

PETITION TO HIS MAJESTY SHAIKH HAMAD BIN ISA AL KHALIFA

RE. HUSAIN ALI MOOSA

MOHAMED RAMADAN

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PETITION FOR CLEMENCY

ON BEHALF OF THE HUMAN RIGHTS COMMITTEE

OF THE BAR OF ENGLAND AND WALES

The Bar Human Rights Committee of England and Wales (“BHRC”) is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England & Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.

**Introduction**

1. This petition is made in support of the applications for clemency made on behalf of Husain Ali Moosa and Mohamed Ramadan.
2. On 29 December 2014, Husain Ali Moosa and Mohamed Ramadan were sentenced to death, having been convicted of murder and attempted murder by the Fourth Superior Criminal Court of Bahrain (presiding Judge, Ali Khalifa Al-Zahrani). On 27 May 2015, the First Supreme Criminal High Appellate Court upheld the convictions and sentences. On 16 November 2015, the Court of Cassation rejected their appeals. The domestic judicial process has therefore been exhausted.
3. The Bar Human Rights Committee of England and Wales notes that international law requires ‘super due process’ in capital cases. It is submitted that the procedures resulting in the death sentences have not met these exacting standards and the BHRC therefore supports the applications for clemency on the following grounds:
   1. Pre-trial failures including lack of access to defence lawyers and independent forensic medical examiners.
   2. Trial failures including restrictions on the involvement of defence lawyers and an inequality of arms with respect to expert medical evidence relating to allegations of ill-treatment and forced confessions.
   3. Evidence from an internationally renowned medical expert, which highlights significant breaches of the Istanbul Protocol in these cases.
   4. The lack of incriminating evidence beyond the disputed confessions.
4. In addition, BHRC submits that the above grounds should be considered in the context of:
   1. Proven cases of serious mistreatment of detainees, by the *Bahrain Independent Commission of Inquiry* (BICI) – findings received and fully accepted by His Majesty.
   2. Serious ongoing international concerns regarding the human rights situation in Bahrain, as expressed at the May 2017 Universal Periodic Review.

**The Death Penalty and ‘Super Due Process’**

1. The 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[[1]](#footnote-1). On 15 January 2017, Bahrain executed three men by firing squad after a moratorium of nearly seven years. In a letter to His Majesty, dated 3 March 2017, BHRC noted that it was highly regrettable that a country that appeared to have abandoned capital punishment had now taken such a regressive step: one that will undoubtedly have an adverse effect on its international reputation[[2]](#footnote-2).
2. However, this petition goes further than expressing general opposition to capital punishment. International law requires ‘super due process’ wherever capital punishment is contemplated.[[3]](#footnote-3) Judicial killings offend the rule of law unless procedures are so robust as to remove the possibility of error or unfairness as comprehensively as possible. In particular, this must be so where the context is civil or political conflict.

