1st Update UA 126/13 4 July 2013 **URGENT ACTION** MDE 11/022/2013

# **LAWYER’S PRISON SENTENCE FOR TWEET UPHELD**

# BAHRAIN

**Mahdi al-Basri (m), Mahmood ‘Abdul-Majeed ‘Abdullah Al-Jamri (m), Hassan ‘Abdali ‘Issa (m), Mohsen ‘Abdali ‘Issa (m), Ammar Makki Mohammad Al-Aali (m)**

Bahraini lawyer, Mahdi al-Basri, had his one-year prison sentence upheld by the High Criminal Court of Appeal on 3 July, for allegedly insulting the King of Bahrain in messages posted on Twitter. He may be a prisoner of conscience.

On 3 July Branch 3 of the High Criminal Court of Appeal in Manama, the capital of Bahrain, upheld the one-year prison sentence against the 25 year-old lawyer, Mahdi al-Basri. His lawyers will launch an appeal with the Court of Cassation but there are fears that by the time the court reviews the case, he would have already served his sentence. Mahdi al-Basri is held in Jaw Prison on the outskirts of the capital.

Mahdi al-Basri was arrested on 11 March 2013 following a police raid on his home in Karrana, northern Bahrain. Four other men, Mahmood ‘Abdul-Majeed ‘Abdullah Al-Jamri (34), Hassan ‘Abdali ‘Issa (33), Mohsen ‘Abdali ‘Issa (26) and ‘Ammar Makki Mohammad Al-Aali (36) were arrested at dawn on 12 March. The trial of the five in separate cases began on 24 March before Branch 3 of the Lower Criminal Court on charges of insulting the King in messages posted on Twitter. Mahdi al-Basri was accused of posting twitter messages in June 2012 that were traced to his IP address. He has denied the charges, stating that his personal Twitter account was not the account used to post these messages and that he had no connection to the account that used his IP address. All five were sentenced to one-year imprisonment on 15 May, under Article 214 of Bahrain’s Penal Code which criminalizes “offending the emir of the country [the King], the national flag or emblem”.

Amnesty International has no new information about the cases of the four other men.

**Please write immediately in Arabic or English or your own language:**

\* Expressing concern that Mahdi al-Basri’s one-year prison sentence has been upheld and that he may be a prisoner of conscience, in which case he should be released immediately and unconditionally;

\* Calling on the Bahraini authorities to ensure that the review of Mahdi al-Basri’s case before the Court of Cassation takes place without delay;

\* Noting that his and the other four men’s detention is in breach of Bahrain’s international obligation to uphold freedom of expression as guaranteed in the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain is a state party.

**PLEASE SEND APPEALS BEFORE 15 AUGUST 2013 TO: (Time difference = GMT + 3 hrs / BST + 2 hrs)**

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| King Shaikh Hamad bin ‘Issa Al Khalifa  Office of His Majesty the King P.O. Box 555 Rifa’a Palace, al-Manama, Bahrain **Fax: 00973 1766 4587 (keep trying)** Salutation: *Your Majesty* | Minister of Interior Shaikh Rashid bin ‘Abdullah Al Khalifa  Ministry of Interior P.O. Box 13, al-Manama, Bahrain **Fax: 00973 1723 2661** Twitter: @moi\_Bahrain Salutation: *Your Excellency* | **And copies to:** Minister of Justice and Islamic Affairs Shaikh Khalid bin Ali bin Abdullah Al Khalifa Ministry of Justice and Islamic Affairs  P. O. Box 450, al-Manama, Bahrain  **Fax: 00973 1753 1284** Email: minister@justice.gov.bh Twitter: @Khaled\_Bin\_Ali Salutation: *Your Excellency* |

**PLEASE SEND COPIES OF YOUR APPEAL TO**

Her Excellency Miss Alice Thomas Yusuf Samaan, Embassy of the Kingdom of Bahrain, 30 Belgrave Square, London, SW1X 8QB.

**Fax:** 020 7201 9183 **Tel:** 020 7201 9170 **Email:** [information@bahrainembassy.co.uk](mailto:information@bahrainembassy.co.uk)

**Website:** <http://www.bahrainembassy.co.uk>

**BACKGROUND INFORMATION:**

On 14 April 2013, Bahrain’s cabinet endorsed an amendment to Article 214 of the Penal Code, increasing the penalty for offending King Hamad bin Isa Al Khalifah or the country’s flag and other national symbols. The amendment, which has been endorsed by the National Assembly and is awaiting the King’s ratification, would make such offences punishable by up to five years in prison and a 10,000 Bahraini Dinars (about US$ 26,400) fine.

Article 214 of Bahrain’s Penal Code states: “A prison sentence shall be the penalty for any person who offends the emir of the country [the King], the national flag or emblem”; this violates the right to freedom of expression.

Over two years after the uprising in Bahrain, and beneath the fanfare of reform, prisoners of conscience, including some arrested during the protests, remain behind bars and the rights to freedom of expression, association and assembly continue to be suppressed. In recent months, not only have prisoners of conscience not been released, but more people have been jailed simply for daring to express their views, whether via Twitter or on peaceful marches. Bahraini courts have appeared more concerned with toeing the government’s line than offering effective remedy to Bahrainis and upholding the rule of law.

The Bahrain Independent Commission of Inquiry (BICI), appointed by Royal Order on 29 June 2011, was charged with investigating and reporting on human rights violations committed in connection with the 2011 protests. At the launch of the BICI report in November 2011, the government publicly committed itself to implementing the recommendations set out in the report. The report recounted the government’s response to the mass protests and documented wide-ranging human rights abuses. Among its key recommendations, the report called on the government to bring to account those responsible for human rights violations, including torture and excessive use of force, and carry out independent investigations into allegations of torture.

However, many of the government’s pledges remain unfulfilled. The establishment of BICI and its report was considered to be a ground-breaking initiative, but, 18 months on, the promise of meaningful reform has been betrayed by the government’s unwillingness to implement key recommendations around accountability. For further information see the report Reform shelved, repression unleashed (Index: MDE 11/062/2012), November 2012, <http://amnesty.org/en/library/info/MDE11/062/2012/en>.

In September 2012, the Bahraini authorities expressed its views on the conclusions and recommendations of the report of the Working Group on the Universal Periodic Review (UPR) during the 21st session of the UN Human Rights Council. It stated: “Freedom of speech and expression are guaranteed by Bahrain’s Constitution, national laws and international covenants ratified by Bahrain. Additionally, all charges related to freedom of expression have been dropped. All cases are being reviewed in civilian courts. Furthermore, legislative amendments concerning free expression are being reviewed”. The UN Human Rights Committee which oversees the implementation of the ICCPR, observed that the mere fact that statements are considered insulting to a public figure is not sufficient to justify imposition of penalties. Moreover, public figures, including heads of states, are legitimately subject to criticism and political opposition. UN human rights experts say alleged defamation of public figures, such as politicians, should not be criminalized, as those in the public eye "should be expected to tolerate more criticism than private citizens”. They have also said that freedom of opinion and expression involves the right to freely criticize politicians and other public personalities.

**PLEASE CHECK WITH THE INDIVIDUALS AT RISK PROGRAMME AT AIUK BEFORE SENDING APPEALS AFTER 15 AUGUST 2013**

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