

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



الجمهورية العربية السورية
 لدرء الأذى المتزايد
 جنيف، فيينا

Geneva, 1st February
 1/5(4) – 27 (wg)

Ms. Farida Shaheed,
 Special Rapporteurs in the field of Cultural Rights

Mr. Philip Alston,
 Special Rapporteurs on Extreme Poverty and Human Rights

Mr. Heiner Bielefeldt,
 Special Rapporteurs on Freedom of Religion or Belief

Office of the High Commissioner for Human Rights
 Palais Wilson
 Rue des Pâquis 51
 1201 Genève

Excellencies,

I wish to take this opportunity to respond to your letter reference BHR 6/2015 dated 30 October 2015. The allegations of discrimination set out in the letter, if true, are deplorable. They are, however, not true. Please see the Annexure of this letter for details.

The letter describes a Bahrain contradicted by reality. The letter portrays Bahrain as a divided country under an official exclusionary policy.

It makes many allegations without citing any source or providing any identifying information whatsoever. Those few allegations that are supported by identifying information, in fact, provide questionable information obtained from questionable sources. The use of unknown sources, comprising unsupported assertions and unattributed 'reports', makes it very difficult – if at all possible – for the Government to look into such broad assertions without knowing the precise facts on the basis of which these assertions are made.

The letter also has a markedly negative and exaggerative tone, containing a number of sweeping statements. These generalizations fail to reflect a detailed, thorough and nuanced account of the complex situation in Bahrain. Instead, the content of the Letter frequently amounts to simple and uncritical summaries of unverified information.

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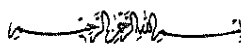
البعثة الدبلوماسية
للدولة الاميرة المتحدية
جنيف فيينا

Given the inaccuracy, exaggeration, and biased nature of the information transmitted in the Letter, and the exclusive reliance on 'non-sources', the Government seeks clarification from the Special Rapporteurs of the process (if any) undertaken in order to verify the information prior to approving them for inclusion in the letter for transmittal to Bahrain.

Failing to identify the nature of the sources, or verifying the information, provides political agents with an open platform for propaganda, permitting unreliable information to be passed off as fact, with the imprimatur of the United Nations. This is not an encouraging development.

Please accept, Excellencies, the assurance of my highest consideration.

Dr. Yusuf Abdulkarim BUCHEERI
Ambassador,
Permanent Representative



البعثة الدبلوماسية في جنيف
لدى الامم المتحدة
جنيف، فيينا

Annexure

Excessive use of force and abuses targeting Baharna protestors and Shia clerics

Deaths

The Letter alleges that between 2012 and 2015 there have been in Bahrain: (i) at least 38 deaths from inappropriate use of tear gas by police; (ii) at least 18 deaths from shotgun-related injuries; and (iii) footage where vehicles were used as weapons.

No basis is provided for these allegations or numbers. Not a single victim is identified; not a single incident specified; and not a single date or location provided. Bahrain has two standing bodies created in 2012 and empowered – indeed, duty-bound – to investigate such allegations, namely, (i) the Independent Ombudsman of the Ministry of Interior (**Ombudsman**); and (ii) the Special Investigation Unit of the Department of Public Prosecution (**SIU**). The Special Rapporteurs could have directed the unknown persons making these claims to file complaints with these bodies.

Information about investigations conducted by the Ombudsman and SIU is freely available, online and in print. Further information is also contained in the various reports of the BICI Implementation Unit. In particular, the Ombudsman's Annual Reports contain significantly detailed information about every investigation conducted into every civilian death, *regardless of circumstance*, involving police during 2013-2015. The Special Rapporteurs are encouraged to review those reports for credible data.

The police in Bahrain act with remarkable restraint despite coming under almost daily lethal attacks from highly sophisticated IEDs and roadside bombs. Between 2011-2015, at least 16 police personnel have been murdered while on duty and at least 3,169 injured seriously enough to warrant hospital treatment. Many have suffered permanently life-degrading injuries. The scale of these deaths and injuries are not indicative of (i) policing peaceful protest activity or (ii) police using excessive force.

