(Translated from Arabic)

Kingdom of Bahrain

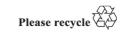
Ministry of Justice

With regard to the dissolution of *Al-Wefaq* Society:

Before addressing the question of the grounds substantiating the issuance of a final judgment ordering the closure of the headquarters of Al-Wefaq Society, the freezing of all its accounts and fixed and movable assets and the suspension of its activities, it should be noted that the laws of the Kingdom of Bahrain protect and safeguard the right of individuals to establish and join political associations. This right is recognized in article 1 of the Political Associations Act No. 26 of 2005, as amended by Act No. 34 of 2014. However, the exercise of this constitutional right is subject to the requirement that certain legal norms must be observed in order to ensure that such associations comply with the provisions of the laws in force in the Kingdom. For example, these associations must be based on common principles and objectives and must operate in an overt manner, using legitimate and democratic political methods with a view to participating in political life and implementing specific programmes relating to political, economic and social affairs in the Kingdom of Bahrain. The designation "political association" is not applicable to an association or group pursuing purely religious, scholarly, social, cultural, sporting or occupational objectives. As stipulated in article 14 of the above-mentioned Act, the following conditions must be met:

- 1. The association must have written statutes signed by its founders;
- 2. The association must have a minimum of 50 founding members;
- 3. The association's principles, objectives, programmes, policies and methods must not conflict with:
- The precepts of the Islamic sharia, which constitutes a principal source of (a) legislation;
- The firmly established national principles underlying the system of (b) governance in the Kingdom of Bahrain.
- The association must not be based on social class or sectarian, factional, geographical or occupational criteria and must not engage in discrimination on grounds of gender, origin, language, religion or belief;
- The association must not seek to establish any military or paramilitary groups, provide rigorous training in combat readiness or incite animosity based on race, nationality or religion;
- 6. The association must not be a branch of any other political association, party or organization based abroad;
- The association must not collaborate or establish links with any political parties, organizations, groups, individuals or forces that are hostile or opposed to the principles, norms and provisions laid down in the Constitution or specified in paragraph 3 of this article;
- 8. The association's headquarters and branches must be located within the Kingdom of Bahrain and must operate within the Kingdom's territory;
- The association must disclose its principles, objectives, programmes, working methods, organizational structure and sources of funding;
- The association must not use religious pulpits to propagate or legitimize its principles, objectives or programmes.

HRC/NONE/2016/143 GE.16-16660 (E) 230317 230317





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In the light of the above, the court judgment delivered on 17 July 2016 found that *Al-Wefaq* Society had violated the laws in force in the Kingdom by, inter alia:

- 1. Using governmental and public institutions, places of worship, religious observances and educational establishments for the practice of its activities;
- 2. Using the Society's activities and programmes for the furtherance of sectarian objectives in a manner detrimental to the national economy and the public interest, and inciting people to abstain from trading, shopping, official business, the purchase of fuel and all other procurement transactions;
- 3. Habitually using its website to challenge the legitimacy of the Constitution of the Kingdom of Bahrain by describing the Kingdom as a "State living without a Constitution, in breach of the social contract, in which legality has been suspended";
- 4. Inciting rejection of the Constitution by falsely declaring that the majority of the people of Bahrain rejected the Constitution of 2002 as being non-consensual and lacking popular legitimization;
- 5. Supporting acts of violence by disseminating tracts containing images in which terrorists carrying sharp instruments were portrayed as peaceful demonstrators subjected to repression;
- 6. Expressing solidarity with persons convicted of inciting antipathy towards the system of governance, insulting the judiciary and calling for the overthrow of the executive authority;
- 7. Seeking external support, encouraging foreign interference in internal affairs and calling upon the international community to intervene and "play an active role in resolving the question of Bahrain in the same way as it played a positive role in resolving other issues in the region";
- 8. Contesting the legitimacy of the legislative authority by repeatedly claiming that "this Parliament is illegitimate and, therefore, meaningless" and "the present Government and Parliament are not mandated by the people". The Society has also transformed places of worship into political platforms through which it habitually conducts its political activities.

It is therefore clearly evident that, in the exercise of its political activities, *Al-Wefaq* Society has stooped to the level of inciting violence and encouraging mass demonstrations and sit-ins, which could provoke intercommunal strife in the country, and has criticized the performance of the executive, judicial and legislative authorities. These acts constitute a flagrant violation of recognized constitutional rights and a blatant departure, in the Society's exercise of its political activities, from the code of conduct that it should observe in accordance with the above-mentioned Political Associations Act with which such associations are expected to comply fully. The main requirement is that political activity should be exercised in a correct manner and through the proper procedures, since that is the only way to ensure the rule of law, which is the bedrock and fundamental principle underlying the entire legal system including, evidently, the Constitution which is the instrument containing the principles regulating social interaction and guaranteeing rights and freedoms.

It should be emphasized that the court which handed down that judgment made every endeavour to ensure that the Society enjoyed full legal representation during all the proceedings. However, at the hearing on 4 July 2016, one lawyer appeared with an official power of attorney and another without a power of attorney and they submitted a letter giving notice of their withdrawal from the case in violation of the law. Although the court notified the Society twice, in due and proper form, of its representative's withdrawal, no one came to represent the Society at the following hearing and the court therefore decided to dissolve the Society and liquidate its assets, which would devolve on the State Treasury. The case of *Al-Wefaq* Society is currently being heard by the High Civil Appeals Court, which is expected to issue a ruling on 22 September 2016.

