

URGENT ACTION

APPEAL DELAYED, ARBITRARY DETENTION EXTENDED

Sheikh 'Ali Salman's third appeal hearing on 12 November has been adjourned for another month. This means that his arbitrary detention has been extended. He is a prisoner of conscience and continues to be denied the right to a fair trial.

Sheikh 'Ali Salman's third appeal hearing was scheduled to take place before the Court of Appeal in Manama, Bahrain's capital, on 12 November. However, Sheikh 'Ali Salman was not brought from prison to the hearing and when his lawyers arrived, they were informed that the court was short of a third judge to be able to hear Sheikh 'Ali Salman's appeal. Bahraini law stipulates that there must be three judges for a hearing to take place, but only two were present in court. The hearing was adjourned by a further month, until 14 December. Under international fair trial standards, the right to a fair trial includes the right to trial within a reasonable time.

During the short hearing, Sheikh 'Ali Salman's lawyers used this opportunity to complain to the court that prison officials were preventing them from communicating with their client and asked the judge to instruct prison officials to allow Sheikh 'Ali Salman to receive a copy of the defence pleading. The judge told his lawyers to put this request in writing to the court, who will then refer it to the Public Prosecution. Sheikh 'Ali Salman had asked his lawyers for a copy of the defence pleading ahead of the hearing but when one of his lawyers visited him on 9 November, she was not allowed to bring the casefiles, which included the defence pleading, into the room nor to hand over the casefiles to Sheikh 'Ali Salman. The right to adequate facilities to prepare the appeal is an important element to the right to a fair trial.

According to Sheikh 'Ali Salman's lawyers, a different panel of judges has been present in each hearing, and the defence pleadings which were presented in previous hearings have not been recorded in the court minutes. Consequently, any new judges to the case will not be able to learn about the defence pleadings presented in previous hearings.

During its 73rd session on 17 September 2015, the UN Working Group on Arbitrary Detention concluded that Sheikh 'Ali Salman's detention was arbitrary, and called on the Bahraini authorities to release him immediately and grant him adequate compensation.

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

- Calling on the Bahraini authorities to release Sheikh 'Ali Salman immediately and unconditionally and quash his conviction as he is a prisoner of conscience, held solely for peacefully exercising his right to freedom of expression;
- Calling on them to implement the decision of the UN Working Group on Arbitrary Detention immediately;
- Urging them to uphold the right to freedom of expression and repeal laws that criminalize the peaceful exercise of the rights to freedom of expression, association and assembly.

PLEASE SEND APPEALS BEFORE 28 DECEMBER 2015 TO:

King
Shaikh Hamad bin 'Issa Al Khalifa
Office of His Majesty the King
P.O. Box 555
Rifa'a Palace, al-Manama
Bahrain
Fax: +973 1766 4587
Salutation: Your Majesty

Minister of Interior
Shaikh Rashid bin 'Abdullah Al Khalifa
Ministry of Interior
P.O. Box 13, al-Manama, Bahrain
Fax: +973 1723 2661
Email: info@interior.gov.bh
Salutation: Your Excellency

And copies to:
Minister of Justice and Islamic Affairs
Shaikh Khaled bin Ali bin Abdullah Al Khalifa
Ministry of Justice and Islamic Affairs
P. O. Box 450, al-Manama, Bahrain
Fax: +973 1753 1284
Email: (via web) <http://bit.ly/1Qqg5L8>
Twitter: @Khaled_Bin_Ali

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 22/15. Further information: <https://www.amnesty.org/en/documents/MDE11/2691/2015/en/>

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ADDITIONAL INFORMATION

Sheikh 'Ali Salman is the Secretary General of Bahrain's main opposition party, al-Wefaq National Islamic Society. He was sentenced on 16 June 2015 by the High Criminal Court in Manama, after an unfair trial, to two years in prison for "public incitement to loathing and contempt of a sect of people which will result in disrupting public order" and "publicly insulting the Interior Ministry", and to another two years in prison for "publicly inciting others to disobey the law", and acquitted of "incitement to promote the change of the political system by force, threats and other illegal means". He was sentenced in connection with statements he had made in speeches in 2012 and 2014, including his speech at the party's General Assembly meeting on 26 December when he referred to the refusal of the opposition in Bahrain to follow the approach of the Syrian opposition and turn the country into a military battleground. In the same speech, he spoke about the opposition's continuing determination to reach power in Bahrain, to achieve the demands of the 2011 uprising through peaceful means and to hold those responsible for abuses to account. He also highlighted the need for equality for all Bahrainis, including the ruling family.

Since the first hearing on 28 January 2015, his lawyers have complained to the court that the evidence used against him consisted of excerpts of his speeches taken out of context, and asked the judge to play recordings of the speeches in full to the court. The judge repeatedly rejected this request as well as demands by the lawyers to call defence witnesses to testify in court. The judge arbitrarily interfered in the defence team's cross-examination of key witnesses, including the officer who carried out the investigation into Sheikh 'Ali Salman, by objecting to their questions or rephrasing them. During the last trial session, the judge allowed the prosecution to submit additional pleading in writing but suspended the hearing after a few minutes without allowing the lawyers to submit further documents as evidence.

Sheikh 'Ali Salman's appeal hearing opened before the Court of Appeal in Manama on 15 September where the prosecution called for the maximum penalty and for his acquittal of "incitement to promote the change of the political system by force, threats and other illegal means" to be reversed. During a prison visit ahead of the first session of the appeal, prison officers prevented Sheikh 'Ali Salman from discussing his case in private with his lawyers. He was not allowed to receive any document or take notes of the meeting, and his lawyers were prevented from taking in any files or other documents during the visit. Other files were only allowed in after officers had examined them. During the second appeal hearing on 14 October, the judge denied his lawyers' request to play video recordings of Sheikh 'Ali Salman's speeches to demonstrate that excerpts used as evidence to sentence him were taken out of context, without giving any basis for this denial. His lawyers submitted their defence pleading in writing and then in court, but were interrupted throughout the hearing by the Public Prosecution. Sheikh 'Ali Salman was allowed to make a 15-minute statement to the court in which he denied all the allegations against him and said that he was seeking political and constitutional change through peaceful means and was being prosecuted for his beliefs.

Other political activists, exercising their right to freedom of expression, have been imprisoned by the Bahraini authorities. On 28 June 2015, Fadhel Abbas, Secretary General of another opposition political party, The Unitary National Democratic Assemblage (al-Wahdawi party) was sentenced to five years in prison for "spreading false information that could damage military operations of Bahrain and its allies and calling for resistance" and "publicly insulting the allied countries" after the party issued a statement describing the Saudi Arabia-led airstrikes on Yemen as a violation of international law. Amnesty International considers Fadhel Abbas a prisoner of conscience. See UA 142/15, <https://www.amnesty.org/en/documents/mde11/1962/2015/en/>

These sentences and ongoing trials are examples of the Bahraini authorities' increasing intolerance of criticism and their desire to silence legitimate demands for reform and respect for human rights.

Name: Sheikh 'Ali Salman

Gender m/f: m

Further information on UA: 22/15 Index: MDE 11/2882/2015 Issue Date: 16 November 2015