

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

22 June 2019

Re: Independent expert review of forensic medical report of Maher Abbas Ahmed

Dear Ms Foa:

Following your request to conduct an independent expert review of the forensic medical report of Maher Abbas Ahmed by the General Directorate of Forensic Science, Public Prosecution of the Kingdom of Bahrain (Ref: 835/361/2013), the International Rehabilitation Council for Torture Victims (IRCT) – the world’s largest membership 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 the world’s leading centre of knowledge on the physical and psychological effects of torture and ill-treatment. We are one of the original organisations involved in the creation of the Istanbul Protocol, the internationally accepted standard for the effective investigation into allegations of torture and ill-treatment.¹ In addition, we are a key provider of technical assistance and expertise on forensic investigation to health and legal professionals and policy-makers worldwide, including to many State, regional and inter-governmental bodies.

To fulfil your request, we asked a member of the Independent Forensic Expert Group (IFEG) – *Prof Dr Jason Payne-James* – to review the forensic medical report and determine if it meets the standards and principles of the Istanbul Protocol. The IFEG is an international body of thirty-five preeminent independent forensic specialists from eighteen countries, who are recognised global leaders in forensic investigation. Prof Dr Payne-James’s exceptional qualifications are attached.

In summary, the IFEG expert found that the forensic report of the General Directorate of Forensic Science is *“very far from an acceptable standard. It is, however, not clear whether the examiner was asked to undertake an Istanbul Protocol assessment. It is not clear whether he has used, been trained on or is experienced in Istanbul Protocol assessments.”* In his review,

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.

Prof Dr Payne-James identifies numerous significant deficiencies and shortfalls of the forensic evaluation and forensic medical report.

These findings of the IFEG expert are exceptionally concerning in light of the very serious allegations of torture and ill-treatment to force confession made by Maher Abbas Ahmed² in the Complaint to the Special Investigation Unit of Bahrain that we received: which include severe and prolonged beatings, including to the palms and soles of the feet (falaka), suspension and extreme threats of violence to the individual and his family and death. These events reputedly occurred during the seven days preceding the examiner's examination and led to the individual's hospitalisation. Nevertheless, according to the IFEG expert, "*no history has been obtained*" and "*there seems to be very limited evidence reviewed by the examiner.*"

We note that, under the UN Convention against Torture, which Bahrain acceded to in March 1998, States must ensure that every individual who alleges torture has a right to have his case promptly and impartially investigated.³ Moreover, States must ensure they conduct a prompt and impartial investigation whenever there is reasonable ground to believe that an act of torture has been committed.⁴ The Istanbul Protocol Principles, which were adopted by UN General Assembly Resolution 55/89 in 2001, further elaborates that "[e]ven 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."

As Prof Dr Payne-James has noted in his independent expert review, the examiner has not conducted a fair and balanced inquiry into Maher Abbas Ahmed's allegations of mistreatment. The examination "*is cursory, the history and the examination appear to be very limited.*" Instead, the forensic report "*appears to indicate a brief, superficial assessment.*" The IFEG expert further notes that the evaluation is ineffective – neither comprehensive nor considerate of all relevant factors – and that independence of the evaluation is always in question "*when the examining doctor is an employee of the state institutions being assessed.*"

It is therefore our opinion and that of the IFEG expert that the forensic medical report of Maher Abbas Ahmed by the General Directorate of Forensic Science, Public Prosecution of the Kingdom of Bahrain (Ref: 835/361/2013) fails to satisfy the relevant standards and principles of investigation into the alleged acts of torture and ill-treatment described in the Complaint to the Special Investigation Unit of Bahrain, which the country is obliged to follow under its international obligations.

² The complaint is filed on behalf of Maher Abbas Al-Khabbaz, reputedly the same individual.

³ Article 13.

⁴ Article 12.

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

Yours Truly,

James Lin
Istanbul Protocol Programme Coordinator