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With regard to restriction of the practice of khums:

First of all, it should be noted that in all legal systems throughout the world it is a punishable offence for individuals to raise funds for religious purposes without a permit. This is the main point. The Kingdom's Government has customarily permitted all its citizens, without distinction, to engage in their religious observances regardless of creed and has never imposed any restrictions on the practice of khums. However, within the framework of its systematic plan to harm the State and its institutions, Al-Wefaq Society has deliberately spread rumours, with evil intent, to the effect that the charge brought against the indicted persons related to the religious obligation of khums while, in fact, the charge referred only to fundraising activity for general purposes, which is regulated by law insofar as persons engaged therein are required to obtain a permit from the competent authority. This is a purely regulatory matter which in no way affects religious obligations since the charge brought was based on evidence showing that the accused had used the funds collected without a permit in an illegal manner. Such operations are regulated by law under the provisions of Legislative Decree No. 21 of 2013, concerning fundraising for general purposes, and Decision No. 47 of 2014 promulgating the implementing regulations for the said Decree, applicable to individuals collecting funds or accepting donations for religious purposes, under which it is prohibited to transfer such funds abroad or receive them from abroad for the purpose of funding or supporting any military or paramilitary groups, inciting animosity based on race, nationality, religion or sect, funding any nongovernmental political organizations, associations or parties, manifesting hostility or opposition to the principles, norms and provisions laid down in the Constitution and the legislation in force in the Kingdom of Bahrain, or for any other purpose that is illegal or contrary to public order or propriety. The Ministry of Justice, Islamic Affairs and Endowments (Awqaf) regulates the fundraising process through the office established to that end in the Islamic Affairs Building in the Juffair district where applications, accompanied by the requisite substantiating documentation, can be submitted for the issuance of fundraising permits for religious purposes. Such applications are examined in the light of the legislation and regulations in force, and in conformity with the principle of transparency in the collection of funds and donations, with a view to ensuring that charitable and sharia-based funds are not used to support any illicit activities so that citizens and foreign residents will feel more confident concerning the ultimate destination of their donations.

However, the persons running *Al-Wefaq* Society chose to break the law by collecting funds without a permit in violation of the above-mentioned legal provisions and, since the Society did not follow the requisite procedures, legal action had to be taken to put an end to its unlicensed fundraising.

With regard to measures taken against Shia clerics:

The Ministry of Justice, Islamic Affairs and Endowments (*Awqaf*) takes great care to control, monitor and analyse the content of religious sermons and, to that end, has drawn up a comprehensive national strategy to address the social problems and negative phenomena resulting from extremist ideology by updating the language used in such sermons in such a way as to strengthen social unity, maintain cohesion in the national social fabric and put an end to deviant ideology which gives rise to extremism and bigotry. The strategy can be outlined as follows:

1. Courses, symposiums and conferences:

The Ministry organizes a number of annual courses, symposiums and workshops to improve the standard of religious sermons, combat extremism, hate speech, sectarianism and discrimination and ensure respect for confessional particularities and recognition of the ideological and cultural diversity that characterizes the Kingdom of Bahrain. The purpose of this training is to update the language of religious sermons and promote a deeper, more correct and more tolerant understanding of our Islamic religion and greater respect for its firmly established principles while, at the same time, keeping pace with modern developments and changes. The series of annual courses for clerics, imams and preachers which have been held since 2009 include, in particular: a course on work and creativity-related incentives in Islamic sermons, a course on the development of sharia concepts, a

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course on good-mannerly disagreement, a course on the role of the pulpit in promoting the role of women in society, a course on the causes and effects of ideological extremism, a course on the causes and consequences of hatred and a course on sectarianism and good citizenship. The Ministry has also held several conferences and gatherings attended by numerous religious scholars, intellectuals and other interested persons from all sections of society in and outside the country, including: a conference on the Muslim-Christian dialogue; a conference on Islamic confessional rapprochement; the first scholarly course for clerics and preachers on the topic of the modernization and moderation of Islamic sermons; the annual conference of clerics, imams and preachers on the topic of aspects of national development in Islamic sermons; and a conference on intercultural dialogue.

In addition to the above, the Department of Islamic Affairs, in its capacity as the official representative of the Kingdom of Bahrain, participates in a number of annual conferences such as: the World Conference of Religious Scholars and Preachers held in Mecca, the Annual Conference of Imams and Preachers held in the State of Kuwait, the Annual Conference of the Supreme Council for Islamic Affairs held in the Arab Republic of Egypt, the Annual Interreligious Dialogue Conference held in Moscow and the Annual Conference of Imams and Preachers held in Jordan.

2. Preaching and guidance:

The Department of Islamic Affairs controls and oversees preaching and preachers through integrated programmes that it runs throughout the year, in cooperation and collaboration with a number of institutions in the Kingdom, including:

- The school programme under which male and female preachers licensed by the Department of Islamic Affairs provide guidance on general topics, chosen in conformity with recognized educational principles, at all schools run by the Ministry of Education;
- The preaching programme run at parental care centres in coordination with the Ministry of Labour and Social Development;
- The preaching programme run at correctional and rehabilitation centres in coordination with the Ministry of the Interior;
- Special radio and television programmes broadcast in coordination with the Information Affairs Authority;
- Preaching programmes run at neighbourhood and central mosques in coordination with the Sunni and Jaafari Endowments Directorates.

Last year, the topics covered by the programme included: human rights in the compassionate sharia; good-mannerly disagreement and dialogue; the use of time; and a workshop on anger management.

3. Sharia science academies:

- Through the sharia science academies that it oversees, the Department of Islamic Affairs is endeavouring to train students of sharia science in accordance with sound educational principles and methods by teaching them a moderate and tolerant form of sharia culture and opening their eyes to an enlightened ideology in conformity with sharia precepts in order to help to stimulate their minds and encourage a more discerning insight. The Ministry is also upgrading, monitoring and evaluating the content of the study plans applied at these academies.
- The Ministry is currently developing a mechanism for the review and revision of the curricula and syllabuses taught at the academies and seminaries subsidized by the Supreme Council for Islamic Affairs in accordance with a methodology based on moderation and tolerance without interference in confessional particularities.

4. Monitoring and analysis of Friday sermons:

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Given the importance of the Friday sermon as the principal tool for religious preaching in view of the influence that it exerts in the community, the Ministry has issued rules and ethical principles governing religious sermons and is monitoring all matters relating thereto in coordination with the bodies concerned with due regard for confessional particularities in order to safeguard the national social fabric. An elite team of legal researchers in the Ministry analyses the weekly Friday sermons in the light of fundamental criteria, such as dissemination of hatred, incitement of violence, provocation of sectarianism and direct politicization of the pulpit, and the Ministry has taken measures, including counselling, warnings and suspension, against anyone breaching those rules and principles.

