

BAHRAIN

SENTENCED TO TWO YEARS IN PRISON
FOR ADVOCATING AND EXERCISING THE
RIGHT TO PEACEFUL ASSEMBLY

International Judicial Observation Mission Report on the
Trial against Human Rights Defender Nabeel Rajab

Bahrain Appeals Court, Manama. September - December 2012



February 2013

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The Observatory wishes to thank the Finnish Ministry for Foreign Affairs, the Fondation de France, the French Ministry of Foreign Affairs, the International Organisation of the Francophonie (OIF), the Norwegian Ministry of Foreign Affairs, the Paris City Hall, the Republic and Canton of Geneva, the Sigrid Rausing Trust and the Swedish International Development Cooperation Agency (SIDA) for their support. Its content is the sole responsibility of FIDH and OMCT and should in no way be interpreted as reflecting the view(s) of the supporting institutions.

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Design: CBT
Imprimerie de la FIDH - Dépôt légal février 2013 - FIDH (English ed.)
ISSN 2225-1804 - Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N°330 675)

I. INTRODUCTION

Between September and December 2012, 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), carried out four missions to Manama (Bahrain) to monitor the hearings of the trial of Mr. **Nabeel Rajab**, FIDH Deputy Secretary General, President of the Bahrain Centre for Human Rights (BCHR), Director of the Gulf Centre for Human Rights (GCHR), a member of the Advisory Committee of Human Rights Watch's Middle East Division, member of the Advisory Board of the Bahrain Rehabilitation and Anti-Violence Organization (BRAVO) and former Chairman of CARAM Asia.

Mr. Rajab is a prominent human rights activist, well-known at national and international levels. His human rights work has been recognized internationally but within Bahraini society he remains a figure of controversy. A “hero to protesters” of the Bahraini Spring for his endless monitoring and denunciation of human rights violations and his peaceful participation to the demonstrations, he has been described as a “villain” by the authorities and pro-government.

Thanks to his international aura, until May 2012, Mr. Rajab had remained one of the few pro-democracy activists in Bahrain not to have been detained. His subsequent arrest and detention therefore constituted a worrying message that even high-profile and internationally recognized human rights defenders are not immune from detention and repression in Bahrain. His detention had a direct impact on the human rights organisation he is chairing in Bahrain, which is one of the most active in documenting and denouncing human rights violations in Bahrain and providing support to victims of such violations, as well as on the functioning of national, regional and international human rights organisations with which he collaborates. The BCHR was one of the three short-listed nominees for the 2012 Martin Ennals Award for Human Rights Defenders.

Mr. Nabeel Rajab has been targeted for his tireless efforts at highlighting gross human rights violations against ordinary citizens, human rights defenders and actual or perceived political opponents in Bahrain, in particular since the beginning of the popular uprising in the country in February 2011 through the use of Twitter, Facebook, and other social network tools and media outlets as well as his participation in public gatherings.

The missions' delegations sought meetings with Government officials, representatives of the judiciary and the legal profession, academics, lawyers, and other members of civil society in order to undertake a full evaluation of the fairness of the trial. Over the course of these missions, the Observatory's observers met on various occasions with:

- Mr. Khalid bin Ali Al Khalifa, Minister of Justice and Islamic Affairs;
- Ms. Sameera Rajab, Minister of State for Information;
- Mr. Khalifa bin Mohammed Al Khalifa, Director of Human Rights Organisations, Ministry of State for Human Rights;
- a number of other representatives of the Bahraini legal and judicial systems, including Mr. Naif Yousef, Public Prosecutor, and a judge detached at the Ministry of State for Human Rights;
- as well as several lawyers, including Mr. Nabeel Rajab's lawyers and Mr. Mohamed Issa Al Tajer, a prominent human rights lawyer.

The report demonstrates that the trial in appeal against Mr. Nabeel Rajab failed to comply with international standards of fair trial. The entire procedure was fraught with serious human rights violations from the time of arrest, through detention, trial and conviction.

