

Maya Foa
Director, Reprieve
PO Box 72054
London EC3P 3BZ
UNITED KINGDOM

1 July 2020

Re: Independent expert review of the Special Investigation Unit's investigation into torture allegations of Hussain Moosa and Mohammed Ramadhan

Dear Ms Foa:

Following your request to provide an independent expert review of the investigation into torture allegations of Hussain Moosa and Mohammed Ramadhan conducted by the Special Investigation Unit of the Kingdom of Bahrain (Cases 271/2016 and 294/2016), the International Rehabilitation Council for Torture Victims (IRCT) – the world's largest organisation that supports the health-based rehabilitation of torture victims – hereby provides our findings and report.

Comprising of 160 independent rehabilitation centres in 74 countries, the IRCT is one of the world's leading authorities on the physical and psychological effects of torture and ill-treatment and its documentation. We are also one of the original organisations involved in the creation of the Istanbul Protocol, the internationally accepted standard for the effective legal and medico-legal investigation into allegations of torture and ill-treatment.¹ In addition, we are a key provider of technical assistance and expertise on legal and forensic investigation to health and legal professionals and policy-makers worldwide, including to many States and regional and inter-governmental bodies.

In summary, on the basis of our examination and findings, which are detailed below, we conclude:

1. That the Special Investigation Unit's investigation into the cases of Hussain Moosa and Mohammed Ramadhan fails to meet the minimum professional standards and minimum international legal standards to which the Kingdom of Bahrain is subject, including, in particular, the United Nations Convention Against Torture, which the

¹ Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). 2004. HR/P/PT/8/Rev.1.

Kingdom of Bahrain acceded to in March 1998, and the Istanbul Protocol. We deem the Special Investigation Unit's investigation to be insufficient and thereby ineffective under law. Additionally, serious concerns are raised regarding the institutional independence and impartiality of the Special Investigation Unit and its investigation into the allegations of Hussain Moosa and Mohammed Ramadhan.

2. Furthermore, we have found that the medico-legal examinations of Hussain Moosa and Mohammed Ramadhan conducted by the General Directorate of Forensic Science, Public Prosecutor's Office on 2 March 2014, which the Special Investigation Unit subsequently relies upon, are limited and cursory and fail to satisfy applicable minimum professional and legal standards, including those outlined by the Istanbul Protocol. These medico-legal examinations are insufficient and ineffective under law. We have serious concerns about the institutional independence and impartiality of the General Directorate of Forensic Science in general, as well as with specific respect to its examinations of Hussain Moosa and Mohammed Ramadhan.
3. It follows that any judicial decisions by the Courts of the Kingdom of Bahrain that have substantially relied upon the sufficiency and effectiveness of the Special Investigation Unit's investigation into the torture allegations of Hussain Moosa and Mohammed Ramadhan and/or the 2 March 2014 forensic medical examinations of Hussain Moosa and Mohammed Ramadhan – which includes the 8 January 2020 decision of the Court of Appeal No. 13/2015/40 and 13/2014/1166 in Case No. 07/2014/4974 – are premised upon insufficient and ineffective investigation in violation of established professional and legal standards and should thereby be considered as critically flawed.

I. Scope of Review

Our independent expert review covers the Special Investigation Unit's investigation files into the torture allegations of Hussain Moosa and Mohammed Ramadhan (Cases 271/2016 and 294/2016) provided by Reprieve, reportedly obtained from official sources, consisting of 573 documentary pages. In addition, we have received an English translation of the First Instance judgments and subsequent judicial appeals decisions in the cases of Hussain Moosa and Mohammed Ramadhan, including the most recent 8 January 2020 decision by the Court of Appeal. As presented publicly in December 2019, we previously also received and conducted independent expert reviews of the forensic medical reports of the examinations of Hussain Moosa and Mohammed Ramadhan on 2 March 2014 by the General Directorate of Forensic Science, Public Prosecution of the Kingdom of Bahrain.

