



# General Assembly

Distr.: General  
25 September 2020

English only

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## Human Rights Council

### Forty-fifth session

14 September–2 October 2020

Agenda item 4

**Human rights situations that require the Council's attention**

### **Written statement\* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-12573(E)



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## **Bahrainis at Imminent Risk of Execution Following Allegations of Torture**

On the occasion of the 45th session of the United Nations (UN) Human Rights Council (HRC), Americans for Democracy & Human Rights in Bahrain (ADHRB) would like to take the opportunity to raise concerns over Bahrain's treatment of two Bahrainis who have been sentenced to death and are at imminent risk of execution following trials marred by allegations of endemic torture. ADHRB files the following submission concerning the cases of two Bahraini citizens who are now at imminent risk of execution, having exhausted all legal remedies in the country.

### **Introduction**

On 13 July 2020, the Court of Cassation of Bahrain upheld the death sentence against Mohammed Ramadhan and Husain Moosa, six years after their initial arrests in February 2014. Their trial was the subject of significant attention from international observers due to the circumstances surrounding the proceedings, including the courts' reliance on torture-tainted confessions as primary evidence. Mohammed Ramadhan and Husain Moosa have exhausted their legal remedies and are at imminent risk of execution, pending ratification by the King of Bahrain. The following serves as an introduction to these two cases and seeks to provide a brief legal analysis of the treatment of these two individuals at imminent risk of execution.

### **Mohammed Ramadhan**

Mohammed Ramadhan is a 37-year old father to three young children. In February 2014, following attendance at peaceful pro-democracy marches in Bahrain, Mohammed Ramadhan was arrested and accused of killing a police officer in a bomb attack in al-Dair, Bahrain. Upon the occasion of his arrest, Mohammed Ramadhan was on duty as a security officer at Bahrain International Airport when he was approached by plainclothes officers who asked him to come with them to answer routine questions. He was subsequently taken to the Criminal Investigations Directorate (CID), where he was blindfolded, his wrists were bound, and he was detained for interrogation for four days. He was stripped, beaten with iron bars, sexually assaulted, and threatened with the rape of his wife and sisters. His inquisitors further forced him to listen to the screams of other prisoners being tortured. Mohammed Ramadhan eventually signed a paper confessing to participating in a protest but did not say anything about involvement in a bombing.

### **Husain Moosa**

In February 2015, Husain Moosa was arrested without a warrant in violation of Article 9(1) of the International Covenant on Civil and Political Rights<sup>1</sup> read in combination with Article 19 (a) of the Bahraini Constitution,<sup>2</sup> Article 357 of the Bahraini Criminal Code (CC)<sup>3</sup> and Article 61 of its Code of Criminal Procedures (CPC).<sup>4</sup> Husain Moosa is 34 years old and, like Mohammed Ramadhan, was arrested, tortured and accused of involvement in the al-Dair bombing in February 2014. Husain Moosa was taken into CID custody, and alleges that during his detention interrogators secured his hands painfully tightly with plastic ties, so that they swelled up, and beat him so to the point that he had to be taken to hospital. Detention officials allegedly threatened to rape him with a wooden baton, beat him with sticks and shoes, and focused particularly on his testicles - kicking, hitting and squeezing them. Having eventually succumbed to his torture, Hussain Moosa states that he was taken to the Public

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<sup>1</sup> Article 9 International Covenant on Civil and Political Rights, General Assembly Resolution 2200A (XXI), U.N. Doc. A/6316 (16 December 1966).

<sup>2</sup> دستور مملكة البحرين, Art. 19.

<sup>3</sup> مرسوم بقانون رقم (15) لسنة 1976 باصدار قانون العقوبات.

<sup>4</sup> لسنة 2002 باصدار قانون الاجراءات الجنائية مرسوم بقانون رقم (46) Art. 61.

Prosecutor's Office and told to sign a pre-prepared confession stating that he had been involved in death of a police officer caused by a bombing, along with Mohammed Ramadhan, who had been in possession of the bomb. Husain Moosa took the first opportunity to recant his coerced confession, after which he was taken back into the custody of the CID and tortured for a further three months.

The coerced confessions procured during torture were considered admissible by the Criminal Court of Appeals, leading both men to be convicted of homicide in the bombing-death of a police officer in al-Dair in 2014. The admission of the confessions by the Bahraini courts was in spite of the fact that the purpose of this torture was to force the defendants to sign prewritten confessions in contravention of Article 15 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>5</sup> and to Bahraini domestic law including Article 19 (d) of the Constitution of Bahrain.<sup>6</sup>

## The Trials

Both men were subsequently sentenced to death, despite there being no physical evidence linking them to the crime and the fact that in during the trial international norms of judicial impartiality were not met, as is pervasive in the Bahraini judicial system. ADHRB submits that the treatment of the defendants in this case was in breach of the Istanbul Protocol, which affirms the right of the defendants to an investigation of their reports of torture, as no substantive investigation of allegations of torture was undertaken.<sup>7</sup> In addition, the judicial proceedings against these two individuals were not conducted according to international fair-trial standards and norms, as the defendants were denied access to counsel until after a guilty verdict was passed and a death sentence imposed.