II. ARBITRARY DETENTION AND JUDICIAL PROCEEDINGS AGAINST NABEEL RAJAB

Nabeel Rajab is arbitrarily detained since July 9, 2012 for his participation in “illegal” assemblies in January, February and March 2012 during which the authorities alleged that acts of violence were committed by some participants. Said gatherings were organised to call for the release of human rights defenders and political activists, to denounce corruption, to call for political and economic reforms, to denounce human rights violations and to call for a fair distribution of wealth and an end to torture.

On August 16, 2012, he was sentenced to three years’ imprisonment by the Lower Criminal Court in Manama, Bahrain, in relation to three cases brought against him.

On December 11, 2012, the Bahrain Appeals Court sentenced Nabeel Rajab to two years’ imprisonment. This conviction was ordered on the grounds of:

1/ 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 the founder of GCHR, former President of the BCHR, and former MENA Director at Front Line, Mr. Abdulhadi Al Khawaja (Case No. 5263/2012)

2/ charges of “involvement in illegal practices and incitement to gatherings and calling for unauthorised marches through social networking sites” in relation to preparations for a protest in Manama on January 12, 2012 (Case No. 4947/2012)

3/ charges of “participating in an illegal assembly” in relation to several protests that took place in Manama in February 2012 (Case No. 3460/2012).

On the merits: the detention and judicial harassment are arbitrary as they clearly result from the exercise of universally recognised human rights (i.e. the exercise of the rights or freedoms guaranteed by Articles 19, 20 and 21 of the Universal Declaration for Human Rights and by Articles 19, 21, 25 and 26 of the International Covenant on Civil and Political Rights).

All three cases are related to alleged violations of provisions governing the exercise of the right to freedom of assembly:

- Article 178 of the Criminal Code, which states that “Every person who takes part in a demonstration in a public place where at least five persons are assembled with the aim of committing crimes or acts intended to prepare or facilitate the commission of such crimes or aimed at undermining public security, even though for the realisation of a legitimate objective, shall be liable for imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty”.*
- Provisions of Decree Law No. 18 of 1973 on the Organisation of Public Meetings, Rallies and Assemblies, as amended by Law No. 32 of 2006, which governs the exercise of the right of public assembly (Articles 1, 2(b), 9(1), 11(2), 13 (a) and (b)).*

Therefore the detention and sentencing of Mr. Nabeel Rajab are solely aimed at sanctioning and preventing his human rights activities.

As of January 2013, he remained detained in Jaw Prison.

III. OBSERVATIONS DURING THE TRIAL IN APPEAL

The Appeal trial opened before the Bahrain Appeals Court on September 10, 2012.

During the appeal hearings, access to the court was restricted and closely controlled by security services. Only Nabeel Rajab's lawyers, a limited number of his family members, the local press, foreign embassies representatives, and some human rights observers including from the Bahrain Human Rights Society (BHRS) and the Observatory were allowed in. The security services denied access several times to BCHR member Mr. Sayed Yousif AlMuhafdhah, and to the public in general. Some family members had to insist to be allowed in. At times, some family members were denied access since they only allowed in four family members. Some journalists were also denied access.

The failure of the court to allow full access to the court room constitutes a violation of the right to a public hearing, which provides that court hearings in criminal proceedings should be open to the public.

Mr. Rajab was represented by Lawyers Jalila Sayed, Mohamed Al Jishi and Abdulla Al-Shamlawi.

a) Hearing of September 10, 2012

The hearing was attended by Ms. Katherine Gallagher, Senior Attorney at the Center for Constitutional Rights (CCR, USA) and FIDH Vice President, who was mandated by the Observatory and was the only international trial observer. The Bahrain Appeals Court rejected the requests from the lawyers of Mr. Nabeel Rajab to release him on bail and scheduled the next hearing for September 27. Meanwhile, Mr. Rajab's lawyers filed a petition for review, by the implementation judge, of the decision not to order provisional release.