**Relevant Facts: Prosecution Allegations and Evidence**

1. The Trial Court judgment[[4]](#footnote-4) sets out the allegations against Husain Ali Moosa, Mohamed Ramadan and ten other accused. In essence the judgment records:
   1. Mohamed Ramadan obtained an explosive device, which was placed and set by Husain Ali Moosa in the Dayr area on 14 February 2014.
   2. Together with a crowd of others, some of whom were co-accused, the men lured police officers to the scene and then detonated the device, killing one officer and injuring others.
2. Husain Ali Moosa, Mohamed Ramadan and ten other men were charged with murder, attempted murder and a number of other related offences.
3. The prosecution evidence heard at trial consisted of:
   1. Testimony from five police and four CID officers.
   2. Confessions from Husain Ali Moosa, Mohamed Ramadan and four other defendants.
   3. Reports from the Crime Scene Division, the Criminal Investigations lab (relating to samples from the scene).
   4. Autopsy and medical reports relating to the victims.
   5. Photographs and video footage from a re-enactment.
   6. The criminal records of Husain Ali Moosa and six other defendants.
   7. Reports on the phones of two defendants.
4. The police witnesses gave evidence that they were at the entrance to Dayr village when they were attacked by a group of men with Molotov cocktails and other weapons, to whom they gave chase. The bomb was detonated in the vicinity of the Nur al-Hidaya Grocery, near to the Khayf mosque, killing one officer and injuring others.
5. On 21 February 2014, seven days after the bombing, Husain Ali Moosa and four other defendants were arrested. Husain Ali Moosa confessed under interrogation, asserting that he had planted the bomb, contained in a black plastic bag, at the instigation of one of the other defendants, Muhammed Makki. It had been supplied by MR. After planting the bomb, Husain Ali Moosa left the scene but later heard it explode.
6. On a date unspecified in the judgment[[5]](#footnote-5), Mohamed Ramadan also made admissions of a different nature. He asserted that he had agreed with Husain Ali Moosa to take part in the demonstration on 14 February 2014 and to attack police officers, but stated that neither himself nor Husain Ali Moosa were present when the bomb was detonated.
7. Four other defendants made admissions under interrogation relating to involvement in the demonstration on 14 February 2014. Those admissions referred to the leading roles played by Husain Ali Moosa and Mohamed Ramadan in the demonstration but did not implicate them further. No other defendant made admissions with respect to the bombing.
8. Notably, only Husain Ali Moosa made any admissions relating to the bomb. One of the other defendants, Mustafa Ahmad Yusuf Habib, stated that he saw Muhammed Makki place a black plastic bag near to the Grocery: an admission inconsistent with the confession made by Husain Ali Moosa.
9. The scientific evidence indicated that the injuries sustained by the victims were consistent with a bombing and samples linked the victims to the scene. There was evidence regarding the physical construction of the explosive device and its means of detonation. There is no suggestion in the judgment that there was scientific evidence linking any of the defendants to the bomb or the scene.
10. The antecedents relied upon by the prosecution, concerned previous convictions relating to unlawful assemblies and associated public order offences.
11. The phone evidence indicated communications regarding the security situation and the breaking of shop CCTV cameras prior to assemblies.

**Relevant Evidence: The Defence**

1. The judgment records that the defence submitted that the warrants and searches had been invalid, and that Husain Ali Moosa asserted that his confession had been induced by torture. The Court rejected the submission relating to the investigative shortcomings. The Court also rejected Husain Ali Moosa’s allegations of torture, holding that injuries to his wrists had been caused by handcuffs and an injury to his back had been caused by a fall when he tried to escape.

**Verdicts and Sentences**

1. Husain Ali Moosa and MOHAMED RAMADAN were convicted of all counts and sentenced to death. Muhammed Makki was convicted of assisting the two and sentenced to life imprisonment. The other defendants were convicted of public order offences relating to the assembly and jailed for six years and fined.

**Appeals**

1. The First Supreme Criminal High Appellate Court[[6]](#footnote-6) and the Court of Cassation[[7]](#footnote-7) heard and rejected appeals, upholding the findings and reasoning of the trial court.

**Allegations of due process failures in these cases**

1. BHRC has been informed that:
   1. Trial lawyers for both Husain Ali Moosa and Mohamed Ramadan were refused access to the men at all stages prior to the trial and only had contact with them in the court room itself.
   2. Lawyers for both men were not provided with the full prosecution file until after the trial had begun and they were not allowed to cross-examine prosecution witnesses.
   3. Each of the six men who made confessions or admissions alleged that they were subject to serious physical mistreatment and were thereby forced to make untrue statements. The men were not allowed to instruct or be examined by independent medical examiners at any point prior to, during, or after the trial, despite the allegations that they had been induced to make confessions under torture.
   4. At trial the only medical evidence regarding injuries to Husain Ali Moosa and Mohamed Ramadan came from Dr Mohammed Nour al Din Ahmad Ans Fowda of the ‘Public Prosecution General Directorate of Forensic Science’. Defence requests for the Court to order an independent investigation into the allegations of mistreatment were denied.