With regard to the denaturalization of Isa Qassim:

The Ministry of Justice, Islamic Affairs and Endowments (*Awqaf*) has issued a communiqué stating that certain individuals are exploiting their sectarian titles for political purposes in order to claim that they are being "targeted" and to incite others to break the law. It is unacceptable for anyone to affirm that he is the embodiment of an entire Islamic religious confession and, as such, above the law, to use people's beliefs and identities, which form part of this country's national identity, as a shield to protect him if he breaks the law, or to assert that everyone should support lawbreakers with foreign links who incite violence whenever the State takes action against them.

Bahrain is an Arab, Islamic State governed by the rule of law in which all beliefs are respected since people belonging to a wide variety of religions and confessions form an integral part of Bahraini society. Their fundamental freedoms are safeguarded and the measures taken are intended to protect all components of the social fabric. The Ministry of the Interior has issued a communiqué reaffirming that the Kingdom of Bahrain will continue to confront all the forces of extremism and subservience to external religio-political authorities, including associations or individuals who disregard their citizenship obligations, reject peaceful coexistence, promote concepts of political sectarianism, encourage disrespect for the Constitution, the law and all State institutions and split society along sectarian lines in an attempt to reproduce regional models based on confessional sectarianism.

Accordingly, Bahraini nationality has been withdrawn from Isa Ahmed Qassim who, since acquiring it, has established organizations subservient to an external religio-political authority and has played a leading role in the creation of an extremist sectarian environment in which he attempted to divide society on the basis of confessional affiliation and compliance with his orders. He advocated a theocratic system, involving total subordination to clerics, in the sermons and legal opinions that he delivered, thereby exploiting the religious platform which he embroiled in politics in furtherance of foreign interests, and encouraged sectarianism and violence. The decisions and opinions that he expounded as a religious obligation were influenced by his continuous contact with external organizations and bodies hostile to the Kingdom of Bahrain and, in breach of the law, he also engaged in fundraising without any permit for such an activity.

On more than one occasion, and in various ways, Isa Qassim violated the concept of the rule of law, particularly by influencing elections through the delivery of legal opinions on whether voters should participate in, or boycott, elections and whom they should elect, thereby making political participation subservient to the voice from the pulpit. This extended to all aspects of public affairs, without regard for any legal regulations and in breach of the long-standing customs observed in Bahraini society, and he even mobilized many groups to lobby against the promulgation of the second (Jaafari) part of the Family Law Code. By showing disloyalty to the country and harming its higher interests, he failed to respect the obligations entailed by his acquisition of Bahraini nationality. Since article 10 (c) of the Bahraini Nationality Act makes provision for the withdrawal of Bahraini nationality from any person who "causes harm to the Kingdom's interests or acts in a manner inconsistent with the loyalty that he owes thereto", the Council of Ministers issued a decision, based on a proposal by the Minister of the Interior, approving the withdrawal of Bahraini nationality from Isa Ahmed Qassim. Although the law recognizes the right of judicial appeal against any administrative decision, the said person has not yet availed himself of that right.

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Kingdom of Bahrain

Ministry of the Interior

Ombudsman's Office

No.: A.A.T/20158/24/13

Date: 8 September 2016

To: H.E. Ambassador Ahmad Abdullah al-Hajiri, Director, Legal and Human Rights Department, Ministry of Foreign Affairs

Excellency,

I have pleasure in contacting your distinguished Department within the framework of positive and ongoing cooperation with the Ombudsman's Office in fields of joint action.

With reference to your letter No. O-HRU-185-2016-8/10/3 dated 14 August 2016 requesting a reply on the subject of the alleged discriminatory treatment of the prisoner Abduljalil al-Singace;

We are enclosing herewith, as requested, details of the measures taken by the Ombudsman's Office to investigate the said person's allegations.

For your information and action.

Please accept, Excellency, the assurances of our highest consideration.

(Signed) Abdullah Muhammad **al-Hajiri** Director of the Ombudsman's Office

Enclosures: reply of the Ombudsman's Office

Tel: +973 13304444 P.O. Box 23452, Manama, Kingdom of Bahrain

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Geneva, 22nd September 2016 1/5(4) – 254 (wg)

The Permanent Mission of the Kingdom of Bahrain to United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR), and would like to refer to its note verbale no 1/5(4) - 228 (wg) dated 9th September 2016, which contains the Government of the Kingdom of Bahrain's response on the joint urgent appeal, UA BHR5/2016, dated 10th August 2016, sent by the Working Group on Arbitrary Detention; the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on freedom of religion or belief, on the information received concerning systematic persecution and repression of the Shias in Bahrain Through undue restrictions to their rights to freedom of religion or belief, freedom of expression and peace assembly, including: dissolution of Al-Wefaq National Islamic Society, shutting down of faith based organizations, restriction on the practice of Khums, harassment of Shia clerics, restrictions on Friday Prayers and peaceful assembly, denaturalization of Ayotollah Sheikh Isa Qassim and other Shias, discriminatory treatment of Dr. Abduljalil Al-Singace in prison ban travel ban imposed on Sheikh Maytham Al-Salman.

In this regard, the Mission has the honour to enclose herewith the <u>Original</u> <u>Document</u> of the aforementioned reply, in Arabic and English languages. Additional responses will be submitted upon receipt.

The Permanent Mission of the Kingdom of Bahrain avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Mr. Karim Ghezraoui
Chief a.i.
Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights
Palais Wilson
Rue des Pâquis 52
1201 Genève
Fax: +41 22 917 90 06 /917 90 08

OHCHR REGISTRY

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Recipients	SPB
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Dissolution of Al-Wefaq National Islamic Society.

The dissolution of Al-Wefaq National Islamic Society Was a subject of previous communication BHR 2/2016. On 14 June 2016, the Ministry of Justice al allegedly submitted a request to the Administrative Court ordering for the dissolution of AI -Wefag National Islamic Society Al-Wefag was accused of supporting a sectarian political platform that countered national unity and of having links with "foreign religious and extremist political parties that adopt terrorism". Upon the request, The Administrative Court ordered the immediate suspension of all the activities of the organization and closed its headquarters. The authorities also blocked access to the Al-Wefag website and froze all its assets.

