death Row Convicts', 28 January 2020, <https://www.newsofbahrain.com/bahrain/61018.html>

² OHCHR, 'UN experts call on Bahrain to halt executions of two individuals amid torture allegations' (21 May 2019) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24635&LangID=E>

³ Agnes Callamard, @AgnesCallamard, Twitter Post, (27 July 2019, 3:02pm) <https://twitter.com/AgnesCallamard/status/1155116296851382272>

⁴ Corroborated information provided by local civil society; also see The Daily Tribune (28 January 2020), *Court rejects final plea by death row convicts*, <https://www.newsofbahrain.com/bahrain/61018.html>; GDN Online (28 January 2020), *Death row duo lose appeals*, <http://www.gdnonline.com/Details/738982/Death-row-duo-lose-appeals>.

⁵ UNHRC, Committee against Torture: *Concluding observations on the second and third periodic 214 reports of Bahrain* (9 May 2017) pp.2, 4 https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BHR/INT_CAT_COC_BHR_27465_E.pdf

⁶ See past statements from the International Narcotics Control Board, for instance: INCB, *Message on International Day Against Drug Abuse and Illicit Trafficking* (26 June 2019), <https://www.incb.org/incb/en/news/press-releases/2019/message-on-international-day-against-drug-abuse-and-illicit-trafficking.html>

⁷ Human Rights Council, Resolution on the question of the death penalty, UN Doc. A/HRC/42/2 (27 September 2019)

⁸ OHCHR, *Implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights**, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/39/39, http://fileserv.idpc.net/library/A_HRC_39_39.pdf

We also welcome the UNODC statement, released on 27 June 2019, which concludes that ‘The three international drug control conventions... cannot be used to justify the use of the death penalty for drug-related offences alone’, and ‘urges all Member States to adhere to their commitments to promote balanced, human rights-based approaches to drug control, and we stand ready to engage with all countries to bring criminals to justice with the appropriate legal safeguards, in line with international standards and norms’.⁹

Similarly, the International Narcotics Control Board (INCB) has consistently stated that ‘if drug control measures adopted by States violate internationally recognised human rights standards and norms, they also violate the international drug control conventions’,¹⁰ and called ‘on countries that maintain capital punishment for drug-related offences to consider its abolition’.¹¹

In view of the imminent risk of execution which the two individuals condemned for drug offences in Bahrain are faced with, we call on you to once again issue a public statement urging the government of Bahrain to commute their sentences, and abolish the death penalty for drug offences; and to engage in an urgent dialogue with the government to promote an immediate reinstatement of the moratorium on the use of the death penalty.

For more information on the death penalty for drug offences, please contact Giada Girelli at Harm Reduction International (giada.girelli@hri.global)

We look forward to your urgent action.

Kind regards,



Ann Fordham
Executive Director
International Drug Policy Consortium



Naomi Burke-Shyne
Executive Director
Harm Reduction International



Judy Chang
Executive Director
International Network of People
who Use Drugs

List of signatory organisations:

1. Harm Reduction International (Global)
2. International Drug Policy Consortium (Global)
3. International Network of People who Use Drugs (INPUD)
4. Correlation - European Harm Reduction Network (Europe)
5. A New PATH (Parents for Addiction Treatment & Healing) (United States)
6. Abdorrahman Boroumand Center for Human Rights in Iran (United States)
7. Accion Andina (Bolivia)
8. ACT.UP London (United Kingdom)
9. Action by Christians for the Abolition of Torture (Germany)
10. AFEW international (Netherlands)
11. Agencia Piaget para o Desenvolvimento (Portugal)
12. Aides Infos Liberté Espoir et Solidarité (Mauritius)
13. Alliance Myanmar (MAHAMATE) (Myanmar)
14. Americans for Democracy & Human Rights in Bahrain (United States)
15. Amman Centre for Human Rights Studies (Jordan)
16. Ana Liffey Drug Project (Ireland)