II. Summary of Relevant Facts

a. Hussain Moosa's allegations

Hussain Moosa was arrested on 21 February 2014 for alleged involvement in the al-Dair bombing. He was transferred to the Criminal Investigations Directorate until 24 February 2014. During his time in the Criminal Investigations Directorate, according to Hussain Moosa's complaint of 14 June 2014 to the Ombudsman and 4 October 2016 to the Special Investigations Unit, he was stripped of his clothes, sexually assaulted, beaten, and threatened for the purpose of forcing him to confess. A complaint submitted by Americans for Democracy & Human Rights in Bahrain to the National Institute for Human Rights on 17 September 2014 also alleges that Hussain Moosa was handcuffed and hung from the ceiling for three days and beaten with police batons, especially on his back and genitals. After that, he was returned to the Criminal Investigations Directorate, where he was subjected to further abuse. Hussain Moosa was then transferred on 3 March 2014 to Hawdh al-Jaf Prison, where thereafter his family visited him. His family described seeing signs of beatings, namely bruising on his hands and back.

b. Mohammed Ramadhan's allegations

Mohammed Ramadhan was arrested and transferred to Criminal Investigations Directorate on 18 February 2014. Between 21 February and 3 March 2014, Mohammed Ramadhan alleges that he spent nights at the Riffa police station and was transported to the Criminal Investigations Department for interrogation during the daytime. Mohammed Ramadhan complained to the Ombudsman on 13 June 2016 and the Special Investigation Unit on 1 September 2016 that he was tortured at the Criminal Investigations Directorate. According to his complaints, Mohammed Ramadhan was subjected to torture and ill-treatment for a period of 18 days for the purpose of forcing him to confess, including sexual assault, insults, and beating, including with a plastic hose, upon his entire body, including genitals, was placed in a cold room and forced to stand for lengthy periods of time. In addition to bruising, he stated that he suffered from back pain and hearing loss as a result of this treatment. On 3 March 2014, Mohammed Ramadhan was transferred to Asry Prison. Both on 28 February 2014 and then in March 2014, Mohammed Ramadhan's wife visited him. She alleges that he appeared weak, shivering, and scared and that he informed her of his abuse.

c. Medical examinations on 2 March 2014

Prior to their transfer to Hawdh al-Jaf Prison and Asry Prison respectively, on 2 March 2014, medico-legal examinations of Hussain Moosa and Mohammed Ramadhan were conducted by the General Directorate of Forensic Science, Public Prosecutor's Office. According to the forensic examination reports of Dr Muhammed Nour el-Din, Hussain Moosa had injuries to his

wrist and he complained of lower back pain. Mohammed Ramadhan had bruises in the form of double strips (commonly known as tramline bruises), measuring 13cm in length and 1cm in width, light purple in colour, on the left leg. No conclusion was made on consistency of these injuries with the individuals' allegations, and no further inquiry was conducted.

d. Summary of the investigation by the Special Investigation Unit

Following their complaints of torture and ill-treatment, the Ombudsman initiated an investigation into the allegations of Hussain Moosa and Mohammed Ramadhan, which was subsequently referred to the Special Investigation Unit. As part of its investigation, the Special Investigation Unit relied heavily on the records of the Ombudsman's investigation, including the Ombudsman's interviews with Hussain Moosa and Mohammed Ramadhan; the 2 March 2014 forensic medical reports; the interrogation records of the officers who arrested the complainants; the interrogation records of the Public Prosecutor; and existing medical records from physical examinations of Hussain Moosa and Mohammed Ramadhan conducted by the Ministry of Interior's physicians during their detention. The Special Investigation Unit additionally conducted interviews with the complainants, forensic medical examiner, Ministry of Interior physicians, and arresting officials, among others, and reviewed related investigatory and medical records and reports. Of note, neither the Ombudsman nor the Special Investigation Unit carried out nor ordered any additional or independent forensic evaluation of the complainants.

On 18 March 2018, the Special Investigation Unit issued an Information Memorandum to the Public Prosecutor finding that "the incident which is the subject of the two complaints and as described above raises for the time being the suspicion of the crime of torture..." On the same date, the Special Investigation Unit issued an Opinion Memorandum to the Public Prosecutor recommending that the verdicts against Hussain Moosa and Mohammed Ramadhan be reconsidered because the investigation into the allegations by Hussain Moosa "raised the suspicion of being subjected to assault and maltreatment that coincided with the procedures of arrest and detention," and that Hussain Moosa's confession underpinned the conviction of Mohammed Ramadhan. Based on the 18 March 2018 Opinion Memorandum of the Special Investigation Unit, the Public Prosecution filed a request to rehear the case with the Court of Cassation, which accepted it on 22 October 2018.

Nevertheless, following a series of further proceedings, on 8 January 2020, the Court of Appeal upheld the verdicts of guilt and death penalty sentence of Hussain Moosa and Mohammed Ramadhan. In upholding their convictions, the Court of Appeal relied heavily on the Special Investigation Unit's investigation records and, in particular, on the 2 March 2014 forensic medical examinations of Hussain Moosa and Mohammed Ramadhan, which the Court

interpreted as providing proof that there was no evidence of torture and ill-treatment.