During this hearing, Mr. Rajab's lawyers also submitted a request to merge the charges of the three cases and another request to add to the case file a report stating that Mr. Rajab was beaten by the police.

b) Hearing of September 27, 2012

At the hearing of September 27, the Observatory had planned to send Lawyer Nourredine Benissad, President of the Algerian League for the Defence of Human Rights (LADDH, Algeria), but the visa request was only granted a few hours before the planned flight departure, making it impossible to make necessary arrangements.

During the hearing, the Bahrain Appeals Court once more refused to release Mr. Nabeel Rajab on bail.

The court finally ordered to join all three criminal cases together but did not expressly said it will issue one single judgement. Despite requests made by the defence lawyers, the court heard all criminal cases together but still issued three separate judgements.

During the hearing, the judge showed a DVD containing images of Mr. Nabeel Rajab at peaceful demonstrations arguing with an officer on the legality of the protest, as well as images of young people throwing Molotov cocktails during what the judge alleged was one of these protests. Mr. Rajab's lawyers insisted that this last part did not take place at the same location nor time as those of the said peaceful protest. Mr. Rajab's lawyers further said that none of the protests he attended had witnessed violence.

The defence lawyers asked the court to grant visas for foreign witnesses, representing several international human rights organisations to which Nabeel Rajab is connected: a representative from FIDH, a representative from Human Rights Watch and Mr. Josh Bryan Colangelo, an American lawyer who had represented Bahraini nationals detained in Guantanamo, to inform the Court about the peaceful nature of the activities conducted by Nabeel Rajab, in line with human rights standards.

The appeal proceedings were expected to resume on October 16 with the testimonies of defence witnesses and the defence video. Also, at the request of the defence, the Public Prosecution should submit a video submitted before first instance court as evidence against Nabeel Rajab in one of the three cases which to date has never been screened in the court room.

c) Hearing of October 16, 2012

On October 16, 2012, the Bahrain Appeals Court resumed the hearing. The hearing was attended by Mr. Antoine Aussedat, French lawyer, who had been mandated by the Observatory. Several diplomats representing France, Germany, the United Kingdom and the USA also attended the hearing.

During this hearing, two issues will be discussed: a request to hear foreign witnesses and the display in public of all videos used in the criminal file.

During the previous hearing, when the defence lawyers informed the Court that they were calling foreign witnesses to appear as defence witnesses, the Court replied that it would get in contact with immigration services to facilitate the issue of visas for said witnesses. But when the defence lawyers submitted written requests, the Court refused to transfer said requests to immigration services. At least one international defence witness was denied entry to Bahrain. FIDH's representative, Stéphanie David, Head of MENA Desk, who had been called upon to testify as a witness by the defence team, was denied entry into Bahrain on October 16, 2012. Despite the Court's lack of support, FIDH, together with the defence lawyers, decided to confirm Ms. David's travel to Bahrain for the purpose of the trial. During the hearing, the defence lawyers' request to call international witnesses was rejected by the Court on the ground that their testimonies were not "relevant". Defence lawyers asked again the support of the Court in view of the issuance of visas to foreign witnesses.

Defence lawyers complained that some of the evidence used to convict Mr. Rajab in first instance had never been screened in a public hearing. They asked the Court that the said video be shown during the appeal hearing. Indeed the Court in first instance had insisted that said video be shown in camera, which was rejected by the defence lawyers as this would contradict the principle of the publicity of debates. During this hearing, the Appeals Court informed the defence team that the video could not be shown as it had disappeared from the criminal file. However, the defence said it would provide a copy of said video in view of the next hearing.

Then the Court attempted to show a second video submitted by the Prosecutor, but which had not been added as part of the criminal case file. After a brief attempt, the Court suspended the hearing for more than two hours to solve technical issues. When the hearing resumed, the court announced that it rejected the requests filed on the hearing of foreign witnesses and the trial was again adjourned to November 8, 2012. This new video was never shown during the appeal hearings.

The failure of the court to call said foreign witnesses constitutes a violation of the right to fair trial, in particular the principle of the equality of arms.