**Post-trial medical evidence and further investigations**

1. Reviews of the medical evidence were obtained on behalf of Husain Ali Moosa and Mohamed Ramadan from Dr Brock Chisholm, an internationally renowned expert in the investigation of torture, based at St Georges Hospital Medical School, London. Dr Chisholm stated that neither forensic medical report considered at trial complied with the requirements of the Istanbul Protocol: the UN manual dealing with the effective investigation and documentation of torture evidence. Dr Chisholm was a ‘Contributing Author’ to the Istanbul Protocol, a fact that underlines his expertise in this area. In particular, he opined: the reports were not independent, did not properly record all injuries, did not recount any history given by either man as to how they came to be injured, 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 negative factor where mistreatment is being alleged. BHRC further notes that Husain Ali Moosa and Mohamed Ramadan were not examined until 9 and 12 days after their arrests[[8]](#footnote-8).
2. BHRC has seen Dr Chisholm’s reports. His conclusions in respect of the reports of Dr Fowda are stark: the report regarding Mohamed Ramadan “fails 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 and should therefore be completely disregarded”. A similar conclusion was reached with respect to the report regarding Husain Ali Moosa.
3. The reports of Dr Chisholm have formed a central part of complaints of torture made by Husain Ali Moosa and Mohamed Ramadan to the Ombudsman for the Ministry of the Interior. In October 2016, the Ombudsman referred the cases to the Special Investigation Unit of the Public Prosecution Office (SIU) but has declined to disclose the result of his own investigations to Husain Ali Moosa, Mohamed Ramadan or their lawyers, or indeed to indicate whether this process has reached a conclusion. There has been no disclosure from the SIU. BHRC understands that Dr Chisholm has offered to assist the Ombudsman and the investigation of these matters but has not received any reply.
4. These cases are amongst a number of cases about which UN Special Rapporteurs have formally and repeatedly expressed concern to Bahrain[[9]](#footnote-9).

**Relevant domestic law**

1. The Bahrain Constitution guarantees the integrity of the person[[10]](#footnote-10). In particular the Constitution prohibits torture and other degrading treatment and expressly declares that forced confessions shall be treated as null and void[[11]](#footnote-11).
2. The Constitution guarantees due process for all accused, including access to lawyers of their own choice[[12]](#footnote-12).
3. The *Code of Criminal Procedure* further guarantees an arrestee’s integrity and right of access to lawyers[[13]](#footnote-13). Lawyers for an accused are entitled to be present at an investigative procedure[[14]](#footnote-14), and the accused is entitled to full disclosure[[15]](#footnote-15). The Public Prosecutor should only question an accused in the presence of his lawyer, on proper notice[[16]](#footnote-16). The lawyer must be given advanced access to the investigation[[17]](#footnote-17). At criminal trial, witnesses for the prosecution shall be examined and cross-examined by the Public Prosecutor and Defence respectively, and then defence witnesses shall be examined and cross-examined by Defence and Prosecutor[[18]](#footnote-18). The judges must only rely upon evidence before them, and must ignore any statement made by the accused or other witness, that is proven to have been made by coercion[[19]](#footnote-19). The judgment must state the reasons upon which it is based[[20]](#footnote-20).
4. The death penalty must not be carried out unless the King gives his approval[[21]](#footnote-21).
5. Anti-terrorism legislation has allowed for suspects to be detained without reference to a court and prior to interrogation by the Public Prosecutor for up to 15 days[[22]](#footnote-22), but no provision allows for exclusion of defence lawyers up to the start of trial.