III. Applicable Professional and Legal Standards of Investigation

As noted earlier, the Kingdom of Bahrain acceded to the United Nations Convention Against Torture in March 1988. Article 12 of the Convention Against Torture requires States to conduct prompt, impartial and effective investigation by a competent authority whenever there is reasonable ground to believe that an act of torture has been committed. The United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (also known as the “Istanbul Protocol”) articulates the minimum professional and legal standards that States must adhere to in order to satisfy their legal obligation to effectively investigate torture pursuant to the Convention.²

In particular, the Istanbul Protocol³ requires that an independent, impartial, prompt and effective medico-legal evaluation be conducted whenever there are reasonable grounds to believe that torture has been committed. In other words, legal and medico-legal evaluations must be conducted by institutions that are free from outside control and not subject to another’s authority; immediately or without delay; conducted objectively and free from bias; and be sufficiently thorough and comprehensive to achieve its purpose, which should be the evaluation into believable allegations and the documentation of any evidence of torture and ill-treatment. On this latter point, the Istanbul Protocol provides a rigorous methodology for evaluating physical and psychological signs of torture.⁴

Since 2012, the Foreign and Commonwealth Office of the Government of the United Kingdom has provided technical assistance, including training and funding, to the Kingdom of Bahrain for the purposes of helping the Kingdom establish the capacity to conduct such legally and professionally sufficient investigations into torture and ill-treatment. For instance, the Foreign and Commonwealth Office has provided training to the police and prison guards on human rights and collaborated in the strengthening of institutions to investigate torture allegations, such as the Ombudsman and the Special Investigation Unit, which have been praised for their

² See e.g., Committee against Torture, Concluding Observation: Cyprus (2019), CAT/C/CYP/CO/5.

³ Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). 2004. HR/P/PT/8/Rev.1. See also e.g., Gerasimov v Kazakhstan, No 433/ 2010, UN Doc CAT/ C/ 48/ D/ 433/ 2010, 24 May 2012, para 12.7; Ristic v. Yugoslavia, No 113/ 1998, UN Doc C AT/ C/ 26/ D/ 113/ 1998, 11 May 2001, para 9.6; Fatou Sonko v. Spain, No 368/ 2008, UN Doc CAT/ C/ 47/ D/ 368/ 2008, 25 November 2011, para 10.7; Besim Osmani v. Republic of Serbia, No 261/ 2005, UN Doc CAT/ C/ 42/ D/ 261/ 2005, 8 May 2009, para 10.7.

⁴ See e.g., European Court of Human Rights: Salmanoğlu and Polattaş v. Turkey (Application no. 15828/03), §79-80 and §89; Muradova v. Azerbaijan (Application no. 22684/05) §101. Inter-American Court for Human Rights: Vargas-Areco v. Paraguay (Merits and Reparations), (26 September 2006, No. 155), §§91-94.

“increasing effectiveness.”⁵

Unfortunately, for those reasons discussed below, investigations of the Special Investigation Unit, as well as the medico-legal examinations of the General Directorate of Forensic Science, as demonstrated by their handling of the cases of Mohammed Ramadhan and Hussain Moosa, continue to fail to meet established legal standards and professional criteria.

IV. The investigation of the Special Investigation Unit in the cases of Hussain Moosa and Mohammed Ramandhan fails to meet established minimum legal and professional standards

a. The Special Investigation Unit lacks independence

According to the Istanbul Protocol, investigators “shall be independent of the suspected perpetrators and the agency they serve.” The Committee Against Torture has found that lack of institutional independence undermines the effectiveness of a torture investigation and has emphasised that an investigation should be conducted by independent bodies without institutional or hierarchical connection between the investigators and the alleged perpetrators.⁶ Furthermore, the Committee has noted that, when prosecutorial offices are also in charge of torture investigations, the “dual nature and responsibilities of the prosecution authorities for prosecution and oversight of the proper conduct of investigations are a major barrier to the impartial investigation.”⁷

With respect to the Special Investigation Unit, the Unit was established by the Public Prosecutor’s Office and is led by the Deputy Attorney General of the Public Prosecutor’s Office. The Committee Against Torture has previously expressed concerns that the Special Investigation Unit, as well as the Ombudsman “are not independent, that their mandates are unclear and overlap, and that they are not effective given that complaints ultimately pass

