

URGENT APPEAL - THE OBSERVATORY

New Information

BHR 003 / 0411 / OBS 065.1

Judicial harassment / Detention incommunicado

Bahrain

July 1, 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 continuing detention incommunicado and judicial harassment faced by Mr. **Mohamed Issa Al Tajer**, a prominent human rights lawyer.

According to the information received, on June 23, 2011, Mr. Mohamed Issa Al Tajer appeared before the Lower National Safety Court in Manama for his second and last court hearing on four charges: "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. Mr. Al Tajer is blamed for committing all those crimes because he has reportedly made a speech in which he addressed the public in the Pearl Roundabout's last March to denounce Bahrain's human rights record. In the charge sheet against him, it is stated by the prosecution that by making such speech he jeopardised the country stability and security and caused the public to reject the National Dialogue which was then called for by the Government. The verdict will be issued on July 5, 2011.

The Observatory recalls that since his arrest on April 15, 2011 (see Background information), Mr. Al Tajer is detained incommunicado and is being denied the access to his lawyer and family. Mr. Al Tajer appeared before the Lower National Safety Court on June 12, June 16 and June 23, 2011 and could only meet with his family and lawyer on these occasions. According to some information, Mr. Al Tajer would be detained in Gurain military prison but, to date, the authorities have refused to confirm this information.

The Observatory firmly denounces the continued detention incommunicado and judicial harassment faced by Mr. Mohamed Issa Al Tajer, which seems to merely aim at sanctioning his peaceful and legitimate human rights activities as a defence lawyer, and moreover condemns the lack of due process in his trial.

Background Information:

At around 11 pm on April 15, 2011, a group of more than 20 masked and armed plain-clothes men, belonging to security forces, entered without any warrant the house where Mr. Al Tajer was present with his wife and young children. At 00.30 am, after thoroughly searching the house and confiscating computers and mobile phones, the men arrested Mr. Al Tajer and took him to an unknown destination. After his arrest, Mr. Al Tajer was detained incommunicado for five weeks and was then allegedly transferred to the Gurain military prison where he would still be detained.

The judicial proceedings launched against Mr. Al Tajer are taking 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. The Observatory recalls that hundreds of individuals are still arbitrarily detained, and that access to the majority of these detainees, including by their lawyers, is not guaranteed. Concern about the physical integrity and life of those arrested are consequently high.

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. Disclose Mr. Al Mohamed Issa Al Tajer's whereabouts and release him immediately and unconditionally, since his detention and subsequent sentencing seem to only aim at sanctioning his human rights activities;
- iii. 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;
- 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" ;
 - 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.

Paris-Geneva, July 1, 2011

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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