



Bahrain

24 January 2011

Administrative harassment against 24 lawyers - BHR 001 / 0111 / OBS 007

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), requests your urgent intervention in the following situation in Bahrain.

Description of the situation:

The Observatory has been informed by reliable sources that 24 appointed lawyers were referred to a disciplinary committee initiated by the Minister of Justice and Islamic Affairs after they refused to abide by an order of the same Minister. They risk penalties ranging from an oral warning, a written warning, temporary disbarment to definitive disbarment, depending whether they have already committed another disciplinary offence. The first meeting of the committee will be held on January 25, 2011.

According to the information received, the Minister of Justice and Islamic Affairs ordered the establishment of a disciplinary committee to investigate on 24 lawyers, namely **Ali Ahmed Al-Oraibi, Shahnaz Ali Abdullah, Loay Abdul Ghani Qarooni, Nabila Sayad Alawi Majeed, Timor Abdullah Karimi, Ali Abdullah Al Ayoubi, Mohamed Ali Alwatani, Mohamed Eid Al-Husseini, Ibrahim Saleh Ibrahim, Abdul Aziz Abdullah Al Ayoubi, Ibrahim Issa Ramadan, Hassan Abbas Haider, Hussein Jaafar Alnash, Hussein Mohsen Hussein, Mahmoud Hassan Bash, Ziad Reuven, Mona Mohammed Salim, Nouf Mohammed Yousif, Abdulhadi Ali, Saleh Abdel Karim Al-Marzouq, Abdulali Hamza al-Asfour, Layla Jassim Al-Jawad, Mohammad Ali Mirbati, Ahmed Jassim Abdullah**, who had been appointed by the Minister of Justice and Islamic Affairs to represent a group of 25 people including 11 human rights defenders accused of "membership to a terrorist network aiming to overthrow the government" in a trial which opened on October 28, 2010 [\[1\]](#). The 24 lawyers refused to represent the 25 defendants arguing that the respect of the rights of the accused implied that the defendants agreed to the appointment of lawyers.

On December 9, 2010, a first group of lawyers who had been appointed by the 25 defendants decided to withdraw from the case to protest with the decision of the High Criminal Court not to investigate on allegations of torture and ill-treatment made by the defendants.

23 new lawyers were then appointed by the Minister of Justice and Islamic Affairs and during the hearing of December 23, 2010, the new lawyers requested the consent of the 25 defendants to represent them in this trial, in accordance with Article 20 of the Constitution of the Kingdom of Bahrain which states that "anyone accused of an offence must have a lawyer to defend him with his consent". The 25 refused to be represented by the new defence team and requested representation by their initial defence team. 19 lawyers out of the 23 then decided to withdraw

from the case to comply with the rights of the defendants.

New lawyers were again appointed by the Minister of Justice and Islamic Affairs and during the hearing of January 13, 2011, some of the new lawyers requested the consent of the 25 defendants to represent them in this trial, in accordance with Article 20 of the Constitution of the Kingdom of Bahrain which states that "anyone accused of an offence must have a lawyer to defend him with his consent". The 25 refused to be represented by the new defence team. Four lawyers then decided to withdraw from the case to comply with the rights of the defendants.

On January 20, 2011, at the following hearing, Lawyer **Abdul Wahab Amin** also decided to withdraw from the case. The Observatory fears that the latter will also be subjected to the disciplinary procedure.

The Observatory is concerned by the administrative harassment faced by the 24 lawyers, which merely aims at punishing them for standing for the respect of the rights of the defence.

The Observatory urges the Minister of Justice to re-examine its decision to open a disciplinary procedure, to put an end to any kind of harassment against lawyers and to refrain from hindering activities of promotion and protection of human rights. The observatory also calls upon the authorities of Bahrain to conform in all circumstances with the International Covenant on Civil and Political Rights (ICCPR), the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights as well as international and regional human rights instruments ratified by Bahrain.

Actions requested:

The Observatory urges the authorities of Bahrain to:

- i. Guarantee in all circumstances the physical and psychological integrity of all human rights defenders in Bahrain;
- ii. Put an end to any kind of harassment - including administrative - against the above-mentioned lawyers as well as against all human rights defenders in Bahrain and ensure in all circumstances that they are able to carry out their work without unjustified hindrances;
- iii. 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 10 which provides that "No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so";
 - 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".
- iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international

human rights standards and international instruments ratified by Bahrain.

Addresses:

- Cheikh Hamad bin Issa AL KHALIFA, King of Bahrain, Fax: +973 176 64 587
- Cheikh Khaled Bin Ahmad AL KHALIFA, Minister of Foreign Affairs, Tel: +973 172 27 555; Fax : +973 172 12 6032
- Cheikh Khalid bin Ali AL KHALIFA, Minister of Justice and Islamic Affairs, Tel: +973 175 31 333; Fax: +973 175 31 284
- Permanent Mission of Bahrain to the United Nations in Geneva, 1 chemin Jacques-Attenville, 1218 Grand-Saconnex, CP 39, 1292 Chambésy, Switzerland. Fax: + 41 22 758 96 50. Email: info@bahrain-mission.ch

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

[1] See the Observatory's Press Release, December 6, 2010.

<http://www.fidh.org/Administrative-harassment-against-24-lawyers-BHR>