⁵ Tobias Ellwood’s response to Parliamentary Question from Ian Lucas MP, 2 February 2016, available at: www.theyworkforyou.com/wrans/?id=2016-01-25.23815.h&s=bahrain; Philip Hammond’s response to Parliamentary Question from Hilary Benn MP, 13 July 2015, available at: www.theyworkforyou.com/wrans/?id=2015-07-08.6255.h&s=bahrain; Baroness Anelay’s response to Parliamentary Question from Lord Hylton, 25 July 2016, available at: www.theyworkforyou.com/wrans/?id=2016-07-08.HL1082.h&s=Bahrain; Foreign & Commonwealth Office, Second Anniversary of Bahraini Independent Commission of Inquiry Report, 23 November 2013, available at: <https://www.gov.uk/government/news/second-anniversary-of-bahraini-independent-commission-of-inquiry-report>.

⁶ See, e.g., Committee against Torture, Concluding Observations: Andorra (2013), CAT/ C/ AND/ CO/1, para 10.

⁷ Committee against Torture, Concluding Observations: Moldova (2010), CAT/ C/ MDA/ CO/2, para 19.

through the Ministry of the Interior.”⁸ Highlighting these concerns with the independence and effectiveness of those institutions, according to the Ombudsman’s annual reports from 2013-2016, it referred 138 cases to the Special Investigation Unit, but only one was successfully prosecuted.

Moreover, in the cases of Hussain Moosa and Mohammed Ramadhan, the heavy reliance of the Special Investigation Unit on the prior investigation conducted by the Ombudsman and the medico-legal examinations by the General Directorate of Forensic Science, without separate verification and conducting an independent forensic examination of complainants, suggests an investigatory body that lacks sufficiently distinct independent mandate and falls short of conducting its own independent investigation into torture complaints.

b. The investigation of the Special Investigation Unit was professionally and legally unsound

One of the central procedures of an effective investigation into torture allegations is the performance of an independent, impartial, prompt and effective medico-legal evaluation. The Istanbul Protocol provides the internationally accepted scientific, medical, and mental health forensic standards, methodology, and practices on the evaluation of torture or other ill-treatment. It guides medical and mental health experts on how to gather relevant and reliable evidence of torture, reach accurate conclusions on the degree of consistency of allegations of torture with the medical and psychological findings, and produce high-quality medico-legal reports to inform the work of decision-making bodies.

Up to now, there has not been any legally and professionally sound medico-legal evaluation of Hussain Moosa and Mohammed Ramadhan. While the Special Investigation Unit concluded in its 18 March 2018 Information Memorandum that “the incident which is the subject of the two complaints and as described above raises for the time being the suspicion of the crime of torture...,” it then failed to conduct an independent and effective investigation to examine those claims as required by the United Nations Convention Against Torture, including to order an independent forensic evaluation of the complainants following the standard and principles articulated by the Istanbul Protocol.

Instead, the Special Investigation Unit relies on the findings of the medico-legal evaluations of 2 March 2014 by the General Directorate of Forensic Science. In 2019, these medico-legal evaluations were reviewed by an expert of the Independent Forensic Expert Group (IFEG) coordinated by the IRCT. The IFEG is an international body of forty-two preeminent independent forensic specialists from twenty-three countries, who are recognised global

⁸ Committee against Torture, Concluding Observations: Bahrain (2017), CAT/ C/ BHR/ CO/2-3, para 19.

leaders in forensic investigation. For the reasons outlined below, the IFEG expert, Professor Dr Jason Payne-James, found the examinations to be seriously flawed and concluded that they failed to meet the minimum legal and professional standard established by the Istanbul Protocol.

i. The forensic examinations by the General Directorate of Forensic Science were not independent

An examination lacks independence when the examining institution is affiliated with the alleged perpetrator and/or the party in opposition to the examined individual. In this instance, the General Directorate of Forensic Science is part of the Public Prosecutor's Office. Moreover, in the cases of Hussain Moosa and Mohammed Ramadhan, their examinations were ordered by the Public Prosecutor's Office in order to confirm whether the Office's own characterisation of events leading to the injuries of Hussain Moosa and Mohammed Ramadhan were feasible.

