

URGENT APPEAL - THE OBSERVATORY

New information
BHR 001 / 0111 / OBS 007.1
Drop of disciplinary charges
Bahrain
March 2, 2011

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 drop by the Minister of Justice and Islamic Affairs of the administrative charges for "contempt of court" initiated against Messrs. **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 Alnashash, 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.**

According to the information received, on February 2, 2011, the King of Bahrain on the occasion of a meeting with the President of the Bar Association informed the latter of his decision to abandon the disciplinary proceedings.

On January 13, 2011, the Minister of Justice and Islamic Affairs had ordered the establishment of a disciplinary committee to investigate the above mentioned lawyers¹ who had withdrawn from a case to protest against the failure by the court to respect the rights of the accused.

The Observatory welcomes this decision which puts an end to the administrative harassment faced by these 24 lawyers which merely aimed at punishing them for standing for the respect of the rights of the defence, and thanks all the persons, institutions and organisations who intervened in their favour.

Background information:

On December 9, 2010, a group of lawyers appointed by 25 activists including 11 human rights defenders accused of "membership to a terrorist network aiming to overthrow the government" in a trial opened on October 28, 2010, 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. During the hearing of December 23, 2010, the new lawyers requested the consent of the 25 accused 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 accused refused to be represented by the new defence team

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See the Observatory's Urgent Appeal BHR 001/0111/OBS 007.

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. During the hearing of January 13, 2011, some of them also requested the consent of the 25 accused to represent them in this trial. The 25 accused 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.

Later, the 24 appointed lawyers who had withdrawn from the case were referred to a disciplinary committee initiated by the Minister of Justice and Islamic Affairs for refusing to abide by his order. They were risking penalties ranging from an oral warning, a written warning, temporary disbarment to definitive disbarment, depending on whether they had committed a disciplinary offence before. The first meeting of the committee was held on January 25, 2011 and then the hearing of the case was postponed to February 22, 2011.

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.

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

Paris-Geneva, March 2, 2011

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

To contact the Observatory, call the emergency line:

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