

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE
pour la Protection des Défenseurs
des Droits de l'Homme

EL OBSERVATORIO
para la Protección de los Defensores
de Derechos Humanos

PRESS RELEASE

BAHRAIN: Call for the acquittal of Mr. Mohamed Abdul Nabi Al-Maskati

Paris-Geneva, March 30, 2009. *The International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in the framework of their joint programme, the Observatory for the Protection of Human Rights Defenders, call for the acquittal of Mr. Mohamed Abdul Nabi Al-Maskati, Director of the Bahrain Youth Society for Human Rights (BYSHR), which organises training workshops, monitors and documents human rights violations and participates in forming a regional network for young human rights activists in eight Arab countries.*

Mr. **Mohamed Abdul Nabi Al-Maskati** will be tried on March 31, 2009 upon charges of “activating an unregistered association before issuing the declaration of registration”, in the follow-up of a hearing that had taken place on November 27, 2007 before the Fourth Degree Minor Criminal Court.

These charges are linked to the fact that BYSHR failed to get registered because of the restricting procedures included in the Bahraini 1976 Criminal Code and 1989 Law on Associations, which pose conditions to the registration of NGOs, among which the approval by the authorities, the forbidding of handling political issues and the fact that all members should be older than 18 years old. According to these laws, the sentence incurred by Mr. Al-Maskati is six months' imprisonment and a 5,000 dinars fine.

The Observatory recalls that the Kingdom of Bahrain presented its candidacy to the Human Rights Council in 2006, and has accepted in this respect to “uphold the highest standards in the promotion and protection of human rights”, in line with the General Assembly resolution creating the Council (A/RES/60/251). The Observatory points out in that regard that the grounds invoked by the authorities of Bahrain against BYSHR's Director are inconsistent with a number of international human rights standards.

First, the Observatory underlines that BYSHR had filed for registration in June 2005, and has never received any answer from the authorities since then.

According to the United Nations (UN) former Special Representative of the Secretary General on the Situation of Human Rights Defenders, Ms. Hina Jilani, “registration should not be compulsory” and “NGOs should be allowed to exist and carry out collective activities without having to register if they so wish”¹.

Ms. Hina Jilani also recommended that when registration was required, States should adopt regimes of “declaration” or “notification” rather than “authorisation”, and that the law must set short time limits for the State to respond to the applications. Additionally, the decision to deny registration should be fully argued and cannot be politically motivated. Failure to provide a response should result in the NGO being considered as legally operative².

The Observatory therefore points out that according to international standards, approbation by the authorities should not be a pre-requisite for the creation of an association, and that any denial of registration should be adequately motivated, which never happened in the present case.

Secondly, the Observatory underlines that BYSHR carries out human rights, not political, activities. Hence the provision forbidding the handling of political issues cannot be retained against Mr. Al-Maskati.

The Observatory argues *in the end* that the provisions of the Bahraini legislation requesting that members of associations be over 18 years-old violate Article 15 of the UN Convention on the Rights of the Child to which the

¹ See recommendations in the Report of the Special Representative of the Secretary General on the Situation of Human Rights Defenders, 2004, at III, 54, Good practices and recommendations in conformity with the Declaration.

² *Idem*, at III, 82.

Kingdom of Bahrain acceded on February 13, 1992, and which reads that “States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly”.

For all these reasons, the Observatory calls for the acquittal of Mr. Al-Maskati, in particular as the judicial proceedings against him seem to merely aim at sanctioning his human rights activities.

More generally, the Observatory urges the authorities of the Kingdom of Bahrain to ensure that acts of harassment against human rights defenders in the country be stopped, in conformity with the [1998 United Nations Declaration on Human Rights Defenders](#).

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