

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

URGENT APPEAL - THE OBSERVATORY

New information

BHR 001 / 0109 / OBS 003.2

Judicial harassment /
Arbitrary detention / Ill-treatments

Bahrain

February 24, 2009

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 was informed by the Bahrain Centre for Human Rights (BCHR) and the Bahrain Human Rights Society (BHRS) about the judicial harassment and slander campaign orchestrated against Mr. **Abbass Abdul Aziz Al-Omran**, BCHR Administrative Board member, Mr. **Abduljalil Alsingace**, Head of the Human Rights Unit of the Haq Movement for Civil Liberties and Democracy in Bahrain, Mr. **Hasan Mushaima**, Secretary General of the Haq Movement of Civil Liberties and Democracy, Mr. **Mohamed Habib Al-Meqdad**, a Shia religious scholar, Mr. **Abdul-redha Hassan Al-Saffar**, a human rights defender well-known for his role in organising peaceful sit-ins in collaboration with the families of detainees and the Unemployed Committee, Mr. **Ali Mushaima**, a former leading member of the Unemployed Committee living in the United Kingdom as political refugee, and Mr. **Abdulraoof Al-Shayeb**, former President of the National Committee for Martyrs and Victims of Torture living in the United Kingdom as political refugee.

According to the information received, on February 23, 2009, the Grand Criminal Court in Manama started the trial of 35 people, including Messrs. Abbass Abdul Aziz Al-Omran, Abduljalil Alsingace, Hasan Mushaima, Mohamed Habib Al-Meqdad, Abdul-redha Hassan Al-Saffar, Ali Mushaima, and Abdulraoof Al-Shayeb, following the indictment No. 1403/2008 issued by the Public Prosecutor on February 10, 2009, and related to the alleged "terror plot" uncovered by the Bahraini authorities mid-December.

All 35 are accused of "joining a group that was established against the provisions of the law, and whose aim is to undermine the provisions of the Constitution and laws and to prevent the public authorities from fulfilling their work, and to abuse personal liberties and the public rights of citizens, including through terrorism" and through the mentioned group "to carry out terrorist operations that target crucial sites and public facilities, and the populated places in the Kingdom of Bahrain and to assault officers and members of the police force, with the purpose of undermining security and public order and to cause instability in the country and to cause damage to the economic viability with the knowledge of that group's aims", pursuant to Article 58 of the 2006 Counter-Terrorism Law and the 1976 Penal Code. Defendants other than Mr. Al-Omran were also charged with other similar charges that are punishable by up to life imprisonment.

Though an investigation has been going on for several months and several persons have been arrested since December 16, 2008, it is the first time that the name of Mr. Abbass Abdul Aziz Al-Omran appears in relation to this case. He has never been summonsed for interrogation. Nonetheless, according to the lawyer of Mr. Mohamed Habib Al-Meqdad, in detention since January 26, 2009, the Public Prosecutor brought a fabricated statement by Mr. Abbass Omran to Mr. Mohamed Habib Al-Meqdad in which the former accused the latter.

According to the information received, some of the accused reported during the hearing that they had been exposed to torture and coerced into making false confessions. They also stated that they were not informed that their false confessions would be shown on national TV. They reported that those who coerced their confessions told informed them that they were going to talk to a personality who would convey their apology to the King.

The Observatory expresses its deepest concern about the judicial proceedings against the above-mentioned Bahraini human rights defenders and fears that the Bahraini authorities is resorting to a strategy of intimidation, with the support of the 2006 Counter-Terrorism Law, to repress human rights defenders for their legitimate human rights activities.

The Observatory fears that the mentioned defenders have been targeted to deter them from pursuing their human rights activities, and urges the Bahraini authorities to put an end to all forms of harassment against them, in line with the Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998.

Background information:

On December 15, 2008, the authorities staged a wave of arrests to later announce uncovering an alleged “Terror Plot”. Approximately twenty youths involved in social protest movements were arrested and detained incommunicado until December 28, 2008. According to the detainees’ lawyers, the detainees showed signs of ill-treatment and torture during interrogation.

On December 28, 2008, a Government-owned and run TV “Bahrain Satellite” channel broadcast a pre-recorded video displaying unrelated images of violence amidst confessions of some of the detainees. The second day, daily newspapers showed publication of these confessions, names and pictures of thirteen of the youths, among them those shown in the TV broadcast.

One of the detainees, Mr. Hasan Ali Fateel - a former member of the Unemployed Committee - stated in his confession that Mr. **Abdulhadi Al-Khawaja**, former President of the Bahrain Centre for Human Rights (BCHR) and Protection Coordinator at Frontline, had encouraged the unemployed in 2006 to organize a series of sit-ins near the Royal Court and the House of Representatives, without making any relevant connection with the alleged terrorist scheme. He also mentioned the names of Mr. Hasan Mushaima and Dr. Alsingace as being instigators for demonstrations and public protests. Other detainees stated in their broadcast “confessions” that they had been instigated and instructed by Messrs. Mohamed Habib Al-Meqdad, **Ali Ahmed**, **Ali Mushaima**, a former leading member of the Unemployed Committee living in the United Kingdom as political refugee, and **Abdulraoof Al-Shayeb**, former President of the National Committee for Martyrs and Victims of Torture living in the United Kingdom as political refugee, to carry out planned acts of terror. All are well known, outspoken and leading participants in activities involving the promotion and protection of human rights, in particular the question of the equality in the enjoyment of economic, political and social rights in Bahrain, particularly in relation to the Shi’a minority.

Messrs. Ali Mushaima and Abdulraoof Alshayeb are now UK residents as they enjoy political asylum status after fleeing repression of the local authorities due to their human rights activities. Before and after the announcement of the alleged “Terror Plot” in December, the Bahrain authorities have been unsuccessfully exerting diplomatic pressure on the British authorities to have their political refugees status nullified in the UK.

On January 26, 2009, Messrs. Abduljalil Alsingace, Hasan Mushaima and Mohamed Habib Al Meqdad were arrested by elements of the intelligence police and subsequently detained incommunicado. The former was released the following day from the Dry Dock detention centre.

Actions requested:

Please write to the authorities of Bahrain urging them to:

- i. Ensure that the physical and psychological integrity of Messrs. Abbass Abdul Aziz Al-Omran, Abduljalil Alsingace, Hasan Mushaima, Mohamed Habib Al-Meqdad, Abdul-redha Hassan Al-Saffar, Ali Mushaima, and Abdulraoof Al-Shayeb be guaranteed in all circumstances;
- ii. Immediately release Messrs. Hasan Mushaima, Mohamed Habib Al-Meqdad and Abdul-redha Hassan Al-

Saffar, since their detention is arbitrary as it seems to merely aim at sanctioning their human rights activities;

iii. Order a thorough and impartial investigation into the above-mentioned ill-treatments, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;

iv. Put an end to all forms of harassment, including judicial harassment, against them as well as against all human rights defenders in Bahrain;

v. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, in particular its Article 1, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”, as well as Article 12(1) that provides “everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms”, and Article 12(2) (“the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or 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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Paris-Geneva, February 24, 2009

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. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

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