

URGENT APPEAL - THE OBSERVATORY

New Information
BHR 001 / 0812 / OBS 048.5
Sentencing
Arbitrary detention / Judicial harassment
Bahrain
August 16, 2012

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Bahrain**.

New information:

The Observatory has been informed by reliable sources about the conviction to three years' imprisonment of Mr. **Nabeel Rajab**, President of the Bahrain Centre for Human Rights (BCHR), Director of the Gulf Centre for Human Rights (GCHR) and FIDH Deputy Secretary General¹.

According to the information received, on August 16, 2012, the Lower Criminal Court sentenced Mr. Nabeel Rajab to three years' imprisonment. Mr. Rajab appeared before the Court for three cases related to his participation in peaceful gatherings in favour of fundamental freedoms and democracy:

- The first case relates to charges of "participating in an illegal assembly" and "calling others to join", in relation to a protest organised on March 31, 2012 in Manama to denounce the detention of the founder of GCHR, former President of the Bahrain Centre for Human Rights (BCHR), and former MENA Director at Front Line, Mr. Abdulhadi Al Khawaja.
- The second case relates to charges of "involvement in illegal practices and incitement to gatherings and calling for unauthorised marches through social networking sites" in relation to preparations for a protest in Manama on January 12, 2012.
- The third case relates to charges of "participating in an illegal assembly" in relation to several protests that took place in Manama in February 2012.

The Court thus sentenced Mr. Nabeel Rajab to one year imprisonment for each of these three cases.

His relatives were denied access to the courtroom.

The three cases mentioned above were merged on July 26, 2012, and the hearing for all three cases had been initially re-scheduled to September 26. However, the date was changed again to August 5, 2012, and the latest hearing took place on August 12, 2012, leaving no time to the defence to prepare.

In addition, Mr. Rajab also remains charged with allegedly "libelling the residents of Al Muharraq" after a tweet he posted on his Twitter account on June 2, 2012 (see background information). He was sentenced by the 5th Lower Criminal Court to three months' imprisonment on July 9, 2012, and the Higher Appeal Court is now expected to issue the

¹ Mr. Rajab is also a member of the Advisory Committee of Human Rights Watch's Middle East Division and Chair of CARAM Asia.

verdict on the appeal filed on this case. The verdict was expected today, but was eventually re-scheduled to August 23, 2012 (see background information).

The Observatory strongly denounces the terms of imprisonment issued against Mr. Nabeel Rajab and is extremely concerned about the ongoing judicial harassment against him.

The Observatory therefore urgently calls for the immediate and unconditional release of Mr. Rajab, as such judicial harassment and ongoing arbitrary detention seem to merely aim at stifling his legitimate use of the right to freedom of expression and at hindering his human rights activities.

More generally, the Observatory once again urges the Bahraini authorities to put an end to all acts of harassment – including at the judicial level – against Mr. Rajab, and to comply with the relevant international norms and standards, in particular the United Nations (UN) Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, and international human rights standards and international instruments ratified by Bahrain.

Background information:

On July 9, 2012, Mr. Nabeel Rajab was arrested by masked police officers at his house² after he had tweeted the following on June 2: "*Khalifa, leave the residents of Al Muharraq, its Sheikhs and its elderly. Everyone knows that you are not popular here, and if it wasn't for the subsidies, they wouldn't have gone out to welcome you. When will you step down?*".

On the same day, the 5th Lower Criminal Court sentenced Mr. Rajab to three months imprisonment for allegedly libelling the residents of Al Muharraq through tweets posted on his twitter account.

Following this sentence, on August 12, the Higher Appeal Court called to the stand the only police officer responsible for the investigation of this case. The purpose of the hearing was to identify the possible existence of proofs that Mr. Nabeel Rajab was indeed the author of that tweet. During the questioning, inconsistencies were noted in the statements of the police officer. The latter stated in particular that he was not the technical expert to determine whether Mr. Rajab was the author of the tweet, and that he was not personally possessing such proofs. The judge was expected to issue the verdict on August 16, 2012, but on that day, the hearing was postponed to August 23, 2012.

In total, five cases were brought against Mr. Rajab over the past months.

In one of them, relating to charges of "insulting the statutory bodies" pursuant to Article 216 of the Penal Code, the court issued its final verdict on June 27, 2012 and sentenced him to pay a fine of 300 Bahraini dinars. Mr. Rajab was released on the same day and the travel ban against him was lifted. Such charges had been pressed against him in relation to tweets he had posted to denounce the lack of investigation, by the Ministry of Interior, into the killings of civilians.

Actions requested:

The Observatory urges the authorities of Bahrain to:

- i. Release Mr. Nabeel Rajab immediately and unconditionally as his detention is arbitrary since it seems to merely sanction his human rights activities;

² <https://www.youtube.com/watch?v=nENlacyy3Sw&feature=youtu.be>

- ii. Put an end to any act of harassment, including at the judicial level, against Mr. Nabeel Rajab and against all human rights defenders in Bahrain;
- iii. Guarantee the physical and psychological integrity of Mr. Nabeel Rajab and all human rights defenders in Bahrain;
- iv. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular:
 - its Article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels” ;
 - its Article 6 (c) which states that “everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters” ;
 - and its Article 12.2 which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.
- vi. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Bahrain.

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Please also write to diplomatic representations of Bahrain in your respective countries.

Paris-Geneva, August 16, 2012

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

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