The principle of equality of arms in criminal proceedings requires that each party to the proceedings shall have the procedural opportunity to refute and contest all the arguments and evidence adduced by the opposing party. This is to guarantee a procedural equality between the accused and the prosecution.

According to a legal expert met on October 16 by the Observatory trial observer at the Ministry of State for Human Rights, the Court is responsible for calling witnesses and may exercise discretion when it considers that a witness hearing is not relevant in the case at issue. The legal expert added that foreign experts who had been called by the defence lawyers had not participated in the demonstrations so their testimonies could not be relevant.

Article 227 of the Criminal Procedure Code (Decree of 2002) and Article 107 of the Law No. 12/1971 on civil and commercial proceedings provide that witnesses are called by the Court to appear upon the request of the Court itself or of any of the parties. Therefore, the law does not provide that the court may appraise the relevance of witnesses to be heard, notably those chosen by the defence.

d) Hearing of November 8, 2012

On November 8, the Bahrain Appeals Court resumed the hearing. It was again attended by Mr. Antoine Aussedat. Several diplomats representing France and the USA were also present.

The composition of the court was changed. Indeed, one of the associate judge who had been sitting during

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previous hearings was replaced by the judge who had met the Observatory trial observer as a legal expert for the Ministry for Human Rights on October 16.

The composition of the court violates the principle of independence and impartiality of the judiciary.

A Judge who had been detached to the Ministry for Human Rights as legal advisor, and who had met the Observatory trial observer to provide insight on criminal procedure provisions, was sitting as Associate Judge at the November 8 hearing. This transfer raises serious doubts as to the independence of the Court.

During the hearing, a new request for Nabeel Rajab's provisional release was rejected by the Court.

Then the hearing was exclusively devoted to the screening of videos. Eight videos were shown: five videos filed by the Prosecutor displaying images shot by the police on the demonstration in relation to which Nabeel Rajab had been arrested and three videos filed by the defence lawyers containing speeches or interviews attesting that Nabeel Rajab advocated for non violence, a video of a demonstration during which Nabeel Rajab was charged and hurt by the police and extracts from a pro-government TV broadcast in which Nabeel Rajab was depicted as a dangerous agitator and manipulator.

The first set of videos displayed, which were used in first instance to convict Nabeel Rajab, showed:

- Nabeel Rajab in a street in Manama Bazaar, ahead of a rally, walking alone ahead and then stopping, before policemen who film him and request demonstrators to disperse;
- Nabeel Rajab in a street corner arguing on the right to demonstrate with policemen;
- policemen filming far-away demonstrators and at some point Nabeel Rajab appears his back on a wall waiting;
- Nabeel Rajab ahead of a rally, stopping before policemen who film and order dispersion;
- demonstrators behind Nabeel Rajab, including men, women and children.

The content of the videos was discussed by the court and the defence lawyers.

The second set was presented by the defence lawyers and shown:

- a compilation of extracts of public statements made by Nabeel Rajab (interviews, demonstrations and meetings) during which he advocates for non violence and peaceful resistance;
- a demonstration filmed by policemen, with Nabeel Rajab and Sayed Yousif AlMuhafdhah, Acting Vice President and Head of Documentation Unit of BCHR, walking ahead and stopped by a row of policemen. Then shooting is heard and the police forces charge the demonstrators. The following images show Nabeel Rajab sitting on the pavement and holding his head. Policemen are around him and then carry him. In the following images, Nabeel Rajab ask the policemen why they have hit;
- a pro-Government TV broadcast, in which the anchorman portrays the demonstrations as having been violent, denigrates the role played by medics and paramedics, accused Nabeel Rajab and Abdulhadi Al Khawaja, former BCHR President serving a life sentence, of transmitting false information to international organisations and acting only in favour of a section of the Bahraini population, etc.
- testimonies from foreign and international organisations (Human Rights First, IFEX, Human Rights Watch, Front Line, etc.) attesting of the non violent character of Nabeel Rajab's action.