**Relevant International Law**

1. Bahrain acceded to the UN *Convention Against Torture* (*CAT*) on 6 March 1998 and the *International Covenant on Civil and Political Rights (ICCPR)* on 20 September 2006.
2. Article 1 of the *CAT* defines torture as the infliction of severe physical or mental pain, in particular during interrogations. Article 2 prohibits torture in all circumstances. Article 16 further requires state parties to prevent cruel, inhuman or degrading treatment, which does not constitute torture. Parties must promptly investigate any allegations of torture, Articles 12 and 13 (further referred to below), and must prohibit the use of evidence gained under torture, Article 15. The prohibitions are absolute and non-derogable.
3. Article 6 of the ICCPR recognises the individual’s inherent right to life and has been described as a “supreme right” which should be interpreted widely and from which no derogation is allowed. Although abolition of the death penalty is not required by Article 6, it is clear that the UN Human Rights Committee (UNHRC) considers that it is implicit that abolition is desirable[[23]](#footnote-23). Furthermore, the UNHRC vigorously encourages ratification of the Second Optional Protocol to the *ICCPR* (abolition) in its dialogues with state parties. International pressure for the abolition of the death penalty has also been demonstrated in reaction to the executions of three men on 15 January 2017 by Bahrain[[24]](#footnote-24), and by state recommendations in the recent UN Universal Periodic Review (UPR) cycle[[25]](#footnote-25).
4. It is equally clear that Article 6 requires strict adherence to due process in any such case: Article 14, referred to below. A death sentence where the provisions of Article 14 have been breached is itself a breach of Article 6[[26]](#footnote-26).
5. Article 7 prohibits the use of torture. The extent of this prohibition has been developed by the CAT but, in conjunction with Article 14(3)(g), requires that confessions obtained under coercion must be excluded from the trial and the court must investigate allegations of forced confessions.
6. Article 14 sets out wide-ranging fair trial guarantees for the accused. In relation to the issues raised at paragraph 21 above, these due process requirements include:
   1. The right to be informed promptly and in detail of the nature and cause of the charges: A14(3)(a).
   2. The right to have adequate time and facilities for the preparation of his/her defence and to communicate with counsel of his/her choosing: A14(3)(b).
   3. The right to have prosecution witnesses examined and to have defence witnesses called and examined under the same conditions as witnesses against him/her: A14(3)(e).
   4. The right not to be compelled to testify against himself/herself or confess: A14(3)(g).
7. The UNHRC has dealt with the denial or delay in according access to lawyers under both Article 14(3)(a) and (b). In Kurbanov v Tajikistan (1096/02) the UNHRC held that a delay in charging had affected the accused’s ability to defend himself, in part because it delayed his recourse to legal assistance. In Gridin v Russian Federation (770/97) the UNHRC held that a delay of 5 days in allowing access to a lawyer violated the requirements of A14. The principle in Gridin has been confirmed in many other cases and Concluding Observations[[27]](#footnote-27). It is of particular note that the UNHRC has emphasised that these requirements apply to all persons arrested or detained on criminal charges, including ‘terrorism’ suspects.
8. A failure to grant prompt access to counsel of choice is a violation of Article 14(3)(b): Kelly v Jamaica (537/93) and numerous cases have held that incommunicado detention breaches the same provision[[28]](#footnote-28).
9. The requirement for the accused to be able to cross-examine adverse witnesses and call relevant witnesses on his own behalf – Article 14(3)(e) - is a manifestation of the principle of ‘equality of arms’. The importance of the right to cross-examine important prosecution witnesses has been highlighted in Rouse v Phillipines (1089/02), and in Concluding Observations on the Netherlands (2009)[[29]](#footnote-29) the UNHRC indicated that the right to cross-examine will also, in some circumstances, extend to being able to identify the witness and see his/her demeanour and not simply the right to pose questions.
10. In Fuenzalida v Ecuador (480/91) the UNHRC underlined the importance of an accused being able to obtain and rely on expert testimony: Article 14(3)(e).
11. The prohibition on obtaining confessions by coercion is dealt with under Article 7. However, the HRC has found that a failure to properly investigate allegations of forced confessions breached A14(3)(g): Kouidis v Greece (1070/02).
12. With respect to the investigations of forced confessions, Article 12 of the CAT requires the State Party to promptly and impartially investigate wherever there are reasonable grounds to believe that an act of torture has been perpetrated within its jurisdiction. Article 13 requires the State Party to ensure that any individual who alleges torture has a means of complaint and has his/her case promptly and impartially investigated by the competent authorities. The procedural obligations of these requirements have been set out in detail in the Istanbul Protocol[[30]](#footnote-30) which require the state, and in particular the trial court, to properly investigate allegations of torture and forced confessions.
13. The right to a fair trial and the prohibition on torture are further reflected in Article 7 and Article 13 of the Arab Charter on Human Rights[[31]](#footnote-31).