The hearing was originally set for 6 October 2016 but as moved to an earlier date at the request of the Ministry of Justice. Al-Wefaq's defence team withdrew from the case when they were denied access to necessary documents at Al-Wefaq's headquarters to prepare for the hearing. On 17 July 2016, the Bahrain High Civil Court ordered the formal dissolution of Al-Wefaq and the liquidation of its assets, in the absence of defence team. The defence team for Al-Wefaq have appealed the ruling of 17 July, but to data, no response has been received.

قبل التعرض للأسباب التي ادت إلى صدور حكم نهاتي بغلق مقار جمعية الوفاق والتحفظ على جميع حساباتها واموالها الثابتة والمنقولة وتعليق نشاطها ينبغي بداءة التأكيد على أن قوانين مملكة البحرين تحمي وتصون حق الأفراد في إنشاء جمعيات سياسية والاتضمام لها، وهذا هو ما أكده المشرع البحريني في المادة الأولى من القانون رقم 26 لمنة 2005 في شأن الجمعيات السياسية المعدل بالقانون رقم 34 لمنة 2014 بيد أن لمناسة هذا الحق الدستوري ترتبط بمعايير قانونية ينبغي تحققها لكي تتوالم تلك الجمعيات مع نصوص القوانين المعمول بها في المملكة، وهي ضرورة أن تقوم هذه الجمعية على مبادئ وأهداف مشتركة، وتعمل بصورة علنية بوسائل سياسية ديمقراطية المياسية والاقتصادية والاجتماعية أمملكة البحرين، ولا تعتبر جمعية سياسية كل جمعية المياسية والاقتصادية والاجتماعية أمملكة البحرين، ولا تعتبر جمعية سياسية كل جمعية أو جماعة تقوم على محض أغراض دينية أو علمية أو اجتماعية أو ثقافية أو رياضية أو مهنية". كما أوردت المادة الرابعة عشرة شروط يتبغى توافرها، وهي:

- 1. أن يكون للجمعية نظام أساسي مكتوب موقع عليه من المؤسسين؛
 - 2. ألا يقل عدد المؤسسين لأية جمعية عن خمسين عضوا؛
- ق. ألا تتعارض مبادئ الجمعية وأهدافها وبرامجها وسياساتها واساليبها مع:
 a. مبادئ الشريعة الإسلامية باعتبارها مصدراً رئيسيا للتشريع؛

الثوابت الوطنية التي يقوم عليها نظام الحكم في مملكة البحرين.

4. الا تقوم الجمعية على أساس طبقي أو طائفي أو فنوي أو جغرافي أو مهني،
 أو على أساس التفرقة بسبب الجنس أو الأصل أو اللغة أو الدين أو العقيدة؛

5. الا تهدف الجمعية الى إقامة اية تشكيلات عسكرية او شبه عسكرية او تلقد طابع التدريبات العنيفة التي تهدف إلى الإعداد القتالي، أو التحريض على عداوة عرقية أو قومية أو دينية؛

6. الا تكون الجمعية فرعا لجمعية سياسية أو حزب سياسي أو أي تنظيم سياسي
 آخر في الخارج؛

- 7. الا ترتبط الجمعية أو تتعاون مع أية أحزاب أو تنظيمات أو جماعات أو أفراد أو قوى سياسية تقوم على معاداة أو مناهضة المبادئ أو القواعد أو الأحكام المنصوص عليها في البند (3) من هذه المادة؛
- ان يكون مقر الجمعية وفروعها داخل مملكة البحرين، وأن تمارس نشاطها قي أراضي المملكة؛
- أن تعلن الجمعية مبادئها وأهدافها وبرامجها ووسائلها وهياكلها التنظيمية ومصادر تمويلها؛
- ألا تمنتشدم الجمعية المنبر الديني للترويج لمبادنها أو أهدافها أو برامجها أو كمرجعية لها".

وأما كان ذلك، وكان الثابت من الحكم القضائي الصائر بتاريخ 2016/7/17 أن جمعية الوفاق قد خالفت القوانين المعمول بها في المملكة، ونوجز هنا بعض تلك المُخالفات:

- استخدام مؤسسات الدولة والمؤسسات العامة ودور العبادة والشعائر الدينية والمؤسسات التطيمية لممارسة نشاطها؛
- 2. توجيه أنشطة ويرامج الجمعية لخدمة أغراض طنفية وللإضرار بالاقتصاد الوطني أو المصالح العامة للدولة والتحريض على الامتناع عن التبضع وكل معاملات التسوق والمعاملات الرسمية والنزود بالوقود والتوقف عن كافة عمليات الشراء؛
- 3. دأبت الجمعية من خلال موقعها الالكتروني على الطعن في شرعية دستور مملكة البحرين؛ بوصفها الدولة بأنها "تعيش بلا دستور وخارجة عن العقد الاجتماعي والشرعية فيها معلقة"؛
- لتحريض على رفض الدستور من خلال الإعلان كذبا أن غالبية شعب البحرين يرفض دستور 2002 كونه غير توافقى ولا يمتلك الشرعية الشعبية"؛
- تأبيد ممارسة العنف من خلال نشر صور إرهابيين يحملون أدوات حادة باعتبارهم متظاهرين سلميين بتعرضون للقمع؛
- التضامن مع المحكوم عليهم في تهم التحريض على كراهية نظام الحكم والدعوة إلى إسقاط وإهانة القضاء والسلطة التنفيذية؛
- 7. الاستقواء بالخارج والحض على التدخل الخارجي في الشأن الداخلي طالبة من المجتمع الدولي التدخل وأن "بلعب دورا نشطا في موضوع البحرين كما لعب دورا إبجابيا في ملفات عدة بالمنطقة"؛
- 8. الطعن في شرعية الملطة التشريعية من خلال ترديد أن "البرلمان لا معنى لوجوده بل لا شرعية لوجود مثل هذا البرلمان" وأن "الحكومة والبرلمان القاهمين يفتقدان للتفويض الشعبي"، كما جطت هذه الجمعية من دور العبادة منابر ميامية تمارس من خلالها نشاطها السيامي بشكل مستمر؛

TO.