The defence lawyers then asked the Court to acquit Nabeel Rajab as the latter had only exercised his right to freedom of peaceful assembly, which is protected by Article 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Bahrain in 2006. They argued that legal provisions governing the right to freedom of assembly are contrary to international standards. Therefore they asked the Court to request the Supreme Court to issue a preliminary ruling regarding the constitutionality and legality of Article 178 of the Criminal code in that it restricts the exercise of the right to peaceful assembly, with regard to constitutional provisions and international conventions.

Following a short recess, the court denied the petition and announced that the verdict would be made public on December 11, 2012.

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Violation of the principle of the legality of criminal offences

The principle of legality of offences entails that the legitimate exercise of fundamental freedoms cannot be legally termed a criminal offence because the criminal law can only prohibit forms of behaviour that harm society.

The acts that triggered legal action cannot constitute an offence as Nabeel Rajab had only exercised his right to freedom of peaceful assembly. Furthermore, the request for a preliminary ruling by the Supreme Court regarding the constitutionality and legality legal of provisions governing the right to freedom of assembly has been rejected by the Court.

e) Hearing of December 11, 2012

On December 11, the Appeals Court confirmed the conviction of Nabeel Rajab and reduced the sentence from three years to two years in prison for calling for and participating in peaceful gatherings on three occasions.

Ms. Amina Bouayach, FIDH Vice President and Former President of the Moroccan Organisation for Human Rights (OMDH, Morocco), attended the reading of the verdict as the Observatory representative.

IV. CONCLUSIONS AND RECOMMENDATIONS

The trial in appeal against Mr. Nabeel Rajab failed to comply with international standards of fair trial. The entire procedure was fraught with serious human rights violations from the time of arrest, through detention, trial and conviction.

First, Mr. Rajab was arrested, sentenced and detained in relation to his exercise of universally recognised human rights, in particular the right to freedom of expression and freedom of peaceful assembly (which includes the right, individually or in association with others, to promote and protect human rights).

Moreover, the observation of the trial before the Bahrain Appeals Court highlighted a series of violations of the right to fair trial, especially the principle of the legality of criminal offences, the right to be tried before an independent and impartial court, the right to a public hearing, and the right to the equality of arms, though these rights are provided for in the ICCPR.

The trial of Nabeel Rajab reflects Bahrain's policy and practice of criminalising the exercise of the right to freedoms of association, expression and peaceful assembly and silencing human rights defenders and other dissenting voices.

One year after King Hamad bin Isa Al Khalifa accepted the findings and recommendations made by the Bahrain Independent Commission of Inquiry (BICI)¹, which had concluded that security forces and other government authorities had committed serious and systematic human rights violations in connection with the government's suppression of pro-democracy protests in 2011, human rights violations continue.

On October 30, 2012, the Ministry of Interior of Bahrain issued an order where it banned all public rallies and demonstrations "until peace and social order is restored". The judicial harassment and arbitrary detention of human rights defenders, trade unionists, medics and paramedics and political activists for their peaceful support and / or participation in the protest movement is going on.

In view of these elements, the Observatory therefore calls on the Bahraini authorities to:

- (i) Guarantee, under all circumstances, Nabeel Rajab's physical and psychological integrity and to this end, ensure that he is protected from any cruel, inhuman or other ill-treatment;
- (ii) Immediately and unconditionally release him, as his detention is arbitrary;
- (iii) Ensure that as long as he remains in prison, the authorities fully respect his right to access to medical personnel and medical treatment, as well as access to his lawyers and family members;
- (iv) Ensure that the process leading to criminal prosecution of those arrested and detained on criminal charges meet the international standards of the transparency of investigation, fairness of procedures in prosecution and fundamental standards of fair trial;
- (v) Take all necessary steps to guarantee the competence, independence and impartiality of the judiciary in Bahrain and ensure that the Bahraini judiciary acts with full conformity to international human rights standards, in particular ensure that the courts may not be used for political reasons and to sanction the legitimate exercise of rights and freedoms universally guaranteed;
- (vi) Strengthen the rights of defendants including by ensuring that they enjoy fair trial guarantees, including by allowing them to effectively challenge the evidence against them;

1. King Hamad bin Isa Al Khalifa appointed the BICI in July 2011 to investigate the government's response to the demonstrations in February and March 2011. The commission concluded that the abuses by security forces – including torture and widespread arbitrary arrests – in the wake of the government suppression of the demonstrations "could not have happened without the knowledge of higher echelons of the command structure" of the security forces. It called on the government to address allegations of torture by security forces, "including those in the chain of command, military and civilian".

