

## URGENT APPEAL - THE OBSERVATORY

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**BHR 004 / 0411 / OBS 070**

Arbitrary detention / Judicial harassment /  
Fear of ill-treatments

**Bahrain**

April 21, 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 ongoing incommunicado and arbitrary detention of Mr. **Abdulahdi Al Khawaja**, former Regional Protection Coordinator at Front Line and former President of the Bahrain Centre for Human Rights (BCHR).

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.

The Observatory recalls that Mr. Abdulhadi Al Khawaja is being detained incommunicado since his brutal arrest on April 9, 2011 and that the charges pending against him remain unknown.

The Observatory firmly denounces the violation of his right to due process and fair trial by the Bahraini authorities, his arbitrary detention and 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.

The Observatory urges the Bahraini authorities to take the necessary measures to guarantee the safety of Mr. Abdulhadi Al Khawaja and all human rights defenders in Bahrain and, more generally, to comply with the United Nations Declaration on Human Rights Defenders adopted on December 9, 1998 by the United Nations General Assembly, the Universal Declaration of Human Rights as well as international and regional human rights instruments ratified by Bahrain, including the International International Covenant on Civil and Political Rights.

### **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**, another Mr. Al-Khawaja's son-in-law as well as 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. Al-Khawaja, Almajid and Ahmed neither on their whereabouts nor regarding any charges pending against them.

According to the information received by the Observatory about 600 people, including human rights defenders, political leaders, trade unionists, doctors and paramedics and clerics have been arrested since February 2011. The whereabouts of a significant number of them, including prominent human rights defender Abdulhadi Al Khawaja, remain unknown and access to them, including by their lawyers, is not guaranteed for the majority of these detainees. Concern about the physical integrity and life of those arrested are high, in particular after four people arrested during the protests died in custody between April 3 and 12, 2011.

#### **Actions requested:**

The Observatory urges the authorities of Bahrain to:

- i. Immediately disclose the whereabouts of Mr. Abdulhadi Al Khawaja and all above-mentioned human rights defenders and ensure their access to their lawyers and families;
- ii. Guarantee the physical and psychological integrity of Mr. Abdulhadi Al Khawaja and all human rights defenders in Bahrain;
- iii. Put an end to any acts of harassment, including at the judicial and administrative level, against Mr. Abdulhadi Al Khawaja 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”.

v. 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, April 21, 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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