

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

REFERENCE:  
AL BHR 6/2016

15 August 2016

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 26/12, 26/7 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 lack of investigation into torture and other ill-treatment of Mr. Mohammed Ramadan, a Bahraini citizen, resulting in a false confession that led to his conviction and the imposition of the death penalty.**

Mr. Mohamad Ramadan was the subject of two previous joint urgent appeals sent by several special procedures mandates. In the first urgent appeal, dated 14 August 2014 (case BHR 11/2014, see A/HRC/28/85), we expressed grave concern that Mr. Ramadan had been arrested without a warrant, detained incommunicado, subjected to torture - including to extract a confession -, and convicted to 15 years imprisonment after a trial that did not respect the most basic international standards of fair trial and due process. In the second urgent appeal sent on 20 November 2015 (case BHR 7/2015, see A/HRC/31/79), we expressed grave concerns that the death penalty was imposed against Mr. Ramadan following judicial proceedings that did 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. We thank your Excellency's Government for the replies received to these communications on 26 September 2014 and 21 October 2014, as well as on 23 February 2016. We thank you for the information provided regarding the judicial proceedings against Mr. Ramadan, which however does not sufficiently explain how Mr. Ramadan's rights were respected. Furthermore, information regarding the allegations of torture and ill-treatment and a forced confession remains unsatisfactory, and we wish to approach you with an update on his current situation.

According to the new information received:

Mr. Mohamed Ramadan was arrested on 18 February 2014 for the alleged participation in an ambush to law enforcement officials through a home-made explosive device that led to the death of one police officer and the wounding of others (event known as the "Al-Dair Explosion"). Mr. Ramadan was charged with the crimes of intentional and premeditated homicide of the deceased police

officer, attempted homicide of other police officers by detonating the explosive device, causing an explosion for terrorist purposes, possession and procurement of an explosive device and materials to be used in the explosion and possession of Molotov cocktails for terrorist purposes, and participation in an illegal assembly with a view to perpetrating assaults on persons, disturbing law and order, and using violence during the assembly.

On 29 December 2014, Mr. Mohamed Ramadan was convicted and sentenced to death by the Fourth Superior Criminal Court. The judgment was upheld by the High Court of Appeal on 27 May 2015 and by the Court of Cassation on 16 November 2015. This decision made the death sentence final.

During his initial detention, Mr. Ramadan was allegedly tortured by security officers, for four consecutive days, including through heavy beatings, kicking, and threats to himself and family members, until he forcibly confessed the crime imputed to him on 22 February 2014. Mr Ramadan informed both the Public Prosecutor and at least two judges of his torture, and he recanted his confession fully before the Fourth Superior Criminal Court. The prosecutor and judges failed to consider these allegations and no investigation was opened. Mr. Ramadan was convicted on 29 December 2014, through heavy reliance on the forced confession.

Mr. Ramadan was subjected to further tortures and ill-treatment, including solitary confinement and excessive use of handcuffs, blindfolding and being hung with belts.

On 19 February 2014, Mr. Ramadan's father submitted a complaint to the Bahraini Ombudsman's Office, alleging that his son's arrest and detention had not followed legal procedure. On 14 April 2014, Mr. Ramadan's wife filed another complaint with the Ombudsman alleging that her husband had been mistreated and denied medical care during detention. On 16 July 2014, a civil society organisation filed a detailed complaint with the Ombudsman alleging that Mr. Ramadan had been tortured in detention and requesting a thorough investigation.

The investigation conducted by the Ombudsman's Office into the complaints lodged by Mr. Ramadan's family members has allegedly been flawed and insufficient, in particular raising serious concerns about failure to follow international standards for the investigation of torture, as codified in the Istanbul Protocol. The Ombudsman's Office has furthermore reportedly failed to open an investigation into the more thorough complaint filed by the civil society organisation. A one-page document disclosed in February 2015 by the Bahraini Ministry of Foreign Affairs to the Members of the European Parliament is the only publicly available document of the Ombudsman's investigations and findings into the complaints lodged in Mr. Ramadan's case: it demonstrates the very limited scope of the investigations and the absence of any investigation into the allegations of torture and ill-treatment.