Citizenship

The letter alleges that “Shia Bahraini have had their citizenship revoked.” This is untrue if it is intended to imply sectarian targeting. The individuals whose citizenships have been revoked come from different religions, sects, creeds, and ethnicities – some possibly are even irreligious. The Government does not know their religious or ethnic status, and these do not factor into Governmental decision-making. The decision is based on national security grounds alone.

The Bahrain Citizenship Act, 1963, sets out the conditions of citizenship and its revocation. Under the Act, citizenship may be revoked for carefully circumscribed

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 جنتنا / فيينا

reasons. The law also guarantees due process. In recent years, Bahrain has taken certain decisions involving the citizenship of specific individuals involved with terrorism and on grounds of national security. These individuals are mainly associated with Daesh and Hezbollah, both designated as terrorist organizations by Bahrain. The Government's actions comply with Bahraini law and Bahrain's international obligations.

Importantly, every decision is based entirely on the individual's terrorist activities or security concerns; there is no identity-based element in the decision-making process. It matters not the religion, gender, colour, or national or ethnic origin of the individual; what matters is the individual's involvement in activities falling within the conditions set out in the Act. Any decision to revoke citizenship may be appealed before the courts (as, indeed, a number have).

Certain clerics

Bahrain has a longstanding commitment to pluralism, inclusion, and liberalism in its founding documents; basing its governance on principles of justice, freedom, and equality; and a national policy of providing safety and decent living to all constituents of society.

Certain individuals in Bahrain have sought to use force and coercion in pursuit of an exclusionary agenda. They have done so in violation of existing Bahraini law. They were prosecuted and tried in open courts and with due process. None were tried for their political views or religious affiliation; all were tried under established crimes under the Penal Code. Under the Bahraini legal system, being a cleric or any other status does not entitle a person to break the law.

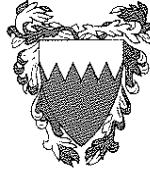
Destruction of mosques and marginalization in the public space

Bahrain is rare in the region for celebrating its diverse religious landscape: Jews, Christians, and Muslims held and still hold important positions in the Government and private sector. Within Islam, all sects freely practice their faiths in numerous places of worship across the country. Bahrain remains the only country in the region where the Shi'a ritual of Ashoora has been declared a public holiday for all citizens. This practice and tradition is underpinned and reinforced within the Constitution, which protects a person's right to practice their religion freely, away from any discrimination. The Constitution also goes on to guarantee the inviolability of lawful places of worship.

Rebuilding places of worship

This very tradition ensured that the decision to demolish certain religious structures during 2011 was not taken lightly: as the BICI Report confirmed, most of these places were makeshift structures, illegally constructed in violation of zoning, land use and planning laws, that had become a safe haven for weapons (paragraphs 1329-1331,

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 جنيف / فيينا

1707). Nevertheless, and irrespective of any reasons, the Government understood that the timing of the demolition inflamed communal passions.

To remedy the harm to inter-communal relations and the Bahraini tradition, His Majesty The King in May 2011 directed the Government to start a programme of building religious structures to make up for those demolished during the events. The Government followed this directive by taking a collaborative approach working alongside the Shia Endowment directorate (*Jaafariya Waqf Directorate*) to identify the demolished structures and to plan a building programme. The new structures could not always be rebuilt in the same location where the previous demolished structures stood, for a majority of those structures had been constructed in violation of: laws governing public land ownership, regulations concerning construction on public or private lands, and administrative law applicable to buildings and structures. Any rebuilding programme had to take account of the relevant planning laws. This was also acknowledged by BICI, which had recommended the rebuilding of “some” of the religious structures in “accordance with administrative regulations”.

Of the 30 structures set out in the BICI Report, “1 was entirely or partially built with palm trees and other wooden material; 12 were Shinko cabins, sometimes covered from the inside with prefabricated material commonly referred to as “gypsum boards”, whose access to electricity, water and sewage was by unauthorised connections from neighbours; 12 were semi-permanent structures built with cement blocks, bricks and/or stones; 1 was a permanent structure made with reinforced concrete; and 4 were unknown as to type of construction” (paragraph 1314).

