

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*  
Promoting human rights by protecting those who defend them

www.lrwc.org – lrwc@portal.ca – Tel: +1 604 736 1175 – Fax: +1 604 736 1170  
3220 West 13<sup>th</sup> Avenue, Vancouver, B.C. CANADA V6K 2V5

Thursday, February 26, 2015

Shaikh Hamad bin 'Issa Al Khalifa  
King of Bahrain  
Office of His Majesty the King  
P.O. Box 555, Rifa'a Palace,  
Al-Manama, Kingdom of Bahrain

Dr. Ali Fadhul Al-Buainain  
Attorney General  
P.O. Box 207 Diplomatic Area,  
Manama, Kingdom of Bahrain  
afbuainain@gmail.com

Prince Khalifa bin Salman al-Khalifa  
Prime Minister  
Kingdom of Bahrain  
Al-Manama, Kingdom of Bahrain

Dear Excellency, Prime Minister and Attorney General;

## **Re: Persecution of Human Rights Defender Nabeel Rajab**

We write on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers who promote human rights and the rule of law internationally. LRWC also provides support to lawyers and other human rights defenders in danger because of their advocacy.

LRWC writes in response to information that internationally known human rights defender Nabeel Rajab has been summoned to the office of the Public Prosecutor in reference to charge(s) of 'inciting hatred against the regime.'

The charge of 'inciting hatred against the regime' cannot be considered a legitimate criminal offence or a legitimate basis for arrest, prosecution or punishment. The accusation of 'inciting hatred against the regime' contravenes universally recognized criminal law principles guaranteeing that:

1. No one can be held guilty for acts that did not constitute clear and foreseeable crimes at the time of their commission, and,
2. "a law must not be so devoid of precision in its content that a conviction will automatically flow from the decision to prosecute."<sup>1</sup>

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<sup>1</sup> Nova Scotia Pharmaceutical Society, [1992] 2 S.C.R. 606 at 636.

The *International Covenant on Covenant on Civil and Political Rights (ICCPR)* incorporates these principles in Article 9.1.”No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

The charge of ‘inciting hatred against the regime’ is so pervasively vague that it defies a sensible or objective definition as to what constitutes an offence. The charge therefore provides state officials with a standardless sweep that can be, and has been, used to arbitrarily convict individuals perceived as critics.

The Government of Bahrain has been sharply criticized for prosecuting and imprisoning human rights defenders for peacefully exercising rights to freedom of expression, assembly and association. Sources of informed criticisms include the UN Human Rights Council, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on Freedom of Expression, the Bahrain Independent Commission of Inquiry and many international human rights organizations.

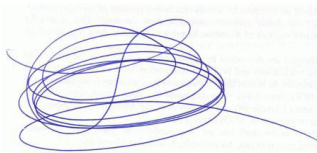
The Government of Bahrain now seeks to hold Nabeel Rajab criminally responsible for criticisms levelled at the ‘regime’ in response to its persistent human rights abuses including previous wrongful prosecutions of Mr. Rajab and others.

LRWC urges the Government of Bahrain to comply with the *ICCPR*, cease criminal proceedings against Nabeel Rajab and take measures to ensure that he is able to pursue his work as a human rights defender. LRWC also urges the Government of Bahrain to honour the Civil Society Space resolution adopted by the UN Human Rights Council in September 2014 and to “create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity.”

LRWC calls on Bahrain to:

1. Ensure that Nabeel Rajab is not deprived of his liberty on charges of ‘inciting hatred against the regime’ or any other charges relating to his peaceful exercise of rights protected by the *ICCPR*, including rights to expression, association or assemble; and
2. ensure that any such charges are withdrawn.

Sincerely,



Gail Davidson, Executive Director, LRWC

Copied to:

[freedex@ohchr.org](mailto:freedex@ohchr.org)

wgad@ohchr.org;

action@ohchr.org; defenders@ohchr.org;

complaint.dept@las.intarelations.dept@las.int;  
[humanrights.dept@las.int](mailto:humanrights.dept@las.int) ;

Nabeel.rajab@bahrainrights.com;

[nawaf@ombudsman.bh](mailto:nawaf@ombudsman.bh) ;

[nahamza\\_bh@yahoo.com](mailto:nahamza_bh@yahoo.com), [nawafhamza@gmail.com](mailto:nawafhamza@gmail.com) ;