



Date : Tuesday 10 July 2012

## **BAHRAIN: Arrest of Mr. Nabeel Rajab**

The Observatory has been informed by reliable sources about the new arbitrary arrest 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].

<http://www.fidh.org/BAHRAIN-Arrest-of-Mr-Nabeel-Rajab>



FIDH - Worldwide Human Rights Movement

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 July 9 at 1:30 pm, police cars surrounded Mr. Rajab's house, and masked police officers entered the house and forcibly arrested him.

## **Mr. Rajab is currently being held in Jaw Central Prison.**

The police officers who arrested Mr. Rajab were carrying an arrest warrant issued by the presiding judge of the 5th Lower Criminal Court, which sentenced Mr. Rajab on the same day to three months imprisonment for allegedly libelling the residents of Al Muhraq through tweets posted on his twitter account (see background information).

Mr. Rajab's lawyers immediately filed two appeals following the verdict: the first one to request the suspension of the sentence which was rejected by the judge, and the second one to request that the three months imprisonment sentence be commuted into community work, in accordance with Article 371 of the Bahraini Criminal Code.

The first hearing of the second appeal is scheduled to take place on July 18, 2012 before the Higher Appeal Court.

The Observatory denounces the new arbitrary detention 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 cases of libel, 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.

The Observatory more generally 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 May 5, 2012, Mr. Nabeel Rajab was arrested by plain clothes police officers upon arrival at Manama airport from Lebanon and transferred to Al Hawra police station. The police officers who carried out the arrest stated that it had been ordered by Public Prosecution, however neither Mr. Rajab nor his lawyers were at the time informed of the reasons for his arrest.

The following day, Mr. Rajab was taken to court where he faced 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 human rights defender Abdulhadi Al Khawaja, founder of GCHR, former President of the Bahrain Centre for Human Rights (BCHR), and former MENA Director at Front Line. Mr. Rajab denied the charges. The trial was postponed to May 22, 2012.

Later, the same day, Mr. Rajab was presented before the Public Prosecutor who informed him of the reasons for his arrest. According to Mr. Rajab's lawyers, charges of "insulting the statutory bodies", pursuant to Article 216 of the Penal Code, which carry a term of imprisonment of up to three years and a fine, are pressed against him in relation to tweets he posted deemed "insulting" to the Ministry of Interior. Mr. Rajab stated that he was the author of tweets posted through his account but that he did not recognise the jurisdiction of the Court and the Prosecution given their lack of independence from the Executive. The Public Prosecutor remanded Mr. Rajab to detention for seven days.

On May 28, 2012, Mr. Rajab was released on bail after spending three weeks in detention.

On June 6, 2012, Mr. Nabeel Rajab was summoned by the Public Prosecutor, after he tweeted the following on June 2, 2012: "Khalifa, leave the residents of Al Mahraq, 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?".

On the same day, the Prosecutor ordered a seven-day imprisonment pending further investigation. Mr. Rajab was charged with "insulting in public" in accordance with Article 92 (1), (3) and 365 (1) of the Bahraini Penal Code.

On June 27, 2012, the Court issued its final verdict regarding the tweet of "insulting the statutory bodies" ordering Mr. Rajab to pay a fine of 300 Bahraini dinars, and lifting the travel ban. Mr. Rajab was finally released on June 27, 2012 after spending three weeks in prison.

Mr. Nabeel Rajab is scheduled to appear before court on July 19, 2012, for "participation in illegal gathering and calling for a march without prior notification", in Manama. In addition, he is due to appear before court on the September 26, 2012 for charges of "involvement in illegal practices and incitement to gatherings and calling for unauthorised marches through social networking sites".

#### **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. 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;
- 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.

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Paris-Geneva, July 10, 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:

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[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=nEN...>