ويتبغي التاكيد على أن المحكمة التي أصدرت ذلك الحكم حرصت كل الحرص على أن تكون الجمعية مُمثلة تمثيل قفوني كمل في كافة الجاسات بيد أنة بجلسة 2016/7/4 حضر محام بتوكيل رسمي خاص وآخر بدون توكيل قدما خطاب السحاب من الدعوى بالمنطقة للقنون فقامت المحكمة بتبليغ الجمعية بتبليغين صحيحين وقاتونيين بالسحاب وكيلها إلا أنه بالجلسة اللاحقة لم يحضر أحد عن الجمعية فقضت المحكمة بحلها وتصغية أموالها وأيلولتها الى خزينة الدولة.

والقضية الآن المتعلقة بجمعية الوقاق تنظرها محكمة الاستنفاف العليا المدنية وتم حجزها للحكم بتاريخ 2016/9/22.

Restriction on the practice of Khums

Tile Government has routinely accused Shia clerics. religious figures, Shia individuals and civil society organizations of illegal fundraising, in connection with the long established religious practice of Khums. The practice of Khums involves Shia Muslims making payments (i.e. Khums) to Shia religious clerics each year. The religious clerics then distribute the Khurns to vulnerable members of their community, such as orphans, and other community projects for the purpose of promoting solidarity and eliminating poverty.

بادئ ذي بدء ينبغي الإشارة إلى أن كافة الأنظمة القاتونية في شتى أنحاء العالم تحظر قيام الافراد بجمع المال للأغراض الدينية بدون ترخيص يعد جريمة يعاقب عليها القانون، وهذا هو بيت القصيد. وعلى الرغم من ذلك فقد دأبت حكومة المملكة على السماح لكافمة المواطنين بمُمارسة كافمة شعائرهم بغض النظر عن دياتاتِهم، وهذا جلي للكافحة دون أي تمييز، ولم يسبق للحكومة وضع أي قيود على مُمارسة فريضة الخمس إلا أن جمعية الوفاق، وفي إطار خطتها الممنهجة للإساءة إلى الدولة ومؤسساتها، أشاعت عن قصد وبسوء نية أن الاتهام المسند إلى المتهمين بقرار الاتهام يدور حول فريضة الخمس في حين أن الاتهام يتعلق فقط بنشاط جمع المال للأغراض العامة، والذي نظمه القانون ووضّع له ضوابطه، وأوجب على القائم به الحصول على تصريح بذلك من الجهة المختصة، وهي مسألة تنظيمية بحتة لا تمس الواجبات الدينية بأي حال، كما بُنيت الاتهامات من ناحية أخرى على ما ثبت من استخدام المتهمين المال الذِّي تم جمعه من دون تصريح على خلاف أحكام القانون. وقد نظم القانون هذه العملية من خلال اصدار المرسوم بقانون رقم (21) لسنة 2013 بشأن تنظيم جمع المال للأغراض العامة، وفي ضوء القرار رقم (47) لسنة 2014 بإصدار اللائحة التنفيذية لذات القانون، والذي يختص بالأفراد الذين يقومون بجمع هذه الأموال أو قبول التبرعات لأغراض دينية، والتي تنص على أنهُ لا يجوز تحويل أو قبول أية أموال من وإلى خارج مملكة البحرين إذا كانت تهدف إلى: تمويل أو دعم أي تشكيلات عسكرية أو شبه عسكرية أو التحريض على عداوة عرقية أو قومية أو دينية أو طنفية، أو تمويل أية منظمات أهلية أو جمعية سياسية أو حزب أو تنظيم سياسي، أو معاداة أو مناهضة المبادئ أو القواعد أو الاحكام المنصوص عليها في الدستور والتشريعات في مملكة البحرين، أو اذا كاتت تهدف إلى أية أغراض أخرى غير مشروعة قاتونا أو مخالفة للنظام والآداب. كما نظمت وزارة العدل والشنون الإسلامية والاوقاف عملية جمع المال عن طريق المكتب المخصص بمبنى الشنون الإسلامية بمنطقة الجفير، والذي يتم من خلاله النقدم بطلب ترخيص جمع المال للأغراض الدينية، مصطحباً معه المستندات الثبوتية المطلوبة، حيث تتم دراسة الطلبات وفقاً للأطر القانونية والتنظيمية الموضوعة، وتكريمها لمبادئ الشفافية في جمع الأموال والتبرعات، والحفاظ على الأموال الخيرية والشرعية، وعدم استغلالها في دعم أية أعمال غير مشروعة قاتوناً وشرعاً، وتعزيز طمأتينة المواطنين والمقيمين لجهة صرف الأموال.

وعلى الرغم مما سبق فقد اختار القلنمون على جمعية الوفاق مُخلفة القانون وياشروا جمع الأموال دون ترخيص على الرغم من النصوص القانونية آنفة البيان، ولم تقم الجمعية ياتخاذ أي من الخطوات القانونية سلفة الذكر الأمر الذي تعين معه اتخاذ الإجراءات القانونية اللازمة نحو إيقاف جمع الأموال دون ترخيص.

Sheikh Mohammed Al-Mansi who is active in pursuing the cases of about 40 mosques demolished by the authorities was arrested on 14 April 2016. He was interrogated for a sermon he delivered at Friday prayers. The

لقد أولت وزارة العلل والشنون الإسلامية والأوقاف ملف إدارة ومتلعة وتحليل مضامين الغطاب الديني جل اهتمامها، وشرعت في وضع استراتبجية وطنية شاملة في هذا المجال لمعلجة القضايا الاجتماعية والظواهر السلبية الناتجة عن الفكر المنظرف عبر تحديث لغة الغطاب الديني بما يعزز الوحدة الاجتماعية ويحافظ على تلاحم النسيج الوطني ويقضي على الفكر المنحرف الذي يولد التطرف والظور وتتجلى ملامح الخطة

Moj+pp

Moj+pp

On 14 June 2016, The Ministry of Justice prohibited Sheikh Mohamed Al-Sangoor, the Imam of the largest Shia Friday prayers gathering at the Grand Mosque in Duraz, from preaching and leading Friday prayers. After a four weeks suspension, he resumed leading Friday prayers but then on 17 July 2016 he was summoned by the authorities on to Budaiya police station where he was arrested and subsequently transported to the police station in Hamad Town Roundabout 17. On 18 July, he was taken to the Public Prosecutor's Office for interrogation, during which his lawyer was refused access. Sheikh Mohamed was charged with "inciting hatred against the Kingdom's constitutional regime" and "illegal invo]vement with a public service". The security forces prohibited him from entering Duraz on 22 July.

