

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

REFERENCE:  
UA BHR 4/2020

29 July 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 34/19, 42/22, 36/6, 35/15 and 40/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **Mr. Mohamed Ramadhan Issa Ali Hassan** and **Mr. Hussain Ali Moosa Hassan Mohamed**, two Bahraini nationals, who are facing imminent execution following the confirmation of a death penalty against them by the Court of Cassation, on 13 July 2020.

In this context, we would like to note that the cases of Mr. Mohamed Ramadan and Mr. Hussain Moosa were raised in previous communications, addressed to your Excellency's Government, in December 2018 (UA BHR 6/2018) and in February 2020 (AL BHR 1/2020), and we would like to thank your Excellency's Government for the replies dated 7 and 11 February 2019, and 2 April 2020.

According to the explanatory note provided by your Excellency's Government, sent on 2 April 2020, the health procedures applied in Bahrain require the Ministry of Interior to conduct a medical examination for individuals immediately after their arrest. Unfortunately, in the case of Mr. Mohamed Ramadhan and Mr. Hussain Moosa, their medical examination took place after they had been interrogated by the General Directorate of Criminal Investigation (CID), and appeared before the Public Prosecutor.

We remain seriously concerned about the information provided by your Excellency's Government regarding the evidence of the *corpus delicti*, which remain unclear and, furthermore, were seemingly based upon self-incriminating confessions obtained through coercion.

According to the information received:

*Concerning the allegations of torture and ill-treatment and forced confessions*

*Mr. Mohamed Ramadhan*

Mr. Mohamed Ramadhan Issa Ali Hassan (محمد رمضان عيسى على حسن) (Mr. Ramadhan), is a Bahraini national, born on 4 November 1982, and a father of three children.

Prior to his arrest, Mr. Ramadhan was working at the Ministry of Interior, serving as head of corporals for the airport police at Bahrain international airport. He allegedly participated in peaceful pro-democracy protests in Bahrain.

On 18 February 2014, Mr. Ramadhan was arrested at his workplace early in the morning, when two individuals in civilian clothing identified themselves as members of the Preventive Security Department of the Ministry of Interior and asked him to accompany them in their vehicle.

Once in the police vehicle, Mr. Ramadhan was handcuffed from the back and taken to the building of the General Directorate of Criminal Investigation (CID). Once there, he was informed that he was under arrest for allegedly having killed a police officer in a bomb attack that took place on 14 February 2014, in al-Dair, Muharraq. However, the officers who participated in the arrest did not present an arrest warrant to Mr. Ramadhan.

From 18 to 20 February 2014, Mr. Ramadhan was held in the custody of the CID and was reportedly tortured in order to make him confess to the crimes of which he was accused. The CID officers allegedly blindfolded Mr. Ramadhan, keeping his hands cuffed behind his back, and then brought him to a cold room, where he was forced to stand for a prolonged period of time until he collapsed. From there he was transferred blindfolded to another room, which he called “the black room”. While in this room, he was beaten, slapped, and kicked all over his body. Mr. Ramadhan informed the CID officers that he was suffering from an existing back injury and that he had undergone fertility treatment. In response to this, they beat him on his back and genitals, forced him to stand naked while officers sexually assaulted him, and threatened to rape his wife and sisters in front of him. Later, CID officers beat him with iron bars, all while insulting him for participating in protests and calling him a traitor.

The CID officers allegedly tortured Mr. Ramadhan in order to extract a self-incriminating confession, as they repeatedly ordered him to sign papers without allowing him to read their content.

On 19 February 2014, Mr. Ramadhan's father filed a complaint with the Ministry of Interior Ombudsman, claiming that proper legal proceedings had not been followed in connection with the arrest of his son. However, the Ombudsman's investigation concluded that the arrest procedures were in conformity with the law.

On 20 February 2014, Mr. Ramadhan was allowed to call his family, but forced to inform them that he was fine. On the same day, prior to his transfer to the Office of the Public Prosecutor (OPP), Mr. Ramadhan was threatened with more torture if he refused to confess. During his three-hour interrogation with the prosecutors, Mr. Ramadhan, who was refused the assistance of a lawyer, explained that he had been tortured and forced to make a false confession. He also denied all charges brought against him, including intending to kill a police officer, participating in such an act, or obtaining a bomb for that purpose. He confirmed, however, his participation in the protest in Al-Dair on 14 February 2014.