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(vii) Provide for independent judicial oversight over the grounds for detention and ensure the protection of detainees from abusive treatment during criminal investigations;

(viii) Bring the Law on Demonstrations in compliance with the international human rights standards;

(ix) Guarantee, under all circumstances, the right to be presumed innocent;

(x) Repeal all provisions of the Criminal Code that result in the criminalization of the rights to the freedoms of expression, peaceful demonstration and association;

(xi) Take all necessary measures to end all forms of harassment against all Bahraini human rights defenders, to enable them to carry out their legitimate human rights activities freely and without hindrance;

(xii) Comply at all times with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations (UN) General Assembly on December 9, 1998, in particular:

- its Article 1 which states that “everyone has the right, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms” at the national and international levels,
- its Article 5, which states that “For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully; [...]”
- and Article 12.2, which states that the State should all necessary steps “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 their legitimate exercise of the rights referred to in this Declaration”;

(xiii) Comply in all circumstances with the international obligations of Bahrain regarding the protection of human rights and fundamental freedoms;

(xiv) Fully cooperate with the relevant UN mechanisms, and to this end accept the country visit requested by the UN Special Rapporteur on Freedom of Association and Assembly on September 6, 2011 as well as the follow-up visit requested by the UN Working Group on Arbitrary Detention.

Additionally, the Observatory calls on the United Nations - and in particular to relevant UN Special Procedures - to:

(i) Condemn publicly the deterioration of the situation of human rights defenders in the country;

(ii) Call on the Bahraini authorities to guarantee the physical and psychological integrity as well as the rights of all human rights defenders;

(iii) Continue to grant particular attention to the protection of human rights defenders in Bahrain, in accordance with the UN Declaration on Human Rights Defenders, and follow-up on the implementation of recommendations issued on Bahrain;

(iv) Call on the Bahraini authorities to accept visits by the UN Special Rapporteurs on the Situation of Human Rights Defenders and on the Rights to Freedom of Peaceful Assembly and of Association;

(v) More specifically, to the UN Working Group on Arbitrary Detention to determine whether the detention of Nabeel Rajab is arbitrary and adopt an opinion accordingly during its next session in May 2013;

(vi) More specifically, to the UN Secretary General, to follow up on cases of reprisals against Bahraini human rights defenders who cooperated with the UN, including Nabeel Rajab, in his next report on reprisals against persons cooperating with UN human rights mechanisms.

The Observatory also calls on the European Union and other foreign diplomacies to:

(i) Firmly condemn human rights violations in Bahrain and request the immediate release of all human rights

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defenders and individuals detained and charged with alleged violations related to the rights of expression, peaceful assembly and association;

(ii) Support the establishment of an international monitoring mechanism, to be set up through a resolution of the UN Human Rights Council, with the mandate of monitoring the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI) and of the UN Universal Periodic Review of Bahrain, including those related to human rights defenders;

(iii) Suspend all technical cooperation programmes to the Prosecutor's Office and to the Ministry of Justice, until sentences and trials that are contrary to international human rights standards have been reviewed and human rights defenders have been released;

(iv) Support independent human rights NGOs operating in Bahrain;

(v) Meet and express support with Bahraini human rights defenders;

(vi) Monitor court cases involving human rights defenders and report publicly, if possible jointly, on potential violations and issues of concern observed during these court hearings;

(vii) Ensure follow-up of these situations within the framework of their respective activities;

(viii) Communicate on any issues of concern with the Bahraini authorities.

