

Chair: Mark Muller QC | Vice-Chairs: Kirsty Brimelow QC and Sudanshu Swaroop

leading human rights and opposition figures. The BHRC understands that that a civilian court is due to hear Mr Al-Khawaja's case on 23 April 2012.

We would urgently remind the Bahraini government and the civilian court of the absolute prohibition on the use of torture and other cruel, inhuman or degrading treatment or punishment as codified in the Convention Against Torture which Bahrain ratified in 1998. This includes the duty to investigate credible allegations of torture allegedly committed by state officials. Furthermore, the duty of the state to respect, protect and promote the fundamental rights to a fair trial and freedom of expression, assembly and association as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which Bahrain ratified in 2006.

The particular application of these rights to the activities of human rights defenders is codified in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144 (A/RES/53/144), 8 March 1999).

Mr Al-Khawaja began his hunger strike on 8 February 2012 and his health has rapidly declined in the ensuing period. Mr Al-Khawaja pledged in an open letter to continue his hunger strike until freedom or death. His condition is now plainly critical.

The BHRC respectfully requests His Majesty to exercise a humanitarian prerogative and immediately release Mr Al-Khawaja from custody to ensure that he receives the urgent medical care he requires or to transfer him to the care of the Government of Denmark as he is a dual national of that country. We note the Government of Denmark has formally requested transfer and UN General Secretary Ban Ki Moon has asked the Government of Bahrain to consider the request on humanitarian grounds. We support Mr Ban Ki Moon in his request.

We also urged the civilian court dealing with Mr. Al-Khawaja's case to consider the cited rights, duties and state responsibilities within the context of the factual findings of BICI so as to consider as a matter of urgency his immediate release from custody on legal, human rights as well as humanitarian grounds.

In writing this letter the BHRC recognizes His Majesty's stated commitment to implement BICI and promote national reconciliation and unity more generally. The BHRC is request is also made within this wider context.

Yours,



Mark Muller QC

Chairman

On behalf of the Bar Human Rights Committee of England & Wales