On 17 July 2016 Sheikh Ali Humaidan. Imam of Al-Zahra mosque in Hamad Town was interrogated by the Public Prosecutor's Office in connection with a speech he delivered at Friday prayers and similarly. Sheikh Aziz Al-Khadran, the replacement imam was arrested on 23 July 2016 and interrogated about his sermon at Friday prayers. On 24 July 2016, Sheikh Aziz was charged with "insult and incitement or hatred of the constitutional system".

أولأه الدورات والندوات والمؤتمرات:

تنظم الوزارة متويا عدة دورات وندوات وورش عمل في سبيل الارتفاء بالنطب البني، من أجل محارية التطرف وخطف الكراهية والطلقية والتمييز ولتؤكد على احترام الخصوصية المذهبية واعتراقاً بالتعدية الفكرية والتلفية والتمييز والتوكد على تعم به مملكة البحرين والتي تصب في تحديث لغة الغطف الإسلامي بما يعمى الفهم المسجح والومطي البنات الحنيف ويؤكد على احترام ثوابته وتواكب في الوقت ذاته مستجدات العصر ومتقراته، حيث إن سلسلة الدورات السنوية للأمة والغطباء والدعاة مستمرة منذ علم 2009م حتى الآن، وأبرزها: دورة (حوافز الغطف الإسلامي العمير في تعزيز الرسئلة المجتمعية للمراة)، دورة (الب الغلاق)، دورة (دور الكراهية, بواعها وآثارها)، دورة (الطففية والمواطنة الصلحة). كما علنت الوزارة عدة موتمرات ولقاءات علية حضرها العديد من علماء الدين والمفكرين والمهتمين من جميع أطباق المجتمع في الداخل والخارج ومنها: مؤتمر (الحوار الإسلامي المستوية)، الدورة العمية الأولى المنظباء والدعاة تحت شعار (الغطاب الإسلامي، تجديد ووسطية)، المؤتمر السنوي للأمة والغطباء والدعاة تحت شعار (الغطاب الإسلامي وأمن الأمة)، المؤتمر السنوي للأمة والغطباء والدعاة تحت شعار (الغطاب الإسلامي وأمن الأمة)، المؤتمر السنوي مؤتمر (حوار الحضارات).

وعلاوة على ما تقدم، تشارك الشنون الإسلامية سنويا في عدد من المؤتمرات التي تعنى بالخطاب الديني معنالة مملكة البحرين تمثيلاً رسمياً، ومن تلك المشاركات: المؤتمر العلمي للعلماء والدعاة المتعد بمكة المكرمة، المؤتمر السنوي للأمة والدعاة بدولة الكويت، المؤتمر المنوي المجلس الأعلى الشنون الإسلامية بجمهورية مصر العربية، المؤتمر السنوي للأمة والدعاة بالأردن، وغيرها

ثلنيا: الوعظ والإرشاد:

تضطلع الثنون الإسلامية بمهمة إدارة ومتابعة شنون الوعظ والوعاظ، وذلك عبر برتامج متكامل على مدار العام، بالتعاون والتكامل مع عدد من الموسسات بالمملكة، ومن ذلك:

 البرنامج المدرسي: وهو برنامج إرشادي لجميع مدارس وزارة التربية والتطيم رنفذه عدد من الوعظ والواعظات المرخص لهم من قبل الشنون الإسلامية، إذ رتم اختيار العاوين العامة للبرنامج وفقا للأسس الطمية المعبرة.

 برنامج الوعظ في دور رعاية الوالدين بالتنسيق مع وزارة العمل والتنمية الاجتماعية.

وريامج الوعظ في دور الإصلاح والتأهيل بالتنسيق مع وزارة الداخلية.

برامج إذاعية وتلفزيونية متخصصة بالتنسيق مع هيئة شنون الإعلام. البرامج الوعظية في المسلجد والجوامع بالتنسيق مع إدارتي الأوقاف السنية

وقد شمل برنامج العلم الماضي أربعة محاور: (حقوق الإنسان في شريعة نبي الرحمة، أدب الخلاف والحوار، استثمار الوقت، ورشة عمل في إدارة الغضب، وغيرها من محاور).

ثَلْثاً: معاهد العلوم الشرعية:

تسعى الشنون الإسلامية من خلال معاهد العلوم الشرعية التابعة لها إلى إعداد
 وتأهيل طلبة العلم الشرعي وفق أسس علمية منهجية سليمة، عبر تثقيف
 الطلاب بالثقافة الشرعية الوسطية المعتدلة، فضلاً عن فتح المدارك نحو فكر
 مستنير وفق الضوابط الشرعية بما يسهم في إعمال الذهن والتزام الحكمة،
 وتقوم الوزارة بتطوير الخطة الدراسية للمعاهد، ومتابعة وتقييم محتواها.

تعكف الوزارة حالياً على إعداد آلية مراجعة وتنقيح المناهج والمقررات التي تدرين في المعاهد والحوزات النينية التي يتم دعمها من قبل المجلس الأعلى المناون الإسلامية وفق منهج علمي نابع من الوسطية والاعتدال دون التدخل في الخصوصية المذهبية.

رابعا: متابعة وتطيل خطب الجمعة:

نَظْراً لَأَهْمَةً خَطْبَةً الْجِمعَةُ بِاعْتِبارُها المحرك الرئيس لملف الغطاب الديني، والعامل المؤثّر في المجتمع، وتتفيدًا لضوايط وآداب الغطاب الديني الذي أصدرته الوزارة والذي يتم من خلاله متابعة كل ما يتطلق بهذا الأمر بالتنميق مع الجهات ذات العلاقة، والتي تراعي الغصوصية الدذهبية في المجتمع بما يحفظ النميج الوطني.

щÖ

moj.

على مناير الجمعة الهمية بالغة، إذ يقوم تقية من الباحثين الشرعيين بالوزارة يتحليل غطب الجمعة أسبوعيا، واضعين يعين الاعتبار اثناء الرصد اربعة محاور أساسية هي: بث الكراهية، التحريض على العف، إثارة الطففية، التسييس المباشر المنير ومحاور فرعية أخرى، وقد اتفنت الوزارة حيال المخالفين عدة أجراءات منها: (المناصحة، الإندار، الإيقاف).