In addition, an examination lacks independence when it is conducted within the presence of third parties who may affect the examiner's independence. According to the Istanbul Protocol, "the detainee should be taken to the forensic medical examination by officials other than soldiers and police."⁹ In addition, the Istanbul Principle emphasizes that "examinations shall be conducted in private under the control of the medical expert and outside the presence of security agents and other government officials." Although the presence of security officials may be allowed in extreme cases under security concerns, in any circumstances, the Istanbul Protocol requires that they should at least "remain out of earshot."¹⁰

In the cases of Hussain Moosa and Mohammed Ramadhan, the forensic evaluation reports of 2 March 2014 note that the complainants were "accompanied by police officer" to the evaluations. In addition, as described by Mohammed Ramadhan in an interview with the Bahrain Institute for Rights and Democracy, the examination did not occur in a private room, but in a "booth open from above." During the examination, the police officer who escorted him sat outside where Mohammed Ramadhan feared that he could hear his conversation with the forensic doctor.

For those reasons, the independence of the forensic examination of Hussain Moosa and Mohammed Ramadhan and the 2 March 2014 forensic reports is seriously questionable.

ii. The forensic examinations by the General Directorate of Forensic Science were biased

⁹ Istanbul Protocol, para 123.

¹⁰ Id, para 124.

The Istanbul Protocol provides that the purpose of a medico-legal investigation into torture allegations is to determine the consistency of an individual's allegations with the medical and psychological evidence. Nevertheless, as expressly stated in the 2 March 2014 forensic report, the purpose of the General Directorate of Forensic Science's examinations is principally to verify the Public Prosecution Office's memorandum of events. Examinations by the General Director of Forensic Science are therefore presumptively biased. The lack of meaningful exploration into the individuals' complaints of torture or their apparent injuries, discussed further below, also suggests that these examinations were biased.

iii. The forensic examinations by the General Directorate of Forensic Science were ineffective

According to the Istanbul Protocol, an effective medico-legal investigation into an individual's allegations of torture must be comprehensive, assess all acute and chronic physical and psychological issues, and consider all relevant information and findings in drawing conclusions. In addition, the examinations of Hussain Moosa and Mohammed Ramadhan should have also included, but lacked: a full medical history to exclude or identify other potential causes of any abnormal findings; a full examination with body diagrams to illustrate clearly the site of injuries; photographic evidence; findings on the consistency of injuries with the allegations of ill-treatment; and suggested potential causes for the appearance of injuries seen.

As noted by the IFEG expert, in the case of Hussain Moosa, Dr Muhammed Nour el-Din conducted only an "extremely limited" and "cursory" assessment. Dr Nour el-Din noted injuries to Hussain Moosa's hands and wrist and recorded his complaint of back pain. Notably, Hussain Moosa later alleged that he was handcuffed and hung from the ceiling for 3 days and beaten on his back. Nevertheless, in Dr Nour el-Din's report, he "does not address in detail what the complaints of ill-treatment were, [and] different explanations for how injuries might have been caused." In addition, "the causes of the injuries seen and the significance of the absence of injuries are not explored."

In the case of Mohammed Ramadhan, the IFEG expert found Dr Nour el-Din's examination to be similarly "extremely limited" and "cursory." Dr Nour el-Din noted bruising "in the form of double strips, measuring 13cm in length and 1cm in width, light purple in colour, and located on the left leg," which is typical of impact from an cylindrical object such as a police baton. Mohammed Ramadhan subsequently alleged that he was beaten with a plastic hose. Nevertheless, again, Dr Nour el-Din "does not address what the complaints of ill-treatment were, how they might have been caused, nor the possible significance of the bruising to the left leg." In addition, according to an interview with the Bahrain Institute for Rights and Democracy,

Mohammed Ramadhan stated, "I tried to show him without telling him directly that they tortured me, and he did not record it in the report."

Not only did Dr Nour el-Din fail to conduct a comprehensive examination of Hussain Moosa and Mohammed Ramadhan, as required by the Istanbul Protocol, he also failed to consider medical documentation by the detention facility's own doctors that raise the suspicion of torture and ill-treatment. For instance, in Hussain Moosa's case, medical records show that, on 22 February 2014, Dr Nu'man Muhammed Salem examined Hussain Moosa and recorded complaints of bilateral hand pain with swelling, left thigh tenderness, and low lumbar backache, which would be consistent with Hussain Moosa's allegations of torture and ill-treatment. In the case of Mohammed Ramadhan, blood tests on 18 February 2014 revealed high levels of creatine kinase (429 U/L, normal reference range of 0-170 U/L), which can indicate skeletal muscle damage (e.g., due to blunt force injury or physical exertion), but Dr. Nour el-Din made no inquiry to determine the cause.

