

From the President

His Majesty Sheikh Hamad bin Isa Al Khalifa
Office of the King
The Amiri Court, Rifa'a Palace
PO Box 555
Manama
Kingdom of Bahrain



26 August 2016

His Majesty,

Travel Bans - Lawyer and Human Rights Defenders

The Law Society is the professional body representing more than 166,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world.

The Law Society is deeply concerned about the increase of travel bans imposed on human rights defenders and activists in Bahrain. According to the Bahrain Centre for Human Rights (BCHR) the list of travel bans imposed on human rights defenders and activists has doubled with at least 25 cases of travel bans, 23 of which have been imposed since June 2016.

We note that at least five human rights defenders and activists were prevented from flying to Geneva to the 32nd session of United Nations Human Rights Council, which opened in Geneva on 13 June 2016. Among these were Mr Hussein Radhi (of the Bahrain Centre for Human Rights), Ms Ebtisam Al-Saegh (of the organisation Salam for Human Rights and Democracy), and Mr Ebrahim Al-Demistani (a trade union member and activist). We understand that on 12 June 2016 the airport authorities withheld the passports of Mr Radhi and Ms Al-Saegh before informing them of the travel ban. Although the Ministry of the Interior's Nationality, Passport, and Residence Department denied the imposition of travel bans on these individuals, reports confirm that they were stopped for up to an hour and told that they could not travel through King Fahd Causeway because of a travel ban was imposed on them.

The Law Society also understands that on 13 June 2016 Ms. Jalila al-Salman, the vice president of the dissolved Bahrain Teacher Association and member of the Bahraini Human Rights Observatory, was banned from travelling to Oslo to receive the 2015 Stevenson Arthur Award, in recognition of her union activity and commitment to human rights issues.

We are also aware that on 18 June 2016, human rights defender and member of Bahrain Rights Observatory, Mr Abdulnabi Al-Ekry, was banned from travelling from Bahrain International Airport to Paris via Sharjah in the United Arab Emirates, without been given notification of reasons for the ban. Furthermore, we understand that on 8 July 2016 human rights lawyer Mr Mohammed al-Tajer and Mr Sharaf al-Moussawi, head of the Bahrain Transparency Society, were prevented from travelling to Saudi Arabia. On the same day Ms Zeinab Khamis, a member of the Bahraini Human Rights Observatory, was also allegedly prevented from going to Kuwait.

The Law Society is concerned that these individuals are being targeted due to their activities in defence of human rights, and with the intention of silencing the expression of their views and opinions and compromising their abilities to carry out their roles.

It is in this context that the Law Society of England and Wales would like to respectfully draw the following provisions of international and regional human rights law to His Majesty's attention:

The **International Covenant on Civil and Political Rights** adopted by the United Nations in 1966 (ratified by Bahrain on 20 September 2006):

12(2). Everyone shall be free to leave any country, including his own.

19(1). Everyone shall have the right to hold opinions without interference.

19(2). Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

22. Everyone shall have the right of freedom of association with others, including the right to form and join trade unions for the protection of his interests.

The **UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms** adopted by the United Nations in 1999:

1. Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at national and international levels.

5. For the purposes of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at national and international levels: (a) to meet and assemble peacefully; (b) to form, join and participate in non-governmental organisations, associations or groups; (c) to communicate with non-governmental or intergovernmental organisations.

6(c). Everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

12(2). The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

The **Basic Principles on the Role of Lawyers** adopted by the United Nations in 1990, in particular to Principles 16 on "Guarantees for the functioning of lawyers":

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

The **Arab Charter on Human Rights** adopted by the Council of the League of Arab States on 22 May 2004 and ratified by Bahrain in 2006:

27(1). No one may be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of that country.

The Law Society respectfully urges to:

- 1) Lift the travel bans imposed on human rights defenders in Bahrain;
- 2) Ensure that lawyers, human rights defenders in Bahrain are able to carry out their legitimate human rights activities without fear of reprisals and free of any restrictions;
- 3) Take measures to ensure respect for human rights and fundamental freedoms in Bahrain, notably freedom of expression, association and assembly, and movement.

Yours sincerely,



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