**Submissions**

1. BHRC reiterates that it is opposed to the death penalty in all circumstances and urges the King to reflect that until January 2017 Bahrain had refrained from carrying out any capital sentence for nearly seven years.
2. Although the death penalty, *per se*, is not a breach of international law, it is clear that the execution of an individual will violate international law in circumstances where a state party has not ensured strict adherence to Article 14, and the ICCPR, in conjunction with both the substantive and procedural obligations of the CAT. The degree of adherence to these obligations required in such cases has been referred to as ‘super due process’, in recognition that it is impossible to rectify any defect after the sentence has been carried out.
3. BHRC recognises that Husain Ali Moosa and Mohamed Ramadan have been convicted of very serious offences by a trial court and that the appeal process has been exhausted. However, the Penal Code and CoCP require that execution can only take place following approval by the King, who has the prerogative power of commutation and pardon. In our submission, approval for execution would be wholly inconsistent with Bahrain’s international obligations under the ICCPR and CAT, given the evidence that the exacting standards of super due process have not been applied in these cases.
4. BHRC submits that there are four key considerations:
   1. Context.
   2. Allegations of procedural defects in the trial process.
   3. Allegations of substantive and procedural breaches of the prohibition of torture.
   4. A lack of evidence implicating either Husain Ali Moosa or Mohamed Ramadan in the murder or attempted murders, beyond the disputed confession of Husain Ali Moosa.

A. Context

1. BHRC respectfully reminds the King that the report of the BICI[[32]](#footnote-32) was received by His Majesty and its findings accepted. Those findings included serious mistreatment of detainees including torture, and the use of forced confessions in trials. Whereas the Government asserts that it has taken measures to address the recommendations, in the BICI report there remain persistent allegations of mistreatment of detainees and the use of disputed confessions at trial. Furthermore, as evidenced by the recent UPR cycle, there remains significant international concern regarding adherence to the human rights instruments to which Bahrain has acceded. This international concern was particularly focussed after the executions in January 2017[[33]](#footnote-33).
2. BHRC submits that consideration of approval for executions or exercise of the prerogative to commute such sentences, must be undertaken with careful regard to the recent context of accepted findings of the serious mistreatment of detainees and the use of coerced confessions. Abolition of the death penalty, a reintroduced moratorium, or commutation of individual sentences do not imply acceptance of particular allegations but merely recognise the direction of travel of international penal policy and the strict requirements of the ICCPR and CAT with respect to the death penalty.

B. Procedural Defects in the Trial Process

1. BHRC understands that Husain Ali Moosa and Mohamed Ramadan were not allowed access to lawyers pre-trial, their access to lawyers was restricted during the trial, the full case file was not provided to the defence until after the commencement of the trial, and the defence were restricted by denial of the right to cross-examine prosecution witnesses.
2. Each of these factors, in their own right or collectively, constitute obvious and serious violations of the right to a fair trial as required by Bahraini domestic provisions and Article 14 of the ICCPR.
3. BHRC notes that with respect to capital punishment, ‘super due process’ must be observed: strict adherence to fair trial provisions. Any restriction on the domestic and international due process obligations would mean that the very high hurdle required in such cases has not been met. Execution in such circumstances would violate Article 6 of the ICCPR, read together with Article 14.