The Government allocated a budget of US\$ 7,948,790 to build 30 permanent religious structures. Of the 30 planned, 27 have been rebuilt and are fully functional. Procedures to regularise the status and location of the remaining 3 to comply with land use and planning laws are underway.

Khamis mosque

The mosques referenced in the letter are part of the 30 permanent structures that are rebuilt. Some were moved a few meters to accommodate safety and traffic requirements. The letter’s allegations about the Al Khamis mosque, however, are categorically false. This is one of the most valued heritage sites in Bahrain, being the first mosque built in Bahrain. Its importance is therefore immeasurable for all members of the Islamic community, regardless of creed or sect.

The conservation project of the Khamis stands out as a significant example of cooperation between the know-how and financial resources of the Government’s Antiquities Department and the local population’s commitment to custodianship.

The remains of the mosque were carefully conserved in accordance with the best international standards set out in the 1964 Venice Charter, 1994 Nara Document, 1999 ICOMOS Charter, and the 2011 UNESCO Recommendations on this subject.

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The millennium-old remains revealed authentic structural elements. For this reason, the conservation works did not foresee a complete reconstruction of the mosque complex, as it would require installation of modern day equipment, thus compromising the cultural heritage value. Access to the mosque will be open to the public. No person wishing to worship will be denied religious use of the complex.

Next to the conserved complex, as an independent structure, a museum is being built, which will also be open to the public. The museum will be curated with the artefacts discovered in the area, all which have been registered and documented during excavation and conservation works. While work on the museum is underway, and to showcase this unique cultural heritage, some of these artefacts are presently on loan with l'Instut du Monde Arabe in Paris.

The letter's comment about the renaming of the Gulf Cooperation Council Roundabout, commonly known as the 'Pearl Roundabout' to 'Al-Farooq Junction' is meaningless. The structure has never been, as the letter states "traditionally inhabited by Shia", as the roundabout was an impediment for infrastructure and traffic flow development before the events of 2011 and was slated for reconstruction. The name Farooq is a common Islamic name, literally meaning "the one who distinguishes between right and wrong.". Historically, it has no sectarian defining element and is ultimately not associated with any sect for most people.

Use of historical narrative to marginalize Shia communities

The letter exclusively relies on unattributed 'allegations', 'reports' or 'observations, the nature and content of which is impossible to verify. The Special Rapporteurs are requested to inform the Government what they mean by statements such as: "it is also alleged that the status and legitimacy of the Baharna in the country has been further challenged in official historical narratives"; "State-sponsored history, featured inter alia in textbooks and promotional material, reportedly marginalizes this past"; and "this can also be observed in the tourism industry, where no Shia historical or heritage sites are promoted to visitors." These statements are inflammatory.

Discrimination in the educational system

The letter alleges that "educational material undermines the cultural and religious identity of Shia Bahraini" – without referencing any particular material. The letter alleges that "official history books ... are based on the Maliki school of jurisprudence" – without referencing any particular history book. The letter alleges that "some educational materials directly denounce Shia followers as infidels" – again without specifying which material this is.

Given the grave nature of these, and other, allegations pervading the letter, the Special Rapporteurs are requested to clarify the verification exercise undertaken to ensure that these assertions were credible and not unsupported hearsay.

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البعثة الدبلوماسية
للبحرين في الامم المتحدة
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Curriculum in Bahrain, in reality, is based on fostering national unity. It does not approach history from a sectarian lens. Bahrain adopts a national identity approach to historical curricula development, without distinction of religion, sect, or creed. In terms of the formal educational system, the Bahraini curriculum covers all the important epochs in the nation's history. They review events and personalities in their political and historical context while avoiding any sectarian identifiers.

The letter's allegation that the Bahraini curriculum is based on the Maliki school of jurisprudence is unfounded. The Islamic-content curriculum is based on generalized Islamic doctrine that includes all the norms of all the dominant traditions. The letter's allegation that Bahrain's public school materials debase or degrade Shia tradition and norms is completely unfounded. The curriculum is geared towards the foundational Islamic norms and traditions accepted and practiced across sects.

