

URGENT APPEAL - THE OBSERVATORY

New Information
BHR 001 / 0512 / OBS 048.4
Arbitrary detention / Judicial harassment
Bahrain
August 14, 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 ongoing judicial harassment 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 12, 2012, the Higher Appeal Court called to the stand the only police officer responsible for the investigation of the case related to the 3-month detention sentence issued against Mr. Nabeel Rajab on July 9, 2012 by the 5th Lower Criminal Court for alleged libel through a tweet posted on his twitter account on June 2 (see background information).

At that hearing, the police officer responsible for the investigation of the case was questioned by both the prosecution and the defence. 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 is expected to issue the verdict at the next hearing, scheduled for August 16, 2012.

In addition, although Mr. Nabeel Rajab was due to appear on September 26, 2012 in relation with three other cases pending against him (which the Lower Court had agreed to merge on July 26 - see background information), the hearing related to those cases took place on August 5, 2012, and another one on August 12, on the basis of a request of the Prosecution.

The defence team consequently lodged a complaint with the Judicial Inspection Directory to "declare the presiding judge unfit", in accordance with Article 216 of the Bahraini Code of Criminal Procedure, on the grounds that the presiding judge had ignored the request submitted by the defence team to maintain the initial date of the case (i.e. September 26) as no emergency could be justified since the defendant was not in custody, and the defence team needed time to prepare the memos related to the three joint cases.

Regarding the case of alleged libel, however, and after the defence team informed the presiding judge that a complaint had been lodged against him with the Judicial Inspection

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

Directory, the latter eventually refused to stand-by, and announced that the verdict would also be issued on August 16, 2012 in relation to the three other cases pending.

The Observatory denounces the ongoing arbitrary detention and judicial harassment of Mr. Nabeel Rajab, which seem to merely aim at hindering his human rights activities and at stifling his attempts to fight corruption in Bahrain.

The Observatory calls for the immediate and unconditional release of Mr. Rajab, and is extremely concerned about the fact that a number of cases have been filed against him since May 2012, and that four of them are still pending.

More generally, the Observatory 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. 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?*".

In addition, four other cases were brought against Mr. Rajab over the past months:

- The first of them on charges of "insulting the statutory bodies", pursuant to Article 216 of the Penal Code, for which 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 posted to denounce the lack of investigation, by the Ministry of Interior, into the killings of civilians.

- The second on 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 third on charges of "involvement in illegal practices and incitement to gatherings and calling for unauthorised marches through social networking sites" for a protest in Manama on January 12, 2012.

- The fourth on charges of "participating in an illegal assembly" in relation to several protests that took place in Manama in February 2012.

The last three cases were merged on July 26, 2012, and were both 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.

Actions requested:

The Observatory urges the authorities of Bahrain to:

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

- i. Guarantee the physical and psychological integrity of Mr. Nabeel Rajab and all human rights defenders in Bahrain;
- ii. Release Mr. Nabeel Rajab immediately and unconditionally as his detention seems to merely sanction his human rights activities and is contrary to national and international law;
- iii. Provide Mr. Nabeel Rajab with appropriate medical treatment in appropriate medical facilities;
- iv. 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;
- v. 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 14, 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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