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

Ongoing incommunicado and arbitrary detention of Mr. Abdulhadi Al Khawaja - BHR 004 / 0411 / OBS 070.1

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FIDH - Worldwide Human Rights Movement

http://www.fidh.org/en/north-africa-middle-east/bahrain/Ongoing-incommunicado-and,9598

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 incommunicado and arbitrary detention of Mr. **Abdulhadi Al Khawaja**, former MENA Director at Front Line and former President of the Bahrain Centre for Human Rights (BCHR).

According to the information received, as of May 5, 2011, Mr. Abdulhadi Al Khawaja remained detained but his whereabouts as well as official charges pending against him remained unknown. His lawyer is the only person who could have access to him on April 29 and 30, 2011. These two meetings of several hours were held in the presence of the Military Prosecutor. In addition, no information could be obtained regarding Mr. Abdulhadi Al Khawaja's physical condition, although witnesses claim to have seen him in a military hospital in a very bad state.

The Observatory recalls that Mr. Abdulhadi Al Khawaja was brutally arrested on April 9, 2011, and witnesses present during his arrest declared that he was taken unconscious after having been violently beaten (See background information).

The Observatory firmly denounces the violation of the rights to due process and fair trial by the Bahraini authorities, the incommunicado and arbitrary detention of Mr. Abdulhadi Al Khawaja and as well as the judicial harassment against him, which seem to merely aim at sanctioning his human rights activities. The Observatory is also deeply concerned for his physical and psychological integrity as it is feared that he might be subjected to torture and acts of ill-treatments in the framework of incommunicado detention, in a context where four people arrested during the protests have died in custody between April 3 and 12, 2011 and dozens of detained activists complained of acts of torture and ill-treatment.

Background information:

On April 9, 2011, Mr. Abdulhadi Al-Khawaja, who has been organising peaceful awareness-raising and human rights education activities for protesters in the recent weeks, was arrested at his daughter's house, along with two of his sons-in-law, Messrs. Wafi Almajid and Hussein Ahmed, by masked policemen who forced entry to the building. The three men, and Mr. Al-Khawaja in particular, were severely beaten up before being taken to an unknown destination. Moreover, Mr. Mohammad Al-Maskati, President of the Bahrain Youth Society for Human Rights (BYHRS), who has been monitoring human rights violations committed since the protest movement began, and who was also present in the house, was severely beaten during the raid but not arrested.

On April 10, the Bahraini authorities wrote on twitter: "Al-Khawaja was arrested for charges to be brought against him legally. He violently resisted the arrest and had to be subdued" ; the twit then continues as "(Al-Khawaja) is not a reformer (...) He called for the overthrow of the legitimate regime". To date, no information has been given to the family of Messrs. Almajid and Ahmed neither on their whereabouts nor regarding any charges pending against them.

On April 15, 2011, a group of more than 20 masked and armed plain-clothes men, belonging to security forces, entered the house where Mr. Al Tajer was present with his wife and young children. After thoroughly searching the house, the office, and taking computers and mobile phones, the men arrested Mr. Al Tajer and took him to an unknown destination.

On April 20, 2011, Mr. Abdulhadi Al Khawaja was allowed to make a one-minute phone call to his wife. He informed her that he was supposed to appear on April 21 at 8.00 am before the Military Court. Before this call, Mr. Alkhawaja's daughter received a call from the military asking her to bring clothes for him. When his lawyers presented themselves before the Military Court, they were advised that the hearing will not take place on that date. They could not get any further information nor have access to their client.

Furthermore, the Observatory also recalls that since April 16, 2011, no information could be gathered regarding the whereabouts of Mr. **Mohamed Issa Al Tajer**, a human rights lawyer who was arrested on that day in his house. Mr. Mohamed Issa Al Tajer was representing several protesters before the Lower National Safety Court, charged with murder of two policemen. On April 28, 2011, four of them were sentenced to death penalty and three to life imprisonment[1].

Actions requested:

The Observatory urges the authorities of Bahrain to:

i. Guarantee the physical and psychological integrity of Mr. Abdulhadi Al Khawaja, Mr. Mohamed Issa Al Tajer as well as all human rights defenders in Bahrain;

ii. Immediately disclose the whereabouts of Messrs. Abdulhadi Al Khawaja, Mohamed Issa Al Tajer, Almajid and Ahmed and ensure their access to their lawyers and families;

iii. Immediately and unconditionally released Mr. Abdulhadi Al Khawaja and Mr. Mohamed Issa Al Tajer as well as all human rights defenders in Bahrain as their detention merely seems at sanctioning their human rights activities;

iv. Put an end to any acts of harassment, including at the judicial and administrative level, against Mr. Abdulhadi Al Khawaja and Mr. Mohamed Issa Al Tajer as well as 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” ;

- its Article 9.3 which provides that “everyone has the right, individually and in association with others, inter alia […] to attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments; and to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms” ;

- 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”.

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.

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.