

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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Friday, September 20, 2013

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Dear Ms. Stephen, Mr. Herschorn and Mr. Saunders:

Re: LRWC seeks information on investigation of the complaint of Toby Cadman regarding Dr. Ali bin Fadhel Al-Buainain

LRWC wrote on 17 April 2013 to alert Canadian members of the International Association of Prosecutors (IAP) Executive Committee of the need to conduct an investigation of allegations of grave misconduct by Dr. Ali bin Fadhel Al-Buainain contained in a complaint by IAP member Toby Cadman. The complaint which was endorsed by LRWC, alleged that as head of the Office of Public prosecution in the Kingdom of Bahrain, Dr. Ali bin Fadhel Al-Buainain,

- a/ prosecuted individuals for peacefully exercising internationally protected rights to freedoms of expression, opinion, association and assembly; and,
- b/ failed to ensure that accused persons were afforded due process and fair trials; and,
- c/ failed to prevent and punish the reported torture of prisoners.

These serious allegations were based on the April 2013 “Report on Bahrain’s Attorney General Dr. Ali bin Fadhel Al-Buainain and his position in the International Association of Prosecutors” by Ceartas. Over a year earlier, the Bahrain Independent Commission of Inquiry (BICI) reported (November 2011) on the systemic nature of these and other violations and made recommendations for remediation. The situation has now worsened with no action by the IAP.

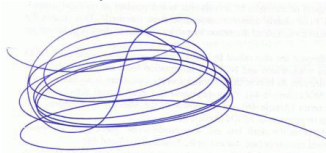
The United Nations High Commissioner of Human Rights (9 September 2013) called on the regime to respect freedoms of expression, association and assembly. On 10 September 2013 47 United Nations members states signed a declaration calling on Bahrain to implement the BICI recommendations and stop human rights violations by state agents. The Bahrain Human Rights Commission reports over 1,000 arrests of political activists during 2013. Grave violations of international law and of IAP standards continue under the supervision of Dr. Ali bin Fadhel Al-Buainain.

LRWC knows of no action taken by the IAP to investigate this complaint. Ms Stephen's reply of 7 May 2013 stated enigmatically that the IAP, "is dealing with the matter in accordance with its published complaint procedure..." We are disappointed in the delay and lack of communication given: a/ the seriousness of the content of the complaint; b/ the position held by Dr Al-Buainain in the IAP; and, c/ the IAP mandate to promote adherence to IAP human rights and prosecutorial standards.

Please advise LRWC of what action the IAP has taken or intends to take, on the complaint of Toby Cadman and when that action will be made public.

Thank you.

Sincerely,



Gail Davidson, Executive Director, LRWC

Copied to:

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