On 21 February 2014, Mr. Ramadhan was taken to al-Qalaah hospital for medical examination, before his transfer to Asri Military Prison. A few hours later, following the Public Prosecutor's order to detain Mr. Ramadhan for 60 days pending trial, he was transferred to Al-Riffa police station.

During the first 11 days of detention at Al-Riffa police station, Mr. Ramadhan was regularly taken to the CID building, where he was allegedly tortured and humiliated in order to extract a confession.

On 24 February 2014, Mr. Ramadhan's wife filed a complaint with the Ministry of Interior Ombudsman expressing concern about the whereabouts of her husband and requesting to visit him. In response, the Ombudsman located Mr. Ramadhan and arranged for a family visit on 28 February 2014. Since his arrest, on 18 February, until the Ministry of Interior Ombudsman located him, the family did not know the fate or whereabouts of Mr. Ramadhan, who was subjected to enforced disappearance.

During the thirty-minute family visit, which took place on 28 February, Mr. Ramadhan was reportedly weak and shaken from his ill-treatment. He was unable to speak freely due to the restrictive conditions under which the visit was conducted, including video surveillance and the presence of three guards in the room. Mr. Ramadhan's family were not allowed to visit him again until 16 March 2014.

On 2 March 2014, a forensic doctor from the General Directorate of Criminal Investigation and Forensic Science, of the Ministry of Interior, was asked to

examine Mr. Ramadhan and determine any injuries, how they were sustained, the date of their occurrence, and the methods used. The officers, escorting Mr. Ramadhan to his medical examination, reportedly threatened him with further torture if he disclosed any ill-treatment to the doctor. Mr. Ramadhan, who was examined in a booth with no ceiling with officers waiting outside within earshot, tried to inform the doctor of his torture using facial gestures. Although the doctor examined and photographed the bruising on Mr. Ramadhan's left leg, the medical report concluded that the contusions were a result of a collision with an object. The doctor did not record any other injuries, the dates they likely occurred, or their potential causes.

On 4 March 2014, Mr. Ramadhan was taken back to Asri Military Prison, and subsequently transferred to Jau Prison, in July 2015, where he is currently imprisoned.

Mr. Ramadhan did not have access to a lawyer since his arrest until trial, including during the interrogations.

*Mr. Hussain Moosa*

Mr. Hussain Ali Moosa Hassan Mohamed (حسين علي موسى حسن محمد), (Mr. Moosa), is a Bahraini national, born 20 June 1986. At the time of his arrest, he was a driver at the Diplomat Radisson Blu Hotel in Manama. He allegedly participated in peaceful pro-democracy protests in Bahrain.

Mr. Moosa was arrested on 21 February 2014. Officers from the CID, some in civilian clothing and others wearing police uniforms, surrounded the apartment of one of Mr. Moosa's friends, in Galili, Muharraq, where he was staying at the time. Mr. Moosa escaped from the window, but officers found him in the street near the apartment and arrested him.

Mr. Moosa was taken to the CID building, where officers accused him of killing a police officer in a bomb attack that took place in al-Dair, Muharraq, on 14 February 2014. Once again, it is alleged that no arrest warrant was presented to him.

The CID officers allegedly tortured Mr. Moosa and restrained his hands behind his back with zip tape, which caused his wrists to swell severely. They also beat him with police batons, targeting his face and back, sexually assaulted him while holding him to a chair, threatened to rape him with a wooden stick and deprived him of food and water.

Under duress, Mr. Moosa confessed to colluding with Mr. Ramadhan and taking part in the Al-Dair bombing. Mr. Moosa was forced to repeat this confession in front of a video camera, before his transfer to the OPP.

At night, Mr. Moosa was transferred to the OPP for interrogation, where he denied the charges against him and informed the public prosecutor that he was coerced into providing a false confession. Due to his denial, he was escorted out of the interrogation room by CID officers, and taken to the police van where he was severely beaten. This happened twice until Mr. Moosa was forced to confess to the crime. Mr. Moosa was denied access to a lawyer since his arrest and throughout the interrogations.

