

URGENT ACTION

DEATH SENTENCES QUASHED, RETRIAL ORDERED

On 22 October 2018, Bahrain's Cassation Court overturned the death sentences it had confirmed in 2015 against Mohamed Ramadhan Issa Ali Hussain and Hussain Ali Moosa Hussain Mohamed, and returned their cases to the Appeal Court for retrial.

On 22 October 2018, the Bahraini Court of Cassation overturned the death sentences imposed **on Mohamed Ramadhan Issa Ali Hussain and Hussain Ali Moosa Hussain Mohamed** based on new evidence, and ordered the High Criminal Court of Appeal to retry the cases under a new panel of judges. No date has yet been set for the beginning of the retrial. The two men are held in Jaw prison in south Manama, Bahrain's capital.

On 28 March, the Public Prosecutor confirmed having received from the Special Investigation Unit (SIU) a memorandum on the SIU's investigations into the complaints that Mohamed Ramadhan and Hussain Ali Moosa had lodged about their torture. Based on the SIU's recommendations, the cases were referred to the Minister of Justice, which sent early in May an application to the court of cassation for re-consideration of the verdicts. The SIU claimed to have uncovered medical reports by doctors of the Ministry of Interior indicating that the two men were tortured. These reports had not been made available during the trial.

On 29 December 2014, Mohamed Ramadhan and Hussain Ali Moosa had been sentenced to death for the killing of a policeman, who died in a bomb explosion in al-Deir, a village northeast of Manama, on 14 February 2014. During the trial, Hussain 'Ali Moosa's forced "confession" was used as the main piece of evidence against him. His "confession" was also used to incriminate Mohamed Ramadhan. On 16 November 2015, the Court of Cassation had confirmed the death sentences of the two men and their cases were passed to the King who has the authority to ratify the sentences, commute them or grant a pardon.

Ten people, who were sentenced with them, to between six years and life in prison, also had their sentences upheld.

Please write immediately in English, Arabic or your own language:

- Urging the Bahraini authorities to commute all death sentences and establish an official moratorium on executions;
- Urging them to ensure that the retrial of both men follows proceedings that fully comply with international fair trial standards and exclude the use of evidence obtained under torture, and without resort to the death penalty;
- Urging them to promptly, adequately and effectively investigate their allegations of torture and other ill-treatment.

PLEASE SEND APPEALS BEFORE 14 DECEMBER 2018 TO:

King

Shaikh Hamad bin 'Issa Al Khalifa
Office of His Majesty the King
P.O. Box 555
Rifa'a Palace, al-Manama, Bahrain
Fax: +973 1766 4587
Salutation: Your Majesty

Minister of Justice and Islamic Affairs

Shaikh Khalid bin Ali Al Khalifa
Ministry of Justice and Islamic Affairs
P. O. Box 450, al-Manama, Bahrain
Fax: +973 1753 1284
E-form: <http://www.moj.gov.bh/en/>
Twitter: @Khaled_Bin_Ali
Salutation: Your Excellency

And copies to:

Minister of Interior

Shaikh Rashid bin 'Abdullah Al Khalifa
Ministry of Interior
P.O. Box 13, al-Manama, Bahrain
Fax: +973 1723 2661
Twitter: @moi_Bahrain
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the fifth update of UA 1/15. Further information:

<https://www.amnesty.org/en/documents/mde11/8242/2018/en/>

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ADDITIONAL INFORMATION

Bahrain resumed executions on 15 January 2017, after a nearly seven-year hiatus. Following a grossly unfair trial, three men, Ali Abdulshaheed al-Sankis, Sami Mirza Mshaima' and Abbas Jamil Taher Mhammad al-Samea, were executed on that day after their death sentences were confirmed by the Court of Cassation on 9 January. The speed at which the King of Bahrain ratified their death sentences and their executions were carried out was unprecedented in the country. Under Bahraini law, once a death sentence has been confirmed by the Court of Cassation the decision is sent to the King of Bahrain. The latter holds the authority to then ratify the sentence, commute it or grant a pardon. Prior to the 15 January executions, the last person executed in Bahrain was Bangladeshi national Jassim Abdulmanan in 2010.

Mohamed Ramadhan 'Issa 'Ali Hussain and Hussain 'Ali Moosa Hussain Mohamed told their lawyers that they had been tortured or otherwise ill-treated during their interrogation at the Criminal Investigations Directorate (CID) between February and March 2014. In the absence of their lawyers, Mohamed Ramadhan refused to sign a "confession" but Hussain 'Ali Moosa said he was coerced to "confess" and incriminate Mohamed Ramadhan after being suspended by his limbs from the ceiling and beaten repeatedly for several days. Hussain 'Ali Moosa's "confession" was later used as the main evidence in the trial of the two men and led to their conviction. Hussain 'Ali Moosa told his lawyers that he reported to the Public Prosecutor that he was tortured and that his "confession" had been coerced, but the Prosecutor dismissed the allegation. Hussein Ali Moosa was then sent back to the CID where he has said he was tortured for another two months. Mohamed Ramadhan claimed to have reported being tortured to the Public Prosecution but his allegation was also dismissed.

Mohamed Ramadhan 'Issa 'Ali Hussain and Hussain 'Ali Moosa Hussain Mohamed appealed their death sentences before the High Criminal Court of Appeal on 30 March 2015. No new evidence was presented at the appeal hearing. The men's lawyers only received a copy of the original judgement during the first session of the appeal hearing. In the second session, they had to ask for the permission of the Court to summon witnesses in the next session as they had not had enough time to prepare their pleadings. The judge rejected their request and adjourned the hearing and final judgement to 26 May 2015 before the lawyers could give their final pleading. Their death sentences were upheld by the Court on the same day.

Despite receiving complaints from Mohamed Ramadhan's wife and a US-based NGO in 2014, the Ombudsman's office failed to investigate the allegations of torture for two years. In April 2016, the Ombudsman incorrectly informed the UK government that it had received "no allegations of mistreatment or torture" in relation to Mohamed Ramadhan. Following international pressure, the Ombudsman told the UK government in July 2016 that it had committed to undertake "a full, independent investigation", subsequently interviewing Mohamed Ramadhan's wife and lawyer.

For further information, please see Amnesty International's November 2016 report *Window-dressing or pioneers of change? An assessment of Bahrain's human rights oversight bodies* (<https://www.amnesty.org/en/documents/mde11/5080/2016/en/>).

Today, 142 countries have abolished the death penalty in law or practice. The right to life, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment are recognized in the Universal Declaration of Human Rights and other international human rights instruments. Amnesty International opposes the death penalty in all cases without exception, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Names: Mohamed Ramadhan 'Issa 'Ali Hussain, Hussain 'Ali Moosa Hussain Mohamed

Gender m/f: m

Further Information UA: 1/15 Index: MDE 11/9347/2018 Bahrain Date: 2 November 2018