ANNEX: CHRONOLOGY OF EVENTS

May 6, 2012: first arrest of Nabeel Rajab in relation to 1 April 2012 tweet

On May 6, 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 proceeded to the arrest stated that they were following orders by the Public Prosecutor, however neither Mr. Rajab nor his lawyers were then informed of the reasons for his arrest.

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 an imprisonment for a term 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 (Case No. 4705/2012/01 i.e. the Ministry of Interior Tweets Case).

The case centred on four tweet messages posted on the social media site Twitter that suggested the Interior Ministry had not carried out proper investigations into civilian deaths. The Public Prosecutor remanded Mr. Rajab to detention for seven days in Al Hooraa police station.

May 12: Mr. Rajab was called for interrogation by the Public Prosecution for participating in illegal gathering on January 12, 2012. The Public Prosecution ordered his arrest for seven days (Case No. 4947/2012).

May 16: Mr. Rajab was accordingly taken to court in relation to the Ministry of Interior Tweets Case, where he denied the charges against him. The trial was postponed to May 20, 2012.

May 20: Provisional release of Nabeel Rajab (BHD 300 (\$800) bail and travel ban) in relation to Case No. 4705/2012/01.

June 6: Second arrest of Nabeel Rajab in relation to June 2 tweet

On June 6, 2012, Mr. Nabeel Rajab was summoned by the Public Prosecutor, after he posted six tweets on June 2. Mr. Rajab was questioned at the Public Prosecution Office and the Prosecutor ordered a seven-day arrest 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. His lawyer requested his release on bail but the prosecution refused without giving any proper argument (Case No. 5807/2012). Mr. Rajab was detained in Al Hooraa police station.

June 27: Provisional release of Nabeel Rajab ordered by the judge of first instance.

June 28: Nabeel Rajab was sentenced to BHD 300 in relation to the tweets deemed insulting to the Interior Minister (Case No. 4705/2012/01). An appeal was lodged against this sentence.

July 9: Third arrest of Nabeel Rajab to serve a three-month sentence

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 was then detained 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 (Case No. 5807/2012). Mr. Rajab's lawyers immediately filed two appeals following the verdict.

August 16: Sentencing of Nabeel Rajab by the Lower Criminal Court to three years of imprisonment on account of three criminal cases related to his participation in peaceful gatherings in favour of fundamental freedoms and democracy (Case No. 5263/2012; Case No. 4947/2012 and Case No. 3460/2012).

August 23: Mr. Nabeel Rajab was acquitted by the Higher Appeal Court in relation to the three months sentence issued on July 9 (Case No. 5807/2012).

September 10: Beginning of Appeal trial on Cases Nos. 5263/2012, 4947/2012 and 5807/2012.

December 11: Sentencing of Nabeel Rajab by the Bahrain Appeals Court to two years of imprisonment on account of Cases Nos. 5263/2012, 4947/2012 and 5807/2012. Acquittal of Nabeel Rajab by the Bahrain Appeals Court on account of Case No. 4705/2012.



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Created in 1985, the World Organisation Against Torture (OMCT) is today the main coalition of international non-governmental organisations (NGO) fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. With 311 affiliated organisations in its SOS-Torture Network, OMCT is the most important network of NGOs working for the protection and the promotion of human rights in the world.

Based in Geneva, OMCT's International Secretariat provides personalised medical, legal and/or social **assistance to victims of torture** and ensures the daily dissemination of **urgent interventions** across the world, in order to prevent serious human rights violations, to protect individuals and to fight against impunity. Moreover, some of its activities aim at protecting specific categories of vulnerable people, such as women, children and human rights defenders. OMCT also carries out campaigns relating to violations of economic, social and cultural rights. In the framework of its activities, OMCT also **submits individual communications and alternative reports** to the United Nations mechanisms, and actively collaborates in the **respect, development and strengthening of international norms** for the protection of human rights.

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Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by OMCT and FIDH: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail : Appeals@fidh-omct.org

FIDH Tél: + 33 1 43 55 25 18

Fax: + 33 1 43 55 18 80

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