On 29 January 2016, the Government of Bahrain furthermore wrote to all members of the European Parliament claiming that none of the complaints submitted to the Ombudsman's Office in the case of Mr. Ramadan included any claims of torture or ill-treatment to extract a confession.

In May 2016, the Ombudsman's Office finally initiated an investigation into the treatment of Mr. Ramadan and another individual from the time of their arrest and throughout their detention.

Concern is expressed at the absence or at least serious delay of a thorough, independent and impartial investigation or prosecution into the allegations of torture and ill-treatment of Mr. Mohammed Ramadan and the continued upholding of his conviction and imposed death sentence following judicial proceedings that do not appear to have fulfilled the most stringent guarantees of fair trial and due process, particularly in connection with the reliance on false confessions extracted under torture as a basis for the verdict.

While we welcome the opening of a new investigation into the allegations of torture and ill-treatment of Mr. Ramadan, we express **concern** at the entrusting of this important investigation to the same State institution, the Ombudsman's Office, whose earlier investigations raised serious doubts regarding their independence, professionalism and thoroughness.

We urge your Excellency's Government to adopt all necessary measures to ensure an impartial and independent investigation into the allegations of torture and extraction of confessions under torture in accordance with the guidelines laid out in the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). In view of the the irreversibility of the punishment of the death penalty, we further urge you to annul the death sentence against Mr. Ramadam, which on the facts available to us may have been imposed in violation of applicable international human rights standards, and that he are re-tried in compliance with international standards.

In connection with these allegations and concerns, we would like to remind your Excellency's Government of its obligations under international human rights law, in particular the absolute prohibition of torture and other forms of 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 its article 12 which requires the competent authorities to undertake a prompt and impartial investigation whenever there are reasonable grounds to believe that torture has been committed, and its article 7 which requires States parties to prosecute suspected perpetrators of torture. Furthermore we would like to draw your attention to 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), as well as 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.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out in relation to the above described allegations and in particular of the new investigation by the Ombudsman's Office opened in May 2016.
3. Please provide further information on why the new inquiry (opened in May 2016) has been entrusted to the same institution, the Ombudsman's Office, whose earlier investigations into the current case raised serious questions about its independence, professionalism and thoroughness. Please provide information on how it is ensured that the new investigation will be conducted in an impartial and independent manner and in accordance with the guidelines laid out in the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).
4. Please provide information on measures taken to ensure that the legal proceedings against Mr. Mohamed Ramadan and his co-defendant fully respect stringent due process guarantees and all possible safeguards to ensure a fair trial, in particular with regards to the imposition of the death penalty. In the absence of such measures, please explain steps undertaken to annul the death sentence and re-try the defendant in compliance with international standards. If no such steps are undertaken, please explain why.

We would appreciate receiving a response within 60 days.

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(s) responsible for the alleged violations.

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.

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Mónica Pinto  
Special Rapporteur on the independence of judges and lawyers

Juan Ernesto Mendez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, 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 International Covenant on Civil and Political Rights (ICCPR). In particular, we would like to draw the attention of your Excellency's Government to article 15 of the CAT which prohibits the use of any statement made as a result of torture as evidence in any proceedings, article 12 of the CAT, which requires the competent authorities to undertake a prompt and impartial investigation whenever there are reasonable grounds to believe that torture has been committed, and Article 7 of the CAT, which requires States parties to prosecute suspected perpetrators of torture.

We would also like to urge your government that any investigation into the into the allegations of torture and ill-treatment of Mr. Ramadan must be conducted in an impartial and independence manner and in accordance with the guidelines laid out in the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) see

<http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>.

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 ICCPR. 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.