

2nd October 2013

Mr Derek Kuipers
Secretary General,
International Association of Prosecutors,
Hartogstraat 13,
2514 EP The Hague,
Netherlands.

Re: Dr Ali bin Fadhel Al – Buainain, Executive Committee member of the International Association of Prosecutors [IAP]

Dear Mr Kuipers,

We write in relation to the outcome of the complaint lodged against Dr Ali bin Fadhel Al-Buainain by Mr Toby Cadman in April of this year, which we have learned was not upheld. We are disappointed and dismayed that the IAP Executive Committee came to this decision despite the *bona fide* and widely backed findings in the Ceartas report on Dr Al- Buainain, which was the basis of Mr Cadman's complaint. It is also a point of concern that this decision was made notwithstanding the continuing human rights infringements by the public prosecution system in the Kingdom of Bahrain, and furthermore on the day after the IAP's decision, a resolution was passed by the European Parliament calling for the Bahraini judiciary to act in accordance with international human rights standards.

Moreover, what deepens our dismay is that the IAP also sought fit to elect Dr Al-Buainain to the Executive Committee, which you are aware is a prestigious position reserved for esteemed public prosecutors. Despite the fact the IAP's constitutional objectives, among others, are to promote fair, impartial and efficient prosecutions of criminal offences, as well as to protect human rights as laid down in the Universal Declaration of Human Rights. These objectives and Dr Al- Buainain's election are irreconcilable and it calls into question the sincerity of the IAP's commitment to human rights and fair public prosecution standards. In addition, and most regrettably, his election has also been used as an acknowledgement of support of the public prosecution standards being administered in the Kingdom of Bahrain from the international community of public prosecutors, as demonstrated by the Bahrain State Media.¹

Therefore, in the interest of the protection of human rights and public prosecution standards we call upon the IAP to issue reasons for the decision to reject the complaint, and details of the IAP appeal procedure. We assume the complaint was rejected for procedural reasons as the facts supporting the allegations of serious misconduct are well known.

The importance of having a 'world authority' to 'set and raise professional conduct standards for prosecutors worldwide and to ensure that prosecutors promote and protect the rule of law, fairness, impartiality and respect for human rights,' cannot be overstated. The summary rejection by the IAP – without reasons – of the complaint against Dr Al-Buainain and his election to the IAP Executive Committee lead inescapably to the conclusion that the IAP is not upholding these noble purposes.

¹ <http://www.bna.bh/portal/en/news/567856>

Please ensure that CEARTAS and Mr. Toby Cadman are provided with full reasons for the decision so as to enable the filing of a new complaint of engagement of the IAP appeal process. Delay in curbing the extra-legal use of prosecutorial powers in the Kingdom of Bahrain continues to have the gravest consequences for victims. If the IAP is not willing or capable to promote prosecutorial standards—even for its members—that uphold the rule of law, we would like to be able to alert other international bodies of that situation.

Yours sincerely,

Mr Fergal Mawe
Ceartas | Irish Lawyers for Human Rights

Mr Khalid Ibrahim
Gulf Centre for Human Rights

Ms Maryam Al-Khawaja
Bahrain Centre for Human Rights

Ms Gail Davidson
Lawyers Rights Watch Canada

Mr John O' Brien
Irish Congress of Trade Unions

Mr Mohammed Al-Maskati
Bahrain Youth Society for Human Rights

Mr Husain Abdulla
Americans for Democracy and Human Rights in Bahrain

c.c Mr James Hamilton, IAP President
Ms Elizabeth Howe, General Counsel
Ms Wendy Stephen, QC New Westminster, Canada
Mr Brian Saunders, Director of Public Prosecutions Ottawa, Canada