



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/BAHRAIN-Harassment-of-lawyer>

BAHRAIN: Harassment of lawyer Mohamed Issa Al Tajer

- [english] - North Africa & Middle East - Bahrain -

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FIDH - Worldwide Human Rights Movement

The Observatory has been informed by reliable sources about the ongoing harassment faced by Mr. Mohamed Issa Al Tajer, a prominent human rights lawyer.

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 harassment faced by Mr. Mohamed Issa Al Tajer, a prominent human rights lawyer.

According to the information received, after Mr. Al Tajer participated in the Universal Periodic Review (UPR) of Bahrain in Geneva on May 30, 2012, videos and pictures of himself and his wife were disseminated through pro-government forums as a type of reprisal.

Mr. Al Tajer had started to be blackmailed in January 2011, after intelligence agents had reportedly set up hidden cameras in his beach house. Since that date, they have continuously threatened to publish videos of him and his wife if he did not stop his human rights activities.

The Observatory strongly denounces this breach of Mr. Al Tajer's right to privacy as it seems to constitute mere reprisals aiming at sanctioning his cooperation with the UN Human Rights Council (HRC). During the UPR of Bahrain, Ms. Laura Dupuy Lasserre, President of the HRC, made a landmark statement calling on the Bahraini authorities to put an end to any kind of intimidation or reprisals against human rights defenders who attended the UPR. She particularly urged the Bahraini authorities to guarantee the protection of human rights defenders she orally listed, including Mr. Al Tajer.

Furthermore, Mr. Al Tajer has been subjected for 14 months to judicial harassment that seems to merely aim at hindering his legitimate human rights activities as a defence lawyer. The Observatory has repeatedly condemned the lack of due process in the trial held against him over the past months (see background information). This trial is still ongoing and the next hearing is scheduled on June 26, 2012.

The Observatory recalls the judicial proceedings launched against Mr. Al Tajer took place within the context of an intensified crackdown against activists, including human rights defenders, who have supported or are alleged to have supported, the protest movement which started in Bahrain in February 2011. Hundreds of individuals are still arbitrarily detained, and access to the majority of these detainees, including by their lawyers, is not guaranteed. Concerns about the physical integrity and life of those arrested are consequently high.

Background Information:

On April 15, 2011, a group of more than 20 masked and armed plain-clothes men arrested Mr. Al Tajer and took him to an unknown destination. Mr. Al Tajer was detained incommunicado for five weeks and was then allegedly transferred to the Gurain military prison

On June 12, 2011, he was brought before the Lower National Safety Court (a military court) on charges of "spreading

rumours and malicious news" and "incitement of hatred towards the regime" without his lawyer or his family being informed of the court hearing. Several lawyers who were in the court on that day requested the judge to represent him. Mr. Al Tajer pleaded not guilty.

On June 16, he was brought again before the National Safety Court for a hearing, and on June 23, 2011, before the Lower National Safety Court of Manama on four charges[1].

The verdict in this trial was to be issued on July 5, 2011, but on June 26, the authorities announced that all remaining court cases would be transferred from the special military courts to civilian courts. Thus, Mr. Al Tajer's trial was suspended and transferred to civilian courts. On August 6, 2011, after 114 days of detentions, Mr. Mohamed Issa Al Tajer was released on bail. He was previously forced to sign documents stating that he would appear before courts and be available for interrogation at any time if summoned. He was also required to declare that he would not carry out "activities against the country."

During his detention, Mr. Al Tajer was allegedly subjected to acts of torture and ill-treatment. He was kept in solitary confinement during seven weeks, beaten and kicked, forced to stand for long hours with his hands against the wall, prevented from going to the bathroom, sleeping, talking with other detainees and having contact with his family during two consecutive months. None of those responsible have been prosecuted yet. In addition, items confiscated during the search that included confidential lawyer-client information, as well as family pictures and videos, have not been returned to him.

While on February 7, 2012, the Third Minor Criminal Court was due to resume the trial brought on the basis of charges of "spreading rumours and malicious news", "incitement of hatred towards the regime" and "taking part in a demonstration" to hear defence witnesses. Due to the absence of the judge, the trial was postponed to March 20, 2012.

Additionally, Mr. Al Tajer's telephone communications and movements are allegedly closely monitored by the National Security Intelligence, his clients have been put under pressure, and he is regularly accused of inciting sectarianism and of "treason" in on-line social forums, including Facebook and Twitter.

Actions requested:

The Observatory urges the authorities of Bahrain to:

- i. Guarantee the physical and psychological integrity of Mr. Mohamed Issa Al Tajer and all human rights defenders in Bahrain;
- ii. Put an end to any acts of harassment, including at the judicial level, against Mr. Mohamed Issa Al Tajer and against all human rights defenders in Bahrain;
- iii. Carry out an effective, thorough and impartial investigation into the above-mentioned events, 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. 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, June 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.

To contact the Observatory, call the emergency line:

- **E-mail: Appeals@fidh-omct.org**
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[1] The charges were the following: "inciting others to develop hatred or hostility towards the system of Government" pursuant to Article 165 of the Bahraini Criminal Code; "deliberately releasing malicious news or rumours about (...) the State" pursuant to Article 168; "inciting others (...) to hate or show contempt for a certain faction (...) undermining the public peace" pursuant to Article 172; and "taking part in a demonstration (...) with the aim of committing crimes (...) aimed at undermining public security" pursuant to Article 178 punishable by a prison sentence of up to three years. These charges were pressed against Mr. Al Tajer because of a speech he delivered in public in the Pearl Roundabout in March 2012 denouncing Bahrain's human rights record. In the charge sheet, the prosecution contended that such a speech jeopardised the country's stability and security, and caused the public to reject the National Dialogue, which was then called for by the Government.