

Bahrain: Ongoing arbitrary detention and judicial harassment of Nabeel Rajab

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

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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 General(1).

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:

According to the information received, on August 5, 2012 the Higher Appeal Court is scheduled to consider an appeal filed by Mr. Rajab's lawyers' in relation to a 3-month detention sentence issued against him 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). Following the July 9 sentencing, Mr. Rajab's lawyers immediately filed two appeals: the first to request that the three months imprisonment sentence be commuted into community work (in accordance with Article 371 of the Bahraini Criminal Code) - which was quashed by the court - and the second to request the suspension of the sentence.

Regarding the second appeal, a hearing took place on July 18, 2012, and Mr. Nabeel Rajab was brought to the court handcuffed and reportedly placed inside a glass cell. The judge decided to postpone the hearing to July 24, 2012, in order to examine the case file, and refused to release Mr. Rajab on bail. On July 24, he again refused to release Mr. Rajab on bail, and announced that a final decision regarding the request to suspend the sentence would be issued at the next hearing scheduled for August 5, 2012.

On July 16, 2012, another hearing took place in relation to another case in which Mr. Nabeel Rajab is accused of "involvement in illegal practices and inciting to gatherings and calling for unauthorised marches through social networking sites" (see background information). Mr. Rajab's lawyers requested that this case be merged with another similar case where Nabeel Rajab is accused of "participation in illegal gathering and calling for a march without prior notification", in the capital, Manama. The court agreed to merge these two cases, and the next hearing for both cases will take place on September 26, 2012.

Mr. Rajab remains arbitrarily detained in Jaw Central Prison since July 9, 2012, in a building that is not regularly used for prisoners. He is being held with two other cell mates, and he is not allowed to see other prisoners. He reportedly suffers from a skin allergy caused by the prison cloth, and has been denied the right to see the prison doctor. He has not been allowed to receive clothes from his family either. His family was able to visit him for the first time on July 19, 2012, and reported that he was brought to the visits centre handcuffed, and that he was not allowed to talk to other prisoners.

The Observatory denounces the ongoing arbitrary detention and judicial harassment of Mr. Nabeel Rajab, which seems to merely aim at hindering his human rights activities and at stifling his attempts to fight corruption in Bahrain. The Observatory also recalls that normally, courts issue fines for libel cases, and not imprisonment sentences.

The Observatory calls for the immediate and unconditional release of Mr. Rajab, and is extremely concerned about

the fact that four cases have been filed against him since May 2012, and that three 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, three 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" (see above).

Actions requested:

The Observatory urges the authorities of Bahrain to:

- 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

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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.

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
- Lt. Gen. Cheikh Rashed bin Abdulla AL KHALIFA, Minister of Interior, Tel: +973 17572222 and +973 17390000. Email: info@interior.gov.bh
- 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.

Paris-Geneva, July 26, 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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To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80
- Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29

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

2 <https://www.youtube.com/watch?v=nENlacy3Sw&feature=youtu.be>

PS:

New Information

BHR 001 / 0512 / OBS 048.3

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Bahrain

July 26, 2012