In the light of above, the forensic examinations of the General Directorate of Forensic Science, Public Prosecutor's Office, on 2 March 2014 in the cases of Hussain Moosa and Mohammed Ramadhan gravely fail to meet the professional and legal standards of effective investigation into allegations of torture and ill-treatment.

c. The Special Investigation Unit and the General Directorate of Forensic Science were legally obliged to order an Istanbul Protocol-complaint medico-legal examination of Hussain Moosa and Mohammed Ramadhan

According to the United Nations Convention against Torture, member states are obliged to initiate an *ex officio* investigation whenever there is "reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction."¹¹ The Istanbul Protocol provides that "even in the absence of an express complaint, an investigation shall be undertaken if there are other indications that torture or ill-treatment might have occurred."

The detailed complaints by Hussain Moosa and Mohammed Ramadhan, the corroboration by their family members and similarity to other cases, their injuries, and the existing medical documentation form reasonable grounds to believe that torture has been committed. In that instant, under the Kingdom of Bahrain's international legal obligations, an independent, prompt, impartial and effective investigation into the alleged torture and ill-treatment of Hussain Moosa and Mohammed Ramadhan should have been launched and independent and effective, comprehensive medico-legal evaluations of the complainants should have been

¹¹ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85.

conducted.

For the aforementioned reasons, the existing investigation by the Special Investigation Unit, which relies upon the medico-legal examinations by the General Directorate of Forensic Science are unable to satisfy the Kingdom of Bahrain's obligations to conduct an effective investigation into the allegations of Hussain Moosa and Mohammed Ramadhan. The existing investigation is ineffective and fails to meet established minimum professional and legal standards.

V. Judicial decisions relying on the sufficiency and effectiveness of the investigations by the Special Investigation Unit and the General Directorate of Forensic Science are critically flawed

Article 15 of the United Nations Convention Against Torture requires States to ensure that any statement or other evidence that is made as a result of torture is not invoked as evidence in any proceeding. Therefore, the Courts of the Kingdom of Bahrain must satisfy themselves that the confessions and convictions of Hussain Moosa and Mohammed Ramadhan were not made as a result of torture or ill-treatment as they allege.

In its 8 January 2020 decision upholding the convictions and death penalty sentences of Hussain Moosa and Mohammed Ramadhan, the Court of Appeal has relied fundamentally on the investigation conducted by the Special Investigation Unit as well as the forensic evaluations of Hussain Moosa and Mohammed Ramadhan by the General Directorate of Forensic Science to assure itself that they were not tortured. However, as we have outlined, the investigations by the Special Investigation Unit and the General Directorate of Forensic Science are seriously flawed and fail to meet minimum professional and legal standards. They are therefore insufficient and ineffective and thereby unreliable on the matter of whether Hussain Moosa and Mohammed Ramadhan were tortured.

It follows that any judicial decisions by the Courts of the Kingdom of Bahrain that have substantially relied upon the sufficiency and effectiveness of the Special Investigation Unit's investigation into the torture allegations of Hussain Moosa and Mohammed Ramadhan and/or the 2 March 2014 forensic medical examinations of Hussain Moosa and Mohammed Ramadhan, including the 8 January 2020 decision of the Court of Appeal No. 13/2015/40 and 13/2014/1166 in Case No. 07/2014/4974, is premised upon unreliable evidence and should thereby be considered as critically flawed.

VI. Recommendations

In light of the above, the IRCT recommends the following:

1. The Kingdom of Bahrain should immediately conduct an independent, impartial, prompt, and effective investigation into the torture allegations of Hussain Moosa and Mohammed Ramadhan in accordance with its obligations under the United Nations Convention Against Torture.
2. The Kingdom of Bahrain should conduct an independent, impartial, and effective medico-legal evaluation of Hussain Moosa and Mohammed Ramadhan to evaluate their torture allegations following the internationally accepted professional and legal standards provided by the Istanbul Protocol.
3. The Courts of Bahrain should vacate any judgments against Hussain Moosa and Mohammed Ramadhan that rely upon the sufficiency and effectiveness of the investigations conducted by the Special Investigation Unit and the General Directorate of Forensic Science, including the 8 January 2020 Court of Appeal decision.

The IRCT remains at your disposition should you have any further queries.

Yours Truly,



James Lin
Istanbul Protocol Programme Coordinator