Denaturalization of Ayatollah Sheikh Isa Qassim and other Shias

On 20 June 2016, the Ministry of Interior announced that the Government had revoked the citizenship of Ayatollah Sheikh Isa Qassim, a Shia religious cleric who was associated with al-Wefag and gave him 72 hours to leave the country before Forcible deportation. The authorities alleged in a press release that Sheikh Isa had encouraged sectarianism and violence, served foreign countries and theocracy. He was accused of "causing damage to the interests of the State" and "acting in disloyalty to the State". Moreover, the authorities also recently charged him with "illegal fundraising and money laundering". His case will be tried on 14 August 2016, hence, he has not been officially deported.

It was reported that there was a Lack of due process in these proceedings, Sheikh Isa was not notified of the denaturalization process and had no opportunity to defend his case. The Minister of interior allegedly recommended that his citizenship be revoked via an administrative order from the Cabinet. As a result, many protesters have assembled organized sit-ins outside Sheikh Isa's home to prevent him from being taken away by security forces. In response, security forces from the Ministry of Interior allegedly created a blockade around the village and established checkpoints at every entrance and exit to the village. It is reported that upon entry into the village, some Duraz residents have been subject to full-body and car searches, seizure of personal items, and in some instances, arrest.

Due to the security forces' blockage, only individuals living in the village of Duraz and holding Permanent Residence Card (CPR) indicating a Duraz address have been granted entry. Some adults children and family members of Duraz residents were reportedly not permitted to visit with their families for Ramadan.

إن البحرين مثال يحتذى به في التعايش والتسامح، ولم تعد العناوين الطائفية تجدي أو تنفع للتضليل أو تعطية الحقائق الواضحة للجميع، فالمستهدف هو من خالف القلاون وارتهن للخارج ووضع يده مع من لا يريد الخير وأهلها، وان هذه الإجراءات ستستمر ضد كل من يحاول شق الناس طائفياً ويمول الإرهاب ويستغل المنبر الديني لأغراض طائفية يتبع فيها جهات سياسية دينية خارجية.

أكدت وزارة العدل والشنون الإسلامية والاوقاف في بيان لها أن العنوان الطائفي الذي يرفعه بعض الافراد تحت مسمى "الاستهداف" هو استمرار لنهج الاستغلال السياسي الطائفي والتحريض على الخروج على القانون إذ أنه من غير المقبول بأن يختزل بعض الافراد مذهب من مذاهب الإسلام بكامله المجتمع بأسره في أنفسهم، ولا يجب أن بجاول البعض أن يضع نفسه فوق القانون، أو أن يتخذ معتقد الناس وهويتهم التي هي جزء من الهوية الوطنية لهذا البلد كدرع له ليحميه عن مخالفته للقانون. فضلاً عن أن اتخاذ الدولة إجراءات ضد من يخالف القانون ويحرض على العنف ويرتبط بالخارج هو ما يجب أن يدعمه الجميع.

إن البحرين كدولة عربية إسلامية تحتضن كافة المعتقدات، وأن أبناءها يعيشون في ربوع هذا الوطن بكل مذاهبه ودياتاته كجزء لا يتجزأ من المجتمع البحريني في ظل دولة المؤسسات والقاتون، فالحريات الأساسية في مملكة البحرين مصاتة، والإجراءات المتخذة هي لحملية استهداف النسيج الوطني بكل مكوناته. كما أصدرت وزارة الداخلية بيان لها اكدت فيه أن مملكة البحرين ماضية قدماً لمواجهة كافة قوى النطرف والتبعية لمرجعية سياسية دينية خارجية، سواء تمثل ذلك في الجمعيات أو أفراد يخرجون على واجبات المواطنة والتعايش السلمي، ويقومون بتعميق مفاهيم الطاقفية السياسية، وترسيخ الخروج على الدستور والقاتون وكافة مؤسسات الدولة، وشق المجتمع طائفياً سعياً لاستنساخ نماذج إقليمية قائمة على أسس طائفية مذهبية.

وبناء على ذلك فقد تم اسقاط الجنسية البحرينية عن المدعو عيسى احمد قاسم، والذي قام منذ اكتسابه الجنسية البحرينية بتأسيس تنظيمات تابعة لمرجعية سياسية دينية خارجية، حيث لعب دوراً رئيسياً في خلق بينة طائفية متطرفة، وعمل على تقسيم المجتمع تبعاً للطائفة وكذلك تبعاً للتبعية الأوامره، وقد قام المذكور بتبني الثيوقراطية، وأكد على التبعية المطلقة لرجال الدين، وذلك من خلال الخطب والفتاوى التي يصدرها مستغلا المنبر الديني، الذي اقحمه في الشأن السياسي لخدمة مصالح أجنبية وشجع على الطائفية والعنف، كما رهن المذكور قراراته ومواقفه التي يمليها بصورة الفرض الديني من خلال تواصله المستمر مع منظمات خارجية وجهات معادية لمملكة البحرين، ويقوم بجمع الأموال دون الحصول على أي تراخيص خلاف لما نص عليه القانون.

وفي أكثر من مناسبة وفي صور متعددة عمل عيسى قاسم على مُخالفة مفهوم حكم القانون وخاصة السيطرة على الانتخابات بالفتاوى من حيث المشاركة والمقاطعة وخيارات الناخبين ورهن المشاركة السياسية بالمنبر الديني، وقد امتد ذلك إلى كافة نواحي الشأن العام دون مراعاة لاية ضوابط قةونية متخطياً بذلك الأعراف التي استقر عليها مجتمع البحرين، كما قام المذكور بتحشيد كثير من الجماعات لتعطيل اصدار القسم الثاني من قانون أحكام الاسرة (الشق الجعفري). ولما كان المنكور قد اكتسب الجنسية البحرينية ولم يحفظ حقوقها وتسبب في الاضرار بالمصالح العليا للبلاد ولم يراع واجب الولاء لها، وبناء على أحكام قانون الجنسية والمحرينية والذي يقرر اسقاط الجنسية البحرينية تبعا للمادة العاشرة فقرة (ج) منه والتي تنص على "إذا تسبب في الاضرار بمصالح المملكة أو تصرف تصرفاً ينقض واجب الولاء لها"، لذلك ويناء على عرض بمصالح المملكة أو تصرف تصرفاً ينقض واجب الولاء لها"، لذلك ويناء على عرض وزير الداخلية، أصدر مجلس الوزراء قراراً بالموافقة على اسقاط الجنسية البحرينية عن المدعو عيسى أحمد قاسم، وعلى الرغم من أن القانون يتيح حق الطعن أمام القضاء في أو رار إداري إلا أن المنكور لم يستعمل هذا الحق المقرر له حتى الآن.

do not have Duraz listed as their place of residence on their CPR have allegedly been prohibited from attending the mosque in Duraz to pray, while Duraz is home to one of the country's largest mosques.