The letter's allegation that there is only one Shi'a specific school in Bahrain fails to note that there are in total only two schools based strictly on a sect-based doctrine: one deals with the Sunni tradition while the other deals with the Jaafari tradition. Both are equally supported and free to conduct their education. Their particular approaches, however, are not reflected in the public school system because that system is based on generalized and foundational norms that unify the religion.

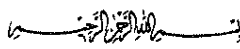
The letter's allegation concerning the Ulama Council is misconceived. The Ulama Council was comprised of hard-line clerics that wish to impose a sectarian agenda on the country's public life. The Court of Appeal in Bahrain upheld a trial court's verdict to dissolve this Council. This judicial decision was taken on the basis that the Council was carrying out political activities under religious cover in contravention on the law on political societies. The notion that the Ulama Council wished to advance a comprehensive and educationally useful agenda is contrary to every known fact.

Discrimination in the media

The letter alleges that the media in state-owned media in Bahrain "mock Shia beliefs and engage in hate speech" while Bahrain Television (**BTV**) "broadcasts faith-based programs, but solely rooted in the Sunni theology, and none in the Shia faith". Despite such grave allegations, not a single program or broadcast is referenced that allegedly contain such content.

The Government does not own any newspaper or print media. It only runs BTV as a public service corporation. A comprehensive search of BTV's archives was undertaken to identify programs containing the type of content that would merit the sweeping allegations made in the letter. None were found.

BTV's Islamic channel is programmed with lectures that cover the common, unifying and foundational norms of Islam common to all major traditions and sects. Between 2013 and 2015, the following were the programs broadcast on this channel: (i) Shafee'a Alommah (*The patron of the nation*), (two parts) produced in 2013; (ii) The



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prophet's house (one lecture), produced in 2008; (iii) The virtues of the Quran in the month of the Quran, (one lecture), produced in 2013; (iv) Mercy landmarks in politics, and ruling, in light of the Prophet's biography, (one lecture), produced in 2014; (v) The importance of Halal earning in the contemporary reality, (one lecture), produced in 2014; (vi) Lectures from the righteousness project, (six lectures), produced in 2014; (vii) The Quran's guide and doors of righteousness, (two lectures), produced in 2014; (viii) The negativities of social media, and means of positive use, (one lecture), produced in 2014; (ix) Facing seditions, (one lecture), produced 2014; (x) Mother's heart, (one lecture), produced 2014; (xi) From my heart to my sister (one lecture), produced 2014; (xii) Sister; wait and think, (one lecture), produced 2014; (xiii) My heart; 24 hours, (one lecture), produced 2014; (xiv) Before hearts deviates, (one lecture), produced 2014; (xv) The impact of education in building a proper thought, (one lecture), produced 2015; (xvi) The impact of worship in the goodness of the community, (one lecture), produced 2015; (xvii) Extremism in the scale of Shari'a, (one lecture), produced 2015; (xviii) Moderation and reject extremism, (one lecture), produced 2015; (xix) The Sahaabi; Ali bin Abi Taleb, (one lecture), produced 2015; (xx) Precious qualities of the prophet, (one lecture), produced 2015; (xxi) The violations in Omrah, (one lecture), produced in 2015 (xxii) Building morals, (one lecture), produced in 2015; and (xxiii) Waqafat (*stations*), (92 episodes), produced between 2013-2015.

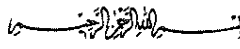
These programs have been reviewed. None support the allegations in the letter.

Drama shows were also reviewed to identify any content supporting the letter's allegations. The following dramas were produced and aired on BTV in this period: (i) *Hawa Al-Bahrain*, National Semi-drama, 5 episodes (Educational/ History/ Exhibition), produced in 2013, Winner of the first golden prize in the 13th session contests, GCC Radio and TV Festival, 2014; (ii) *Brayehna*, heritage series of 30 episodes, produced in 2013, winner of the first golden prize in the 16th session contests, Arab Radio and TV Festival, 2015; (iii) *Haneen Alsahara*, contemporary social drama from 30 episodes, produced in 2014; (iv) *Ah al-Dar*, heritage series of 31 episodes, produced in 2014; (v) *Yaqolon Tahaya (They say; Hello)*, TV movie, produced in 2015; and (vi) *The sleeping tree*, produced in 2015, and winner of the special penal, Cairo cinema festival, 2015.

