

Mandates of the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: UA
BHR 7/2015:

20 November 2015

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 26/7, 26/12, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged imminent execution of Mr. Mohammed Ramadan and Mr. Husain Ali Moosa following trials that did not meet international standards of fair trial and due process.**

Mr. Mohamad Ramadan (an airport security guard) was the subject of a previous joint urgent appeal dated 14 August 2014 sent by the Working Group on Arbitrary Detention, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (see case BHR 11/2014). We thank your Excellency's Government for the replies received to this communication on 26 September 2014 and 21 October 2014. We would like to note, however, certain discrepancies in the information provided in your response regarding Mr. Ramadan's identity, profession and date of arrest and would appreciate receiving a clarification in this regard as well as an update on his current situation.

According to the new information received:

In February 2014, government officials arrested Mr. Husain Ali Moosa. During his detention, security officers subjected Mr. Moosa to torture and forced him to confess to having carried out a bomb attack in Al-Dair in February 2014. According to Mr. Moosa, government agents hung him from the ceiling for three days and took turns beating him with police batons. The agents also threatened to harm Mr. Moosa's relatives and on several occasions claimed that they would rape his sisters. Although Mr. Moosa confessed under duress, he later recanted his confession in front of the public prosecutor. After recanting his confession, he was again tortured by security forces, in retaliation.

On 20 March 2014, Bahraini security forces arrested Mr. Mohammed Ramadan without a warrant. He was charged with attempted murder and complicity in the "Al-Dair Explosion". During his initial detention, Mr. Ramadan was tortured by security officers, who heavily beat him on his hands, feet, body, neck, and head. Mr. Ramadan was subject to this treatment until he agreed to confess the crime imputed to him. After Mr. Ramadan complained to a judge that he had been tortured into confessing, security officers tortured him further, placing him in solitary confinement and subjecting him to further beatings.

On 29 December 2014, a Bahraini criminal court sentenced Mr. Mohammed Ramadan and Mr. Husain Ali Moosa to death for their alleged involvement in the "Al-Dair explosion". They were sentenced alongside ten other defendants, nine of whom were sentenced to six year imprisonment and one to life in prison. The defence claimed that the death penalty was imposed without any concrete evidence establishing the guilt from the defendants, and in disregard of abundant evidence that they had been ill-treated and tortured to force them to confess and that charges brought against them were politically motivated. The prosecutor and the judge failed to consider the allegations of confession extracted under torture and did not open an investigation into these allegations.

On 16 November 2015, Bahrain's Court of Cassation rejected the final appeal on behalf of Mr. Mohammed Ramadan and Mr. Husain Ali Moosa. The decision makes their death sentence final. Unless a royal pardon is issued, their executions may be carried out at any time.

Grave concern is expressed at the allegations that the death penalty has been imposed and may be carried out against Mr. Mohammed Ramadan and Mr. Husain Ali Moosa following judicial proceedings that do not appear to have fulfilled the most stringent guarantees of fair trial and due process, particularly in connection to the absence of evidence against the defendants and the use of false confessions extracted under torture as a basis for the verdict. Further concern is expressed at the torture, ill-treatment and solitary confinement the two individuals

were subjected to, as well as the failure of the judicial authorities to investigate the allegations of torture, and to prosecute and sanction the perpetrators.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, **we call upon your Excellency's Government as a matter of urgency to take all necessary measures, including granting royal pardon, to halt the execution of Mr. Mohammed Ramadan and Mr. Husain Ali Moosa**, which on the facts available to us may constitute a violation of applicable international human rights standards, and thus an arbitrary execution. We also urge you to ensure that their death sentences are annulled and that they are re-tried in compliance with international standards. We further urge you to undertake an independent and impartial investigation into the allegations of torture against the above mentioned individuals, and that the perpetrators are brought to justice and the victims are provided appropriate remedies.

Without making any judgment as to the accuracy of the information made available to us, the above alleged facts indicate a prima facie violation of the right of every individual to life and security and not to be arbitrarily deprived of his life, as set forth in articles 3 of the Universal Declaration of Human Rights (UDHR) and 6(1) of the International Covenant on Civil and Political Rights (ICCPR) that Bahrain acceded to on 20 September 2006. These allegations also seem to be in contravention of the right to fair proceedings before an independent and impartial tribunal, as set forth in article 14 of the ICCPR and article 10 of the UDHR.

Moreover, Article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides that capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the ICCPR. Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution. Furthermore, article 6.4 of ICCPR establishes that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence and that amnesty, pardon or commutation of the sentence of death may be granted in all cases.

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and article 7 of the ICCPR. Moreover, article 15 of the CAT prohibits the use of any statement made as a result of torture as evidence in any proceedings. In this context, we would also like to recall paragraph 7c of Human Rights Council Resolution 16/23. In this context, we would like to draw the attention of your Excellency's Government to article 12 of the Convention Against Torture and other cruel, inhuman and degrading treatment or punishment (CAT), which requires the competent authorities to undertake a prompt and impartial investigation wherever there

are reasonable grounds to believe that torture has been committed, and article 7 of the CAT, which requires State parties to prosecute suspected perpetrators of torture. In this context, we would also like to recall paragraph 7b of the Human Rights Council Resolution 16/23.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

It is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your observations on any additional information and any comment you may have on the above mentioned allegations. We would further appreciate receiving updated information on the current situation of the above mentioned individuals.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mónica Pinto

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Christof Heyns

Special Rapporteur on extrajudicial, summary or arbitrary executions

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