Following the interrogations, the CID officers and the public prosecutor took Mr. Moosa to al-Dair village to re-enact the crime scene. In that context, the public prosecutor instructed Mr. Moosa to carry a garbage bag, as had reportedly been used to hide the bomb, and he was told to hold it up for a photo to be taken.

On 22 February 2014, the CID officers took Mr. Moosa to al-Qalaah hospital, where he was examined by a doctor from the Ministry of Interior. The doctor performed an x-ray and blood test. The subsequent medical report noted that Mr. Moosa was suffering from severe swelling in his hands, from back and leg pain, and was bleeding from his mouth. The doctor then gave Mr. Moosa some painkillers and recommended his transfer to the Bahrain Defence Force Hospital (BDF) to see an orthopaedist, as he felt that the victim's left thumb might be broken. Mr. Moosa was later transferred to the BDF to treat the swelling in his wrists, which reportedly took six months to heal.

On 24 February 2014, Mr. Moosa was taken to al-Qalaah hospital for another medical examination, prior to his transfer to the Dry Dock detention centre. He was examined again on 2 March 2014, by a doctor from the General Directorate of Criminal Investigation and Forensic Science, of the Ministry of Interior. During the second medical exam, the four officers, escorting Mr. Moosa, warned him not to talk to the doctor about the torture he had been subjected to by CID officers. The medical exam took place in a booth with an open ceiling, with officers standing outside within earshot. Mr. Moosa did not tell the doctor about his torture for fear of being overheard and tortured again. Although the doctor saw the injuries on his wrists and back, noted old birdshot wounds, and photographed the injuries, his medical report stated that Mr. Moosa had no signs of torture on his body.

In March 2016, a copy of the medical report was presented, by civil society organisations, to an independent expert in order to provide a medico-legal opinion. The expert concluded that Mr. Moosa's medical examination "failed in

almost all aspects of what is required in a forensic investigation of possible torture”, “...the report provided to me is in complete violation of the internationally recognised Istanbul Protocol ...”. He also noted in particular that the report lacked objectivity, impartiality and independence.

*Allegations concerning the failure to uphold due process*

Mr. Ramadhan and Mr. Moosa were charged in the case number 4974/2014/07, along with ten other defendants, with premeditated murder of a police officer and the attempted murder of a number of police officers by detonating an explosive device; causing an explosion for terrorist purposes; acquisition and possession of an explosive device and materials for its detonation; acquisition of Molotov cocktails for terrorist purposes; and participation in an unlawful gathering in order to perpetrate the crimes of attacking persons; threatening public order and security, and using violence in the context of the gathering.

The trial started on 19 June 2014, in Bahrain’s Fourth Superior Criminal Court, where both Mr. Ramadhan and Mr. Moosa pleaded not guilty, retracted their self-incriminating confessions and informed the court that they had been tortured by CID officers and forced to confess to the crimes. Their lawyers submitted a motion for their acquittal on the ground of invalidity of their confessions. However, the court dismissed the motion, maintaining its right to admit a defendant’s confession incriminating himself or another defendant at any stage of the investigation or trial, even if he subsequently retracts it, if the court is persuaded of its veracity.

On 29 December 2014, Mr. Ramadhan and Mr. Moosa were sentenced to death, primarily based on confessions from Mr. Moosa and four other defendants. Mr. Ramadhan’s confession admitted only his participation in the protest, and denied association with the criminal act. Other evidence presented by the prosecution included the death certificate of the police officer killed in the bombing, technical forensic reports and photos of the crime scene. However, no evidence presented could establish the presence of the defendants at the crime scene. The initial judgment dismissed statements from Mr. Ramadhan and Mr. Moosa, claiming they have been tortured, and ordered no investigation into those claims.

Mr. Moosa was not allowed to meet with a lawyer at any stage of his detention until his trial, including during the interrogations. Meanwhile, Mr. Ramadhan’s lawyer submitted at least five applications to the court to be granted power of attorney and several other requests to attend interrogations. Those requests remained unanswered by the court until the date of the trial.

On 27 May 2015, the death sentences against the two men were confirmed by the Court of Appeal. This decision was upheld by the Court of Cassation on 16 November 2015. The latter ruling reportedly dismissed the defence's request to call witnesses who could testify that the defendants were not present at the crime scene at the time of the explosion.