C. Substantive and Procedural Breaches of the Prohibition of Torture

1. From the trial and appeal court judgments it is clear that:
   1. Husain Ali Moosa and Mohamed Ramadan alleged that their confessions and admissions resulted from coercion amounting to torture or serious mistreatment,
   2. They were only examined by a medical practitioner instructed by the state authorities.
2. In itself, and irrespective of whether the torture allegations can be proved, the refusal to allow the accused to be examined by independent medical experts is a clear breach of Article 12 and Article 13 of the CAT and Article 7 of ICCPR read with Article 14(3)(g), and the Istanbul Protocol.
3. Based upon the prosecution medical evidence the trial court rejected the allegations of mistreatment, however, as stated above, a review of that evidence has been obtained from Dr Chisholm. His conclusions are summarised at paragraphs 22-23 above. In essence he has asserted that the state medical reports should be “completely disregarded” because of their multiple violations of the Istanbul Protocol.
4. BHRC notes that complaint has been made to the Ombudsman based upon the reports of Dr Chisholm and the Ombudsman has indicated that he has referred the matter to the SIU. Whereas BHRC views this as a positive development it is further noted that neither the Ombudsman nor SIU have communicated the result of their investigations to Husain Ali Moosa, Mohamed Ramadan or their lawyers. BHRC understands that the Ombudsman had, similarly, referred the case of Abbas Al Samea, one of the men executed in January 2017, to the SIU but the results of its investigation or the outcome of the SIU investigation were not disclosed to Mr Al Samea or his lawyer. BHRC also notes its concern that the Ombudsman has not communicated with Dr Chisholm with respect to his willingness to assist.
5. BHRC submits that the failure to allow the men to be examined by an independent medical examiner is a clear and substantial breach of due process obligations. The reports of Dr Chisholm raise new and substantial reasons to doubt the medical evidence heard at trial.
6. In the circumstances, there is clear and expert evidence from an eminent medical practitioner that supports the allegations of a substantive breach of the prohibitions against torture and the use of forced confessions. The failure to allow for such evidence to be adduced in the trial process is similarly a clear breach of the due process obligations outlined above.
7. On their own, the reports of Dr Chisholm raise doubts over the convictions in these cases and without question should prevent the carrying out of these sentences.

D. Insufficient Evidence

1. BHRC notes from the reasoning of the trial court judgment that the only evidence relied upon by the judges to convict Husain Ali Moosa and Mohamed Ramadan of murder and attempted murder, was the disputed confession of Husain Ali Moosa. The confessions of Mohamed Ramadan and the other four defendants (paragraphs 12-13 above) implicated the men in public order offences but did not incriminate either Husain Ali Moosa or Mohamed Ramadan in the capital offences charged. No other evidence is referred to which implicated either of the men in murder or attempted murder.
2. BHRC submits that the insufficiency of evidence is a further reason why these convictions should be referred back to be dealt with by a new judicial process and alternatively for clemency to be shown.

**Conclusions**

1. BHRC submits that there are substantial grounds for the judicial process to be re-opened in these cases, based upon the procedural failings and the fresh evidence from Dr Chisholm. These grounds are underlined by the fact that the only evidence implicating Husain Ali Moosa and Mohamed Ramadan in the capital offences is the disputed confession of Husain Ali Moosa.
2. It is apparent that domestic and international due process obligations have not been met. It would be manifestly unfair, and a breach of Bahrain’s international obligations for the sentences of death to be carried out.

Yours sincerely,



**Kirsty Brimelow QC** Chair, 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.

1. Protocol 13 to the European Convention on Human Rights, ended capital punishment across the continent of Europe (with the exception of Belarus). Worldwide the trend is abolitionist: <https://www.amnesty.org/en/what-we-do/death-penalty/> [↑](#footnote-ref-1)
2. <http://www.barhumanrights.org.uk/wp-content/uploads/2017/03/Bahrain-open-letter-March-2017.pdf> [↑](#footnote-ref-2)
3. *Cruel Punishment and Respect for Persons: Super Due Process for Death*, Radin 53 S. Cal. L. Rev. 1143 (1979-80), *Ocalan v Turkey [2005] 41 EHRR 45* at *[60]*. [↑](#footnote-ref-3)
4. Fourth Superior Criminal Court, Case no: 4974/2014/07, Date of judgment: December 29, 2014. [↑](#footnote-ref-4)
5. Mohamed Ramadan was arrested on 18 February 2014 [↑](#footnote-ref-5)
6. Appeals no.: 1166/2014/13, 1168/2014/11, 1169/2014/11, 1170/2014/11, 32/2015/11, 37/2015/11, 40/2015/11, 257/2015/11, Date of judgment: May 27, 2015 [↑](#footnote-ref-6)
7. 16 November 2015 [↑](#footnote-ref-7)
8. The two examinations were apparently done on the same day, 2 March 2014, and a template was used for the reports: Husain Ali Moosa is incorrectly referred to in the body of the report for MR. [↑](#footnote-ref-8)
9. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21118&LangID=E>, <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=13929>