## International Outcry

There has been a significant international outcry in response to the treatment of Mohammed Ramadhan and Husain Moosa in custody. Indeed, the United States of America Representative James P. McGovern called on Bahrain to free the men or commute their sentences,<sup>8</sup> Italian Senator Valeria Fedeli called on the government to suspend both men's death sentences absolutely,<sup>9</sup> and Members of the European Parliament expressed their grave concern over breaches of fair trial proceedings and the torture suffered by Ramadhan and Moosa.<sup>10</sup> In response to the death sentences of Mohammed Ramadhan and Husain Moosa, the United Kingdom of Great Britain and Northern Ireland (UK) House of Commons denounced Bahrain's use of torture and practice of conferring death sentences.<sup>11</sup>

The Belgian Parliament's foreign affairs committee also condemned the sentencing of Mohammed Ramadhan and Mr Moosa and urged the Bahraini government to call for the

<sup>5</sup> Article 1 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment United Nations, Treaty Series, vol. 1465, p. 85.

<sup>6</sup> Article 19(d) of the Constitution of the Kingdom of Bahrain [2002] available in English: < <https://www.refworld.org/docid/48b54f262.html> > [accessed 29 June 2020].

<sup>7</sup> Article 7 Istanbul Protocol.

<sup>8</sup> Office of Representative Jim McGovern 'Congressman McGovern calls on Bahrain to free two victims of torture unjustly sentenced to death' (11 July 2020) < <https://mcgovern.house.gov/news/documentsingle.aspx?DocumentID=398589> > accessed 10 August 2020.

<sup>9</sup> 17 July 2020 < <http://www.senatoripd.it/diritti/fedeli-stop-condanne-morte-bahrain-rispetto-impegno-internazionali/> > accessed 10 August 2020.

<sup>10</sup> European Parliament 'Letter to High Representative Borrell' (6 March 2020) < <https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2020/03/Letter-on-Bahrain-death-row-cases.pdf> > accessed 10 August 2020.

<sup>11</sup> UK House of Commons 'Adequacy of British assistance to reduce death sentences and torture in Bahrain' (16 January 2020) < <https://edm.parliament.uk/early-day-motion/53517/adequacy-of-british-assistance-to-reduce-death-sentences-and-torture-in-bahrain> > accessed 10 August 2020.

termination of death sentences.<sup>12</sup> Members of the European Parliament Maria Arena and Hannah Neumann issued a joint statement addressing concerns over the admissibility of the confessions gathered under torture.<sup>13</sup> They prompted Bahrain to adhere to its obligations under international human rights law by granting Mohammed Ramadhan and Husain Moosa a fair trial and reverting their death sentences. Furthermore, the UN raised their concerns on this case in February,<sup>14</sup> and this case was again raised on 14 July, by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Additionally, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms Agnes Callamard, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Mr Nils Melzer called on Bahrain in January 2017 and asserted the importance of fair trial rights and the prohibition of all forms of torture and cruel, inhuman or degrading treatment or punishment under international law.

They asked Bahrain to refrain from executing Mohammed Ramadhan and Husain Moosa.<sup>15</sup> Additionally, non-governmental agencies including the Bahrain Institute for Rights and Democracy (BIRD), Human Rights Watch, Amnesty International, and others have also expressed their concern regarding the treatment of Husain Moosa and Mohammed Ramadhan.<sup>16</sup>

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<sup>12</sup> Belgian Parliament Foreign Affairs Committee ‘Samuel Cogolati towards Philippe Goffin (Foreign Affairs and Defence) on “the violations of human rights in Bahrain’ < <https://www.adhrb.org/wp-content/uploads/2020/01/Cogolati-oral-questions-during-FA-committee-Google-Docs-1.pdf> > accessed 10 August 2020.

<sup>13</sup> European Parliament Press Release ‘MEPs deeply concerned over Bahraini prisoners sentenced to death’ (10 July 2020) < <https://www.europarl.europa.eu/news/en/press-room/20200710IPR83111/meps-deeply-concerned-over-bahraini-prisoners-sentenced-to-death> > accessed 10 August 2020.

<sup>14</sup> Office of the United Nations High Commissioner on Human Rights ‘Urgent appeal to the Government of Bahrain to stop new executions – UN rights experts’ (25 January 2017) < <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21118&LangID=E> > accessed 10 August 2020.

<sup>15</sup> Idem.

<sup>16</sup> Americans for Democracy & Human Rights ‘NGOs Condemn Death Penalty Sentence of Mohammed Ramadan and Husain Ali Moosa’ (30 December 2014) < [https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2014/12/2014.12.30\\_NGOs-Condemn-Death-Penalty-Sentence-of-Mohammed-Ramadan-and-Husain-Ali-Moosa.pdf](https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2014/12/2014.12.30_NGOs-Condemn-Death-Penalty-Sentence-of-Mohammed-Ramadan-and-Husain-Ali-Moosa.pdf) > accessed: 10 August 2020.