

URGENT ACTION

UNFAIR APPEAL HEARING FOLLOWS UNFAIR TRIAL

Prisoner of conscience Sheikh 'Ali Salman's appeal against his four-year sentence, handed down after an unfair trial, has resumed.

Sheikh 'Ali Salman's second appeal hearing took place before the Court of Appeal in the capital, Manama, 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 pleadings 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. The judge granted the prosecution's request to adjourn the appeal to prepare their response to the defence. The next appeal hearing was set for 12 November.

During the first appeal hearing, on 15 September, the prosecution had called for the maximum penalty and for Sheikh 'Ali Salman's acquittal of "incitement to promote the change of the political system by force, threats and other illegal means" to be reversed. He had been sentenced on 16 June 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".

Prison officers prevented Sheikh 'Ali Salman from discussing his case in private with his lawyers during a prison visit in early September, ahead of the first session of his appeal. 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. The right to confidential communication with a lawyer and to adequate facilities to prepare a defence is an important element of the right to a fair trial.

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;
- 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 30 NOVEMBER 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:
<http://www.moj.gov.bh/en/default76a7.html?action=category&ID=159>
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 third update of UA 22/15. Further information:

<https://www.amnesty.org/en/documents/mde11/1883/2015/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 re-elected, unopposed, for a fourth term as Secretary General a few days before he was arrested, on 28 December 2014. He was charged with "incitement to promote the change of the political system by force, threats and other illegal means", "public incitement to loathing and contempt of a sect of people which will result in disrupting public disorder", "publicly inciting others to disobey the law" and "publicly insulting the Interior Ministry". The charges were 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.

Sheikh 'Ali Salman's trial before the Fourth High Criminal Court in Manama opened on 28 January 2015 and he denied the charges. Since the first hearing, Sheikh 'Ali Salman's 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. The right to examine witnesses is a key element of the right to a fair trial. During the hearing on 20 May, the judge suspended the hearing after a few minutes without allowing the lawyers to submit further documents as evidence. During the session, the prosecution submitted additional pleading in writing. The defence team requested a copy of this pleading, but were refused. On 17 June, the day after his conviction, his lawyers appealed the verdict.

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/>

Ebrahim Sharif, the former Secretary General of the secular political opposition party National Democratic Action Society (*Wa'ad*), was arrested on 12 July for a speech he had made at a public gathering where he spoke about the need for change in Bahrain, highlighted the political opposition's commitment to non-violence and urged the government to introduce key economic reforms to avoid further bankruptcy. He was charged with "incitement to hatred and contempt of the regime" and "incitement to overthrow the regime by force and illegal means" and was brought to trial on 24 August. His trial is ongoing and Amnesty International considers him a prisoner of conscience. For further information, see this update to UA 168/15: <https://www.amnesty.org/en/documents/mde11/2336/2015/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 11/2691/2015 Issue Date: 19 October 2015