

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: UA
BHR 13/2014:

14 October 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and detention of **Mr. Nabeel Rajab**.

Mr. Nabeel Rajab is the President of the Bahrain Centre for Human Rights (BCHR), the Director of the Gulf Centre for Human Rights and the Deputy Secretary General of the International Federation for Human Rights (FIDH). He has advocated for peaceful demonstrations to defend the civil and human rights of all in Bahrain.

Mr. Rajab has been the subject of several previous communications to your Excellency's Government, most recently a joint urgent appeal sent on 23 May 2013 by the mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Mr. Rajab was also the subject of Opinion No. 12/2013 of the Working Group on Arbitrary Detention (A/HRC/WGAD/2013/12).

According to the information received:

On 25 May 2014, Mr. Nabeel Rajab was released after having served a two-year prison sentence in Jaw prison on charges of calling for and participating in peaceful demonstrations.

On 30 September 2014, Mr. Rajab returned to Bahrain after having spent several weeks in Europe where he had advocated for the recognition of human rights in Bahrain. During his stay in Europe, he met with international and regional human rights mechanisms, including the United Nations Office of the High Commissioner for Human Rights.

On 1 October 2014, Mr. Rajab was summoned by the General Directorate of Anti-corruption and Economic and Electronic Security of the Criminal Investigation Department in relation to statements made on his Twitter account. He was subsequently arrested.

On 2 October 2014, Mr. Rajab was brought to the Public Prosecution Office and was interrogated for 1,5 hours. The Public Prosecution Office ordered the detention of Mr. Rajab for seven days pending investigation. He is currently detained at Hooraa Police station in Manama.

On 9 October 2014, Mr. Rajab's case was transferred to the Criminal Court. Mr. Rajab is facing charges of "publicly insulting official institutions" under Article 216 of the Penal Code, which is punishable by fine or by imprisonment up to 3 years.

The first hearing will be held before the Lower Criminal Court - Chamber III on 19 October 2014.

Grave concerns are expressed at the arrest and detention of Mr. Rajab and that this might be linked to his peaceful and legitimate activities advocating for human rights in Bahrain and to his exercise of his right to freedom of expression. Further concerns are expressed that his arrest and detention might also be an act of reprisal due to his cooperation with the United Nations and its human rights mechanisms.

While we do not wish to express an opinion on whether or not the detention of Mr. Nabeel Rajab is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, we would like to refer to the Declaration

on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5 and 6.

Furthermore, we wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the rights to freedom of expression and of association, as recognized in articles 19 and 22 of the ICCPR.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Rajab in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Rajab and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please kindly indicate what measures have been taken to ensure that human rights defenders in Bahrain are able to carry out their legitimate work in a safe and enabling environment without fear of criminalization.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We are considering publicly expressing our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Michel Forst
Special Rapporteur on the situation of human rights defenders