On 15 June 2016, the Ministry of Interior Ombudsman issued a statement confirming the beginning of a full-fledged investigation into a number of complaints received alleging the ill-treatment of Mr. Ramadhan and Mr. Moosa. Subsequently, on 7 August 2016, the complaints were referred to the Public Prosecutor's Special Investigation Unit (SIU), which considered medical reports from doctors who had examined Mr. Ramadhan and Mr. Moosa, and concluded that there was sufficient evidence to raise suspicions that the two men had been subjected to serious ill-treatment.

On 18 March 2018, the SIU recommended reviewing the case in light of findings from medical reports that were not presented to, or considered by, the courts during the initial trial. On 28 March 2018, the Bahraini Attorney General confirmed the reopening of the case.

On 22 October 2018, the Court of Cassation concluded that the investigation triggered by the SIU merited further examination, quashed the death sentence and referred the case back to the Court of Appeal with a new panel of judges. The Court of Cassation mandated the Court of Appeal to examine the SIU findings, review the new medical reports and decide on the validity of the confessions used as evidence against defendants in the previous ruling.

On 8 January 2020, the death sentences against both Mr. Ramadhan and Mr. Moosa were reinstated by the Court of Appeal. This decision was upheld by the Court of Cassation, on 13 July 2020, in a hearing that reportedly only lasted a few minutes. Mr. Ramadhan and Mr. Moosa have thus exhausted all domestic legal remedies and are at risk of imminent execution.

#### *Allegations concerning the conditions of detention*

Mr. Moosa was transferred to Jau Prison, following his initial conviction on 29 December 2014, and was held in isolation ward Building 1. In July 2015, Mr. Ramadhan was transferred to Jau Prison, and held in the same isolation ward.

Following the escape of some prisoners from the Jau Prison building 1, on 1 January 2017, restrictive and punitive measures were imposed, including reducing family visits from an hour to half an hour a month and imposing the requirement that they were held behind glass barriers. During such visits,

prisoners were chained by the hands and feet, which led Mr. Moosa to refuse family visits due to feelings of humiliation.

The Prisons guards regularly inspected personal belongings and confiscated all Mr. Ramadhan's books and clothes. He was thus forced to wear the same clothes for almost one month without being able to wash them.

The Prisoners in the isolation ward were allegedly forced to drink water from a Clorox [*bleach*] bottle, eat foul smelling food, and no toiletries nor cutlery were provided to them.

On 15 January 2017, three inmates, from the isolation ward in building 1, were executed. Since then, Mr. Moosa and Mr. Ramadhan are suffering psychological torture, being on death row and not knowing if or when they will be executed. Almost every day, prison guards would storm the isolation ward and make frightening sounds, knocking on doors and suggesting that they would be executed, saying 'your turn is coming soon.'

Since February 2020, due the imposition of new COVID-19 measures in Bahraini prisons, family visits were suspended and replaced by ten-minute phone calls three times a week and video calls every two weeks. However, after the Court of Cassation hearing on 13 July 2020, Mr. Moosa, who was present in court, was put in medical isolation for fourteen days and Mr. Ramadhan, who refused to attend, was taken to medical examination where he was suddenly forced to strip off his clothes. When he asked the doctor whether he was going to be executed, the doctor indicated that he would be. Since that date, Mr. Ramadhan's calls have been closely monitored by prison guards.

While we do not wish to prejudge the accuracy of these allegations, we would like to reiterate our previously expressed concerns in relation to the alleged arbitrary detention, extraction of confessions under torture, and deprivation of fundamental safeguards, that, if confirmed, would constitute blatant violations of international standards of fair trials and due process (such as the right to challenge the legality of the detention before a judicial authority, the right to legal assistance, the right to communicate with the council freely as essential element of the equality of arms principle, as well as the right not to testify against oneself through coerced confessions and the right to be tried by impartial tribunal) in contravention with articles 9, 10 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Kingdom of Bahrain on 20 September 2006.

We are further alarmed at the alleged acts of physical and psychological torture and ill-treatment that Mr. Ramadhan and Mr. Moosa were subjected to in order to extract self-incriminating confessions, the use of those coerced confessions in criminal



proceedings, and their admission by the court as evidence for conviction. All of these allegations, if proven to be accurate, would amount to serious breaches of the absolute and non-derogable prohibition of torture and ill-treatment, as codified in articles 2, 15 and 16 of the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT), ratified by the Kingdom of Bahrain on 6 March 1998.

