

HM Shaikh Hamad bin Isa Al Khalifa  
Office of HM the King  
P.O. Box 555  
Rifa'a Palace  
Kingdom of Bahrain



London, 3 March 2017

Your Majesty,

I write to you from the Bar Human Rights Committee of England and Wales, the international human rights arm of the Bar of England and Wales. We are an independent body of legal practitioners concerned with the protection of rights, defending the rule of law, and ensuring the fair administration of justice. BHRC regularly appears in cases where there are matters of human rights concern, and has experience in legal systems throughout the world.

On 15 January 2017, Bahrain executed three men by firing squad. Prior to this, Bahrain had not carried out an execution since 2010<sup>1</sup>.

The Bar Human Rights Committee of England and Wales (BHRC) opposes the death penalty in all circumstances. BHRC notes that the tide of international opinion is against the continuance of capital punishment, with more and more countries abolishing it by law or abandoning it in practice. It is highly regrettable that a country that appeared to have abandoned capital punishment has now taken such a regressive step: one that will undoubtedly have an adverse effect on its international reputation.

BHRC is therefore acutely concerned that the death penalty will now be carried out on further prisoners on death row. In some of those cases there have been well-publicised issues with the trial process.

On 16 November 2015 the Court of Cassation upheld death sentences on Husain Ali Moosa and Mohamed Ramadan<sup>2</sup>. They now face death by firing squad at any time, unless the King commutes the sentences<sup>3</sup>.

The trial lawyers have noted that the convictions were based upon disputed confessions, which were alleged to have been extracted under torture<sup>4</sup>. Trial lawyers were only allowed access to the two men on the day of trial. The men were not allowed access to independent medical practitioners to examine injuries said to have been inflicted during interrogation.

Examination reports, by a state appointed doctor, have been reviewed by Dr Chisholm from the St Georges Hospital Medical School, London, an expert in the diagnosis and treatment of torture victims. He has found that neither forensic report complied with the requirements of the Istanbul Protocol, the UN manual dealing with the effective investigation and documentation of torture evidence. In particular: the reports were not independent, did not properly record all injuries, did not recount any

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<sup>1</sup> <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Bahrain>

<sup>2</sup> <http://abcnews.go.com/International/wireStory/bahrain-sentences-men-death-2014-bombing-35227329>

<sup>3</sup> <http://www.hrw.org/news/2017/01/23/bahrain-2-face-execution-despite-torture-allegations>

<sup>4</sup> <https://www.hrw.org/report/2015/11/22/blood-people-who-dont-cooperate/continuing-torture-and-mistreatment-detainees>

history given by either man as to how they came by injuries, did not consider causation or provide any rationale for the injuries and the examinations were not conducted in the presence of a lawyer. In fact a police officer was present: a significant factor where mistreatment is being alleged.

BHRC is deeply concerned by continuing and persistent allegations of mistreatment of detainees in Bahrain and convictions based upon disputed confessions which trial courts have failed to investigate properly or at all. The case of Mr Ramadan was one of a number of cases about which five UN Special Rapporteurs formally expressed concern to the Bahrain Government by letter dated 14 August 2014<sup>5</sup>. These cases follow in the wake of the Bahrain International Commission of Inquiry (BICI) after which the Bahraini state promised to reform its system of detention and safeguard the rights of detainees.

The UN Human Rights Committee has stated clearly that 'super due-process' must be applied in capital cases. It is apparent in these cases that not only has there been a failure to apply super due process, but basic requirements of fairness and due process have been denied to these defendants.

The circumstances of these cases are particularly disturbing given the serious failures noted above and the continuing more general allegations of mistreatment and torture.

BHRC calls on Bahrain to renounce the death penalty and in particular to suspend or commute these sentences.

Furthermore, BHRC urges the UK Government, given its opposition to the death penalty and its knowledge of these individual cases, to make representations to the Bahrain Government to have these sentences set aside or commuted.

Yours sincerely,



**Kirsty Brimelow QC**  
Chairperson, Bar Human Rights Committee of England and Wales (BHRC)

The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.

cc.

Bahraini Ministry of Justice  
Foreign and Commonwealth Office of the United Kingdom  
United Kingdom Embassy, Bahrain

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<sup>5</sup> <http://bahrainrights.org/en/node/7653>