

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

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Thursday, March 17, 2016

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

Dear Excellency, Prime Minister and Attorney General:

Re: Zainab Al-Khawaja – Release, withdraw charges and remove convictions

Lawyers' Rights Watch Canada (LRWC) writes in response to the unwarranted arrest and arbitrary detention of internationally known human rights advocate Zainab Al-Khawaja and her infant son. LRWC calls on the Government of Bahrain to:

1. release Ms. Zainab Al-Khawaja and her infant son, immediately and unconditionally;
2. withdraw all criminal charges against Ms. Al-Khawaja;
3. vacate or fully pardon all convictions against Ms. Al-Khawaja;
4. issue a valid passport to Ms. Al-Khawaja that will enable her to leave Bahrain with her children;
5. register the birth of her 15-month-old son and issue the appropriate birth certificate; and
6. comply with Bahrain's international law obligations to ensure the enjoyment by Ms. Al-Khawaja and others of protected rights to expression, association, assembly and participation in the conduct of public affairs.

On 14 March 2016, Ms. Al-Khawaja and her 15-month-old son were arrested in her home by Bahrain security officers.¹ She and her son were separated from her six-year-old daughter. She was ostensibly arrested to serve a two-month long prison sentence for tearing up a photo of King Hamad bin Isa al-Khalifa (the King). According to her lawyer, Mohammed al-Wasti, that sentence could be extended for more than three years.² Ms. Al-Khawaja and her son are being

¹ "Bahraini Human Rights Defender Zainab Al Khawaja Taken by Security Forces", *Human Rights First*, March 14th 2016, <http://www.humanrightsfirst.org/press-release/bahraini-human-rights-defender-zainab-al-khawaja-taken-security-forces>, Accessed on: March 15, 2016.

² "Bahraini Activist Begins Jail Term for Ripping up Photo of King", *The Jerusalem Post*, March 15, 2016, <http://www.jpost.com/Breaking-News/Bahraini-activist-begins-jail-term-for-ripping-up-photo-of-king-447995>, Accessed on: March 15, 2016.

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held in Isa Town prison where there is an outbreak of Hepatitis C, and the conditions are unhygienic for the mother and her child.³

Ms. Al-Khawaja is innocent of any criminal wrongdoing and is herself the victim of law-breaking and wrongdoing by the Government of Bahrain. In 2011 Ms. Al-Khawaja began voicing her objection to the wrongful conviction and arbitrary detention of her father, respected human rights defender Mr. Abdulhadi Al-Khawaja. Since then, on behalf of her father and others, Ms. Al-Khawaja has courageously—at risk to her personal safety—persisted in peacefully calling on the Government of Bahrain to recognize and respect human rights recognized by the UDHR and guaranteed by the ICCPR. The Government of Bahrain has retaliated by subjecting Ms Al-Khawaja to illegitimate prosecutions, serious injuries, unfounded convictions and arbitrary arrests and detentions. All of the charges against and convictions of Ms Al-Khawaja are based solely on her peacefully exercising rights to expression, association and assembly guaranteed by the UNDR and the ICCPR.

Arbitrary detention is any detention contrary to the human rights provisions of the major international human rights instruments. Detention for exercising rights and freedoms guaranteed by the UDHR and/or the ICCPR is specifically identified as arbitrary.⁴

The Government of Bahrain now seeks to further punish Ms Al-Khawaja by exposing her two children to trauma that may cause indelible harm to their long-term health and development. Her son has been forcibly removed from the people and surroundings familiar to him and placed in a situation of risk. Ms Al-Khawaja's daughter has been forcibly prevented from the care and guidance of her mother and the company of her brother.

The Gulf Centre for Human Rights (GCHR) believes that the 14 March 2016 arrest of Ms. Al-Khawaja was in retaliation for the human rights work of her sister Maryam Al-Khawaja. Maryam Al-Khawaja, co-director of the GCHR recently attended the 31st Session of the United Nations Human Rights Council as well as the FIFA elections⁵ to plead for improved human rights in Bahrain. As Maryam Al-Khawaja currently lives in Denmark, Bahrain authorities are unable to directly punish her for these activities.

