

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*  
Promoting human rights by protecting those who defend them

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April 17, 2013

Wendy Stephen, Q.C.  
Crown Counsel  
The Law Courts  
651 Carnarvon Street  
New Westminster, B.C.  
Canada V3M 1C9

Dear Ms. Stephen:

**Re: International Association of Prosecutors (IAP) Executive Committee member Dr. Ali bin Fadhel Al-Buainain**

It has come to our attention that Dr Ali bin Fadhel Al-Buainain, the Attorney General of Bahrain, is a member of the Executive Committee of the International Association of Prosecutors (IPA). This is cause for concern, given the [\*Report on Bahrain's Attorney General Dr. Ali bin Fadhel Al-Buainain and his position in the International Association of Prosecutors\*](#),<sup>1</sup> (copy enclosed). The Ceartas report concludes that Dr. Ali bin Fadhel Al-Buainain, as the Attorney General of Bahrain, authorized and/or failed to supervise and prevent prosecutions that violated Bahrain's international law obligations and IPA standards. These extra-legal prosecutions have resulted in further wrongful prosecutions and in ongoing grave human rights violations for those prosecuted.

The Ceartas report documents a pattern of prosecutions in breach of minimum due process and fair trial standards and of rights to freedom from torture and freedoms of expression, opinion, association, and assembly: rights recognized by the *International Covenant on Civil and Political Rights*, the *Universal Declaration of Human Rights*, the *Convention against Torture* and other international instruments. The Ceartas report also alleges that the Attorney General failed or refused to effectively prevent torture and to ensure the investigation and remediation of credible torture complaints, including instances of torture identified by the November 2011 Report of the Bahrain Independent Commission of Inquiry (BCIC).<sup>2</sup>

The IAP has played an important role over the past 14 years in promoting universal adherence by prosecutors and Attorneys General to international human rights and ethical prosecution laws and standards. In view of the allegations of grave, persistent and unremedied human rights abuses chronicled

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<sup>1</sup> Ceartas-Irish Lawyers for Human Rights, *Report on Bahrain's Attorney General Dr. Ali bin Fadhel Al-Buainain and his position in the International Association of Prosecutors*, April 2013.

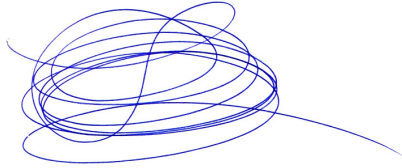
<sup>2</sup> *Report of the Bahrain Independent Commission of Inquiry*, 23 November 2011. Members of BICI: Professor M. Cherif Bassiouni, Chair and Commissioners Judge Philippe Kirsch Q.C., Professor Sir Nigel Simon Rodley KBE, Dr. Mahnouch H. Arsanjani and Dr. Badria A. Al-Awadhi.

in both the Ceartas and BCIC reports, the continuation of Dr Ali bin Fadhel Al-Buainain as a member of the Executive Committee, puts the reputation of the IAP at risk.

LRWC calls on you to endorse the complaint made by IAP member Toby Cadman Q.C. through the IAP Complaint Protocol, and thereby allow the IAP to conduct a formal investigation of the allegations. The IAP investigation must, of course, be conducted in strict compliance with international standards so as to fully respect and ensure the right of Dr. Ali bin Fadhel Al-Buainain to make full answer and defense to the complaint.

We look forward to hearing from you.

Sincerely,



Gail Davidson, LRWC Executive Director

Encl:

-Complaint of Toby Cadman Q.C.

-*Report on Bahrain's Attorney General, Dr. Ali bin Fadhel Al-Buainain*, Ceartas

Copied to:

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Director of Public Prosecutions

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