The Special Rapporteurs are requested to inform the Government which of the above programs they reviewed before deciding to transmit the allegations in the letter.

Discrimination in public employment and in housing policies

The Constitution guarantees equal opportunities for public employment, as does the Civil Services Bureau Law. Both prohibit discrimination in employment. In addition, the Government does not have any records of the sectarian affiliation of its citizens or residents – or its employees. This is a long standing policy. The last census on sectarian basis was undertaken in 1941. Any allegations of sectarian discrimination in public employment are therefore entirely anecdotal and wholly unsupported.



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The Government takes no account of a person's sect in making employment decisions. Non-discrimination is a cherished Constitutional value. What matters is the individual's merit.

Exclusion of Shia Ajam from Bahraini citizenship and economic marginalization

The letter makes sweeping and unsupported allegations of an alleged exclusionary policy directed against the Ajam ethnic group. It quotes an unnamed 2008 study that 2,000 stateless families reside in Bahrain, many from the Shia community. It is unknown what is being referenced here. There are not facts to support those allegations.

In fact, there have been two periods of significantly predominant naturalization of members predominantly of the Shia community. The first was promoted by the British in the 1950s, as they permitted the settlement in Bahrain of large numbers of Shia from other Gulf countries. For reasons well developed by Fuad Khuri (the eminent Lebanese and Christian social anthropologist)¹ the British found that their efforts at centralized administration under the Al Khalifa national banner were popular with the Shias, but resisted by Sunni tribes who had previously ruled their diverse habitats with considerable autonomy.

The second period was 2001-2002, under King Hamad. This was aimed at thousands of Shias of Iranian origin who had been living for decades in Bahrain without acceding to naturalization. Specifically, seven royal orders naturalized 16,204 persons of Iranian nationality (5,537 heads of household). The total number of naturalizations during these two years was 20,056, which means that 81% were of Iranian origin. The royal orders are dated 19 March 2001, 9 April 2001, 21 May 2001, 17 September 2001, 20 November 2001, 27 November 2001, and 26 March 2002.

This historical anomaly thus having been redressed in 2001-2002, the subsequent, smaller cohorts reverted to less dramatic proportions. Looking at the decade 2001-2011, 15,136 heads of households were naturalized, of them 7,252 of Iranian origin – i.e. 40%.

These facts are not indicative of a "policy of exclusion".

Additional information: composition of Bahraini society

The Letter appears to consider that Bahrain is a deeply divided society in which a majority Shia community is oppressed by a Sunni minority. This is deeply misconceived.

¹ Khuri, Fuad, I. Tribe and State in Bahrain: The Transition of Social and Political Authority in an Arab State, 1981.

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In the first place, the fact is that prominent Sunnis have over the years been *opponents* of the government, and prominent Shias have been *members* of it. Inter- marriage has been common; interaction, for most people, constant and peaceful.

Yet even if one accepted the bleak premise of two blocks fighting a battle where the winner takes all, the notion is quite simply false.

As a preliminary point it should be understood that the leaders and Government of Bahrain have over the years eschewed all sectarian reckoning. No census is carried out on confessional criteria, because this would divide as opposed to unite. It would moreover be inaccurate; how should the “household” of a mixed marriage be recorded, and what of its children as individuals? . It seems that this policy, which the Government has always deeply believed to be enlightened rather than manipulative, now produces the perverse effect of ceding the stage to sectarians and their assertion of “majority/minority politics” – repeated as an article of faith.

The division of Bahraini society into two camps is preposterous. There are in fact a number of significant communities, defined by various and potentially overlapping ways – with the result that it is impossible to assign them to monolithic interest blocks.

It is also important to note that there are divisions among the Shia population. They do not comprise a single block and there is no set concept of ‘Bahraini Shia’. The fact that some movements impose a ferocious discipline among people whom they believe belong to them should not be attached to obscure this.

The Government of Bahrain, which stands for tolerance and inclusiveness today, finds itself confronted with strains of religious fundamentalism whose mutual antagonism at the extreme wings is far more violent than their separate opposition to the existing Government. The leaders of these wings tolerate no dissent from within the ranks of what they view as “their” people.