⁹ See: <https://www.unodc.org/unodc/en/press/releases/2019/June/statement-attributable-to-the-unodc-spokesperson-on-the-use-of-the-death-penalty.html>

¹⁰ INCB, *Sixth intersessional meeting of the Commission on Narcotic Drugs sixty-second session: Thematic sessions, 16-18 October, Boardroom C, VIC, Opening Statement by the President of the International Narcotics Control Board (INCB)*, http://www.incb.org/documents/Speeches/Speeches2019/INCB_President_Opening_Speech_CND_6th_intersessional_clean.docx.pdf

¹¹ INCB, *Statement by the President of the International Narcotics Control Board, Mr. Cornelis P. de Joncheere, Reconvened sixty-second session of the Commission on Narcotic Drugs (13 December 2019)*, http://www.incb.org/documents/Speeches/Speeches2019/12_13_INCB_President_statement_reconvened_CND_web.pdf

17. Andean Information Network (Bolivia)
18. Anti-Death Penalty Asia Network (Malaysia)
19. Asian Harm Reduction Network (Myanmar)
20. Asociación Bienestar y Desarrollo (Spain)
21. Asociación Costarricense para el Estudio e Intervención en Drogas (Costa Rica)
22. Associacao Reabilitação Toxicodependentes de Macau (Macau)
23. Association des intervenants en dépendance du Québec (Canada)
24. Association Proyecto Hombre (Spain)
25. Associazione Luca Coscioni (Italy)
26. Australian Alcohol and Other Drugs Council (Australia)
27. Australian Injecting & Illicit Drug Users League (Australia)
28. Auto-Support des Usagers de Drogues (France)
29. Bahrain Centre for Human Rights (Bahrain)
30. Bahrain Institute for Rights and Democracy (United Kingdom)
31. Black Lives Matter Memphis (United States)
32. Canadian Drug Policy Coalition (Canada)
33. Canadian HIV/AIDS Legal Network (Canada)
34. Capital Punishment Justice Project (Australia)
35. Center for Humane Policy (Bulgaria)
36. Centre for the Key Populations Rights (Malawi)
37. Centre for Civil and Political Rights (Switzerland)
38. Centre for Law Enforcement and Public Health (Australia)
39. Centre for Research and Information on Substance Abuse (Nigeria)
40. Centre on Drug Policy Evaluation (Canada)
41. Centro de Convivência É de Lei (Brazil)
42. Centro de Estudios Legales y Sociales (Argentina)
43. Centro de Investigación Drogas y Derechos Humanos (Peru)
44. CO "100% LIFE" (Ukraine)
45. Collectif des Organisations des Jeunes Solidaires du Congo-Kinshasa (Democratic Republic of Congo)
46. Cornell Center on the Death Penalty Worldwide (United States)
47. Corporación Humanas Centro Regional de Derechos Humanos y Justicia de Género (Colombia)
48. Corporacion Kimirina (Ecuador)
49. Corporación Viso Mutop (Colombia)
50. Cultura Joven A.C. (Mexico)
51. Culture pour la Paix et la Justice (Democratic Republic of Congo)
52. Dianova International (Spain)
53. Diogenis Drug Policy Network in South East Europe (Greece)
54. Drug Policy Modelling Program (Australia)
55. Drug Reform Coordination Network (United States)
56. Drug Users Advocacy League (Canada)
57. Društvo AREAL (Slovenia)
58. ECHO Citoyen (France)
59. EQUIS Justicia para las Mujeres (Mexico)
60. Eurasian harm reduction association (Eastern Europe and Central Asia)
61. Eurasian Network of People who Use Drugs (Eastern Europe and Central Asia)
62. Europe Against Drugs (Norway)
63. European Association for Palliative Care (Europe)
64. Families for Sensible Drug Policy (United States)
65. Father Bob Maguire Foundation (Australia)
66. Federación Andaluza ENLACE (Spain)
67. Fédération Addiction (France)
68. Fedito Bxl (Belgium)
69. Fixpunkt e. V. (Germany)
70. Flanders (Belgium)
71. Foundation Against Illicit Drugs and Child Abuse (Liberia)
72. Free Clinic vzw (Belgium)