We are extremely concerned that following the SIU report confirming that the two men were subjected to torture and ill-treatment, no measures were taken to hold those responsible accountable and provide redress to both Mr. Ramadhan and Mr. Moose. In this connection, we would like to stress that, according to articles 7 and 12 of the CAT, State parties have a positive obligation to conduct prompt and impartial investigation whenever there are reasonable grounds to believe that acts of torture have occurred, with a view to establishing facts, legal responsibilities, direct and supervisory, and to bringing those responsible to justice.

We would also like to stress that all persons should be granted due judicial process irrespective of whether they have been charged with offences of terrorism. This should include confidential and regular access to legal representation throughout their detention as well as fair and impartial judicial remedies. Furthermore, we reiterate that both victims have consistently denied their involvement in any alleged terrorist attack, and that the only evidence against them in this regard was seemingly obtained through torture and intimidation. If these allegations are confirmed, the use of counter-terrorism legislation to impose the death penalty against individuals who had peacefully exercised their rights to freedom of expression and peaceful assembly would be in clear contravention of Bahrain's obligations under international law. We recall that these rights enjoy international legal protection, provided they are exercised in a manner that does not incite violence, and that non-violent criticism of the State cannot be made a criminal offence in any society governed by rule of law. Finally, we would also like to stress that compliance with international human rights law is an indispensable part of strategies to combat terrorism.<sup>1</sup> Human rights violations committed in the name of combatting terrorism are counter-productive and undermine the credibility and effectiveness of your Excellency's government counter-terrorism strategy and the broader global strategies to prevent such terrorist acts.

In this context, we respectfully urge Your Excellency's Government to promptly intervene to halt the execution of the two men, to suspend the death sentences against them pending the undertaking and completion of a full and independent investigation into the allegations of torture, and to ensure they are retried in accordance with the international legal standards binding upon the Kingdom of Bahrain. We also call on your Excellency's Government to establish a moratorium on executions with a view to fully abolishing the death penalty.

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<sup>1</sup> A/RES/60/288

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the measures which have been taken, or which are foreseen, to ensure full and impartial investigations, independent medical examinations, and judicial or other inquiries in relation to the allegations of torture and other cruel, inhuman or degrading treatment or punishment. If measures have been undertaken, please make available the results of investigations. If no such measure have been taken, please explain how this is compatible with the international human rights obligations of the Kingdom of Bahrain.
3. Please provide full information on the precise interrogation methods utilised by the CID officers on Mr. Ramadhan and Mr. Moosa, and explain how these methods are compatible with the international human rights obligations of the Kingdom of Bahrain.
4. In case the alleged violations have been confirmed, please provide the details of any measures which have been taken, or which are foreseen, for the purpose of bringing to justice those responsible for the enforced disappearance, torture and ill-treatment. If no such measures have been taken, please explain how this is compatible with the international human rights obligations of the Kingdom of Bahrain.
5. Please provide detailed information on any measures which have been taken, or which are foreseen, to guarantee the non-repetition of crimes of torture and ill-treatment, including for the purpose of extracting forced confessions, and to provide compensation, reparation and redress for victims. If no such measures have been taken, please explain how this is compatible with the international human rights obligations of the Kingdom of Bahrain.

6. Please provide detailed information on additional evidentiary elements used by the courts to confirm the conviction of Mr. Mohamed Ramadhan and Mr. Hussain Moosa and later uphold the death penalty against them.
7. Please provide further information on how the definition of terrorism in Bahrain's relevant terrorism legislation is narrowly construed so as to guarantee that measures taken pursuant to it do not unduly interfere with human rights while complying with the principle of legality. Please also explain how your Excellency's Government's anti-terrorism legal framework ensures that the accused's right to counsel and right to fair trial under article 14 of the ICCPR are respected.
8. Please provide detailed information of the court proceedings, including the legal basis for the refusal to hear defense witnesses, in addition to the proceedings of the Court of Cassation on 13 July 2020, which led to the confirmation of the death penalty, and explain how these proceedings were compatible with the international human rights obligations of the Kingdom of Bahrain.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

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