   <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=14209>

   <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=3313> [↑](#footnote-ref-9)
10. Article 19: <http://www.refworld.org/docid/48b54f262.html> [↑](#footnote-ref-10)
11. Art 19(d) [↑](#footnote-ref-11)
12. Art 20(c), (d) and (e) [↑](#footnote-ref-12)
13. Article 61, Code of Criminal Procedure, Legislative Decree No. 46 of 2002 (CoCP): <http://www.moj.gov.bh/en/Print_pf3c0.html?printid=964> [↑](#footnote-ref-13)
14. Article 84 of the CoCP. [↑](#footnote-ref-14)
15. Art 87, CoCP. [↑](#footnote-ref-15)
16. Art 134, CoCP. [↑](#footnote-ref-16)
17. Art 135, CoCP. [↑](#footnote-ref-17)
18. Art 220 and 221, CoCP. [↑](#footnote-ref-18)
19. Art 253, CoCP. [↑](#footnote-ref-19)
20. Art 261, CoCP. [↑](#footnote-ref-20)
21. Art 51, Penal Code 1976, Art 328, CoCP. Under Art 90 of the Penal Code the King may commute any sentence by Decree. [↑](#footnote-ref-21)
22. Article 27, Protection of Society from Terrorist Acts, Law No 58 of 2006. [↑](#footnote-ref-22)
23. ‘CCPR: Right to Life’, General Comment No 6, OHCHR, 30 April 1982: <http://www.refworld.org/docid/45388400a.html> [↑](#footnote-ref-23)
24. <https://eeas.europa.eu/headquarters/headquarters-homepage/18588/statement-spokesperson-executions-carried-out-bahrain_sl> [↑](#footnote-ref-24)
25. [https://www.uprinfo.org/database/index.php?limit=0&f\_SUR=13&f\_SMR=All&order=&orderDir=ASC&orderP=true&f\_Issue=All&searchReco=&resultMax=100&response=&action\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=13&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=100&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly) [↑](#footnote-ref-25)
26. *Gunan v Kyrgyzstan (1545/07)*: <http://www.bayefsky.com/pdf/kyrgyzstan_t5_ccpr_1545_2007.pdf> [↑](#footnote-ref-26)
27. Smartt v Guyana (867/99), §6.3, Lyashkevitch v Uzbekistan (1552/07) §9.4, Khuseynov and Butaev v Tajikistan (1263-4/-4) §8.4, Concluding Observations on the UK (2008) UN doc CCPR/C/GBR/CO/6, §19 and Concluding Observations on the Netherlands (2009) UN doc CCPR/C/NLD/CO/4, §11. [↑](#footnote-ref-27)
28. Drescher Caldas v Uruguay (43/79), Carballal v Uruguay (33/78), Izquierdo v Uruguay 973/80) and Machado v Uruguay (83/80). [↑](#footnote-ref-28)
29. Cited at fn 25 [↑](#footnote-ref-29)
30. UN Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Istanbul Protocol”): <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>. Although non-binding, both the UN General Assembly and UN HRC have encouraged states to follow the guidance in the Istanbul Protocol, and it is a key document in determining breaches of both ICCPR and CAT. [↑](#footnote-ref-30)
31. Adopted 15 September 1994: <http://www.humanrights.se/wp-content/uploads/2012/01/Arab-Charter-on-Human-Rights.pdf> [↑](#footnote-ref-31)
32. Final revision 10 December 2011: <http://www.bici.org.bh/BICIreportEN.pdf> [↑](#footnote-ref-32)
33. https://eeas.europa.eu/headquarters/headquarters-homepage\_en/18588/Statement%20by%20the%20spokesperson%20on%20the%20executions%20carried%20out%20in%20Bahrain [↑](#footnote-ref-33)