In addition to the physical blockade, it is reported that the authorities have disrupted mobile and internet access in the village of Duraz during the evening. Since 20 June 2016, two Bahraini Internet Service Providers, Batelco and Zain, have been disabling their 4G and 3G mobile networks, and turning off mobile data service on their 2G networks, between 7 p.m. and 1.a.m. every night, As a result, mobile phone users are unable to access mobile data services on both providers.

The disruption has allegedly not affected phone calls and SMS text messages. From 20 June to 12 July, certain fixedline Internet connections provided by Batelco slowed down significantly between 7 p.m and 1 a.m., rendering the ofectively unusable Internet approximately 12% of subscribers in Duraz during this period. From 12 July onwards, this percentage has become reduced, yet the slowdown affects subscribers such as Ithmaar Bank and the Al-Wasat newspaper. Disruptions to mobile and Internet services in Duraz have also affected the surrounding villages, particularly Bani, Jamra and Saar.

From 2012 till 2016, up to 235 peaceful Shia dissidents, members of political opposition and Shia clerics have been charged with "acts of terrorism" and denaturalized by the Government either under Bahrain Citizenship Act or Protection of Society against Acts of Terror law. Article 10c of Bahrain Citizenship Act allows the authorities to revoke the citizenship of any person deemed to have "harmed the interests of the Kingdom" or to denaturalize persons that have been physically absent from Bahrain for two consecutive year. Moreover, Article 24 of the Protection of Society against Acts of Terror law, amended by a royal decree on 31 July 2013, allows a court to revoke the citizenship of any person found guilty of carrying out, supporting or inciting, an act of terrorism.



OMBUDSMAN OFFICE

مكتب الأمين العام

الرقم: أع ت /۱۳/۲٤/۲۰۱۵۸ التاريخ: ٨ سبتمسبسر ٢٠١٦م

حضرة الفاضل السفير/ احمد عبدالله الهاجري ... المحترم مدير الإدارة القانونية وحقوق الإنسان وزارة الخارجية

تحية طيبة وبعد،

يسعدني التواصل مع إدارتكم الموقرة في إطار التعاون الإيجابي والمستمر مع الأمانة العامة للتظلمات في مجالات العمل المشترك.

وإيماءً إلى كتابكم رقم (O-HRU-185-2016-8/10/3) والمؤرخ في ٢٠١٦/٨/١٤م، بخصوص الرد على موضوع المعاملة التمييزية للنزيل/ عبدالجليل السنكيس.

وبناء على طلبكم، نرفق لكم الإجراءات المتخذة من قبل الأمانة العامة للتظلمات بخصوص التحقيق في ادعاءات المذكور أعلاه.

للتفضل باتخاذ اجراءاتكم اللازمة.

وتفضلوا بقبول وافر الاحترام والتقدير،،،

عبدالله محمد ألهاجري

مدير مكتب الأمين العام للتظلمات

◄ مرفق: ⊸

- رد الأمانة العامة للتظلمات.

Refer to the Joint Urgent Appeal sent by Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on theright to freedom of peaceful assembly and of association; the Special Rapporteur on the human rights defenders; and the Special Rapporteur on the freedom of religion or belief, of 11 August 2016, that seeks a clarification of the information and the concerns raised about the <u>discriminatory treatment of Dr. Abduljalil Al Singace in prison</u>.

Dr. Abduljalil Al Singace

As soon as The Ombudsman Office received the Joint Urgent Appeal from special Rapporteurs, that raised the allegations of the discriminatory tratment of DR. Abduljalil Al Singace. (According to theirinformation, which they received previously), The Ombudsman Officeopened an investigation in those allegations, which included:

- Humiliated him in different ways.
- The confiscation of some books.
- Confined him without allowing him to walk around or outside his cell for a week.
- Refused to bring him to his medical appointments or providing him with the proper medication or rubber pads for his crutches.

Ombudsman's procedures:

On 22 August 2016, an Ombudsman investigator wentto the Rehabilitation Center in Jawto interview Dr. Al Singace, However, he was uncooperative and refused to be interviewedor provide any information to the Ombudsman's investigator.

The investigator requested the book list, which showed that he received tens of bookssince he was sentenced and transferred to Jaw prison.

On the other hand, the Ombudsman's investigator noted a library that contains a variety of books just in the same building where heis held and ensured that all the prisoners of that building including Dr. Al Singace are allowed to use that library.

The investigator observed the building that Dr. Al Singace was staying at, he found that Dr. Al Singace was allowed to move around and outside his cell without any restrictions. Dr. Al Singace also was allowed to pray at the mosque, which is located outside his building.

Moreover, the investigator ensured that there was not any administrative judgement against Dr. Al Singace to confine him in his cell or not allowing him to walk around.

The investigator also asked for Dr. Al Singace's medical records that included his internal and externalmedical appointments and all the prescribed medicines in addition to his movement log. By checking all the provided records, it was found that Dr. Al Singacewas receiving the necessary medications, attending his appointments and never missed any.

Regarding the rubber pads for Dr. Al Singace's crutches, it was observed from the delivery notes(singed by Dr. Al Singace) that were collected from Jaw center which provedthat the old padswere replaced by new onesperiodically and when necessaryand the investigator ensured the existence of the rubber pads on the crutches at the time of the visit.

Case was closed on 4 September, 2016