73. Fundación Acción Semilla (Bolivia)
74. GAT - Grupo de Ativistas em Tratamentos (Portugal)
75. German Coalition to Abolish the Death Penalty (Germany)
76. Global Law Enforcement and Public Health Association (Global)
77. Help Not Harm (United States)
78. Hepatitis Education Project (United States)
79. HPLGBT (Ukraine)
80. India HIV/AIDS Alliance (India)
81. Indian Drug Users Forum (India)
82. Instituto RIA, AC (Mexico)
83. Intercambios Asociación Civil (Argentina)
84. International Federation of Non-Governmental Organisations for the prevention of Drug and Substance Abuse (Macau)
85. International Commission of Jurists (Global)
86. Iran Human Rights (Iran, Sweden)
87. IWRRAW Asia Pacific (Malaysia)
88. Justice Project Pakistan (Pakistan)
89. Kazakhstan Union of People Living with HIV (Kazakhstan)
90. Latinoamérica Reforma (Chile)
91. Law Enforcement Action Partnership (Australia)
92. Law Enforcement Action Partnership (United Kingdom)
93. Law Enforcement and HIV Network (Australia)
94. Lawyers Collective (India)
95. LBH Masyarakat (Indonesia)
96. Legalize Belarus (Belarus)
97. Malaysians Against Death Penalty and Torture (Malaysia)
98. Middle East and North Africa Network of/for People Who Use Drugs (Lebanon)
99. Netherlands Drug Policy Foundation (Netherlands)
100. New Hampshire Coalition to Abolish the Death Penalty (United States)
101. Normal (Norway)
102. Nova+ (Serbia)
103. NSW Users and AIDS Association (Australia)
104. Paroles Autour de la Santé (Mali, Ivory Coast, Guadeloupe)
105. Pennington Institute (Australia)
106. Plataforma Brasileira de Política de Drogas (Brazil)
107. Police Contre la Prohibition (France)
108. Polish Drug Policy Network (Poland)
109. proLAR Nett - National Association for People on OST (Norway)
110. Rede Brasileira de Redução de Danos e Direitos Humanos (Brazil)
111. Release (United Kingdom)
112. Reprieve (United Kingdom)
113. RESET - Drug Policy and Human Rights (Argentina)
114. Rightsreporter Foundation (Hungary)
115. Romanian Association Against AIDS (Romania)
116. Romanian Harm Reduction Network (Romania)
117. San Patrignano (Italy)
118. Sankalp Rehabilitation Trust (India)
119. SAOL Project (Ireland)
120. Science for Democracy (Belgium)
121. Society for Human Rights and Development Organisation (Sierra Leone)
122. STEPS Non-Profit Organisation (Greece)
123. Stop Overdose Now (Netherlands, United States)
124. StoptheDrugWar.org (United States)
125. Students for Sensible Drug Policy (Global)
126. Support Foundation RIGRA (Lithuania)
127. Treatment Action Group (United States)

128. Trystereo Syringe Distribution (United States)
129. Uganda Harm Reduction Network (Uganda)
130. UNICO (Ivory Coast)
131. Washington Office on Latin America (United States)
132. Western Australian Network of Alcohol and other Drug Agencies (Australia)
133. Witness to Innocence (United States)
134. Women and Harm Reduction International Network (Global)
135. Women for Health (Georgia)
136. World Coalition Against the Death Penalty (Global)
137. World Federation Against Drugs (Global)
138. World Hepatitis Alliance (Switzerland)
139. Youth RISE (Global)
140. Zimbabwe Civil Liberties and Drug Network (Southern Africa)