Ms. Al-Khawaja has been subjected to and still faces numerous charges for exercising rights protected by the UDHR and ICCPR. On 2 February 2016, a nine-month sentence for visiting her father was upheld. As a result of three convictions for ripping up photos of the King, dating back to October 2014, in addition to the other charges, she has been sentenced to serve three years and one month in jail and fined BHD 3000. Bahrain authorities have refused to issue a birth certificate and other forms of documentation for her son and to renew her expired passport.⁶

The Government of Bahrain persists in violating its international law obligations to protect rights to expression, association, assembly, freedom from arbitrary detention, liberty, fair trial and the right to participate in public affairs. The string of charges against and convictions of Ms Al Khawaja for specious offences (insulting a police officer, inciting hatred against the regime,

³ "Bahrain: Health of Zainab Al-Khawaja and Her Baby at High Risk in Prison", March 16, 2016, <http://www.gc4hr.org/news/view/1206>

⁴ Working Group on Arbitrary Detention accessible at http://www.frontlinedefenders.org/manual/en/wgad_m.htm

⁵ *Ibid.*

⁶ "Bahrain Arrests Activist Zainab Al-Khawaja Along with Her One-Year-Old Baby", *Global Voices*, March 14 2016, <https://globalvoices.org/2016/03/14/bahrain-arrests-activist-zainab-al-khawaja-along-with-her-one-year-old-baby/>, Accessed on: March 15, 2016.

prejudicing order) indicate the presence in Bahrain of law criminalizing the exercise of rights protected by the UDHR and ICCPR and the absence of an impartial, independent and competent judiciary.

Following are some brief details of violations against Ms. Al-Khawaja's internationally protected rights by the Government of Bahrain.

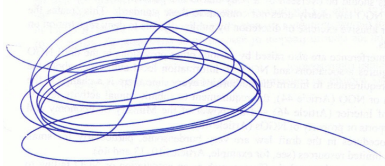
- On 16 December 2011, Ms. Zainab Al-Khawaja held a sit-in at Abu Saib roundabout to call for reforms and greater rights protections. She was shot directly with a tear gas canister, handcuffed, dragged across the pavement, had her hijab removed and was slapped by a female officer. She was later released pending investigation. The Third High Criminal Court upheld a one-month prison sentence against her on charges of “participating in an illegal gathering” and “entering a restricted zone”.
- On 27 February 2013, Ms. Al-Khawaja was arrested during another peaceful sit-in, ostensibly for “obstructing traffic”, “damaging property”, “prejudice to authority” and “inciting hatred of the regime.” The Third High Criminal Court upheld a one-month sentence and upheld another two-month sentence rendered for “damaging Ministry of Interior Property”, after Ms. Al-Khawaja tore a photograph of the King of Bahrain—although she had previously served that sentence.
- On 28 February 2013, the Court of Appeal overturned the acquittal ruling on 2 May 2012 by the Court of First Instance, and sentenced Ms. Al-Khawaja to three months’ imprisonment for protesting inside the Bahrain Defence Forces hospital when her father was detained there and on hunger strike.
- On 22 May 2013, Ms. Al-Khawaja was sentenced to three months in jail on charges of “taking part in an illegal gathering” and “insulting a police officer” in reference to the 16 December 2011 protest where she was hit directly with a tear gas canister.
- On 27 January 2014, the Criminal Court issued, in absentia, a new sentence for ripping a photograph of the King during her detention at Isa Town police station in May 2013. She was sentenced to four additional months of imprisonment.
- On 16 February 2014, Ms. Al-Khawaja was released from prison, and briefly detained when she went to visit her father who was hospitalized.
- On 4 December 2014, Ms. Al-Khawaja was sentenced to a three-year prison term for “insulting the King” and fined 3,000 BHD (\$10,424.10 Canadian dollars) for tearing up a photograph of the King before the Court in October 2014.
- On 21 October 2015, the Bahrain Court of Appeal reduced the above-noted sentence to one year of imprisonment and upheld the fine with the condition that, if she is unable or unwilling to pay the fine, the prison sentence will increase by an additional year and a half.
- On 2 June 2015, Ms. Al-Khawaja was sentenced to nine months’ imprisonment on charges of “entering a restricted area” and six months for “insulting a public servant”.

LRWC joins civil society organizations including the European Centre for Democracy and Human Rights and the Bahrain Centre for Human Rights (BCHR)⁷ in calling for immediate justice for Ms. Zainab Al-Khawaja.

⁷ “Bahrain Regime Arrest Activist Zainab Al-Khawaja and Her 15-Month-Old Son; NGOs Call for Her Release”, *AhlulBayt News Agency*, March 15, 2016, <http://en.abna24.com/service/bahrain/archive/2016/03/15/741226/story.html>, Accessed on March 15, 2016.

LRWC looks forward to receiving news that Ms Zainab Al-Khawaja and her infant son have been released from prison and that all charges and conviction against her have been withdrawn and either vacated or pardoned.

Sincerely,



Gail Davidson, Executive Director, LRWC

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