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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandate of the Special Rapporteur on freedom of religion or belief.**

REFERENCE: UA G/SO 214 (56-23)  
BHR 6/2014

17 April 2014

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on freedom of religion or belief pursuant to Human Rights Council resolution 22/20.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning the order by the Ministry of Interior intimated to Mr. **Hussain Mirza Abdelbaqi Najati**, aged 54, on 15 April 2014 that he leaves the country within 48 hours. This order seems to be related to an earlier decision by the Government of the Kingdom of Bahrain to revoke his nationality, a situation that would render him stateless. I respectfully recommend to your Excellency's Government to urgently reconsider these decisions which may deprive Mr. Najati of all his human rights under Bahrain law. Mr. Najati appears to be the subject of these discriminatory decisions because of his influence as the most senior religious leader of the Shi'a Muslim community in the Kingdom of Bahrain.

Mr. Najati is one of 31 individuals, whose Bahraini citizenship was revoked on 7 November 2012 by the decision of the Ministry of Interior, and who were the subject of a communication sent to your Excellency's Government on 29 November 2012 (BHR 12/2012) by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders. I thank your Excellency's Government for the response provided on 8 January 2013.

According to the information received:

On 12 April 2014, Bahraini security officers, dressed in plain clothes, raided Mr. Najati's office and home in his absence and left the message that he had to report to the Head of National Security agency, Major General Tarek Al Hassan on 15 April. On this date, Mr. Najati reported to the security agency and General Al Hassan interrogated and ordered him to leave the Kingdom of Bahrain for Iraq within 48 hours. He also requested Mr. Najati to hand over his Bahraini passport, as his citizenship had been revoked. Reportedly, Mr. Najati was warned that failure to comply would result in his possible arrest together with his young son.

It appears that the decision on Mr. Najati's revocation of Bahraini citizenship and orders to expel him from the country have been made due to his position as a senior and influential religious authority among Shi'a believers, which form the majority of the population. I understand that Mr. Najati has

consistently refrained from engaging into politics, and has maintained his position and activities strictly in the realm of his religion. He is not known to have advocated violence or its use, or to have committed acts that would undermine national security or public order, nor has he been charged or sentenced for committing such acts. I am concerned that targeting the most senior and influential Shi'a religious figure in the Kingdom of Bahrain may amount to intimidating and thus discriminating against the entire Shi'a Muslim community in the country because of its religious beliefs.

I understand that Mr. Najati's lawyer has submitted an urgent petition before relevant judicial authorities to appeal the decision of the Ministry of Interior to revoke his citizenship and to demand the suspension of any executive order to expel him from the territory of the Kingdom of Bahrain until the case is reviewed, and a fair and final judicial decision is made

While I do not wish to prejudge the accuracy of these allegations, I am expressing grave concerns at what appears to be an act of religiously-motivated discrimination which would seem to impose unjustified restrictions on Mr. Hussain Mirza Abdelbaqi Najati's fundamental human rights, including his right to practice and profess peacefully his religious beliefs. International human rights standards relevant to the situation described above are provided in the Appendix to this communication. They include in particular, the International Covenant on Civil and Political Rights which the Kingdom of Bahrain ratified in 2006, the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55); the Convention on the Reduction of Statelessness of 30 August 1961 and Convention relating to the Status of Stateless persons adopted on 28 September 1954.

I would appreciate a response about the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Najati in the Kingdom of Bahrain in compliance with the aforementioned international standards; and more widely for the Government of the Kingdom of Bahrain to guarantee, respect and protect the peaceful exercise of freedom to practice the religion of their choice to the entire Shi'a Muslim population in the country.

Since it is my responsibility under the mandate provided to me by the Human Rights Council to seek to clarify all cases brought to my attention, I would be grateful for your cooperation and observations to clarify the following elements:

1. Are the facts described in the above case accurate?
2. Please provide details, including the legal basis and reasons for conducting police raids on the office and home of **Ayatollah Hussain Mirza Abdelbaqi Najati** and how these measures are compatible with the aforementioned international human rights standards.
3. Please provide information and explain in detail how the decision of the Ministry of Interior to revoke Mr. Najati's citizenship is in compliance with the aforementioned international human rights standards.

4. In the light of the information received that Mr. Najati has never committed any acts relating to violations of national security or public order, or charged or sentenced for committing such acts, as well as in the light of Your Excellency's Government's response to the allegation letter dated 29 November 2012, in which your Excellency's Government refers to its compliance with the exception to the general prohibition to expel stateless persons from its territory permitted under article 31, paragraph 1, of the Convention relating to the Status of Stateless persons, please provide information and explain in detail what actions of Mr. Najati the Bahraini government considers as acts relating to violations of national security or public order.

5. Please provide detailed information on the measures taken to ensure the right to freedom of religion or belief, in particular, the freedom to have or adopt a religion or belief of one's choice and the freedom to manifest one's religion or belief, in line with Bahrain's international human rights obligations.

I undertake to ensure that your Excellency's Government's response will be available in the report I will submit to the Human Rights Council for its consideration.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Najati are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible for the alleged violations should be ensured. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief

## **APPENDIX**

### **Note on the international human rights standards relevant to the allegations of restrictions on the exercise of the right to freedom of religion and belief in the Kingdom of Bahrain as described in this communication**

The following international human rights standards, are legally binding and/or in my view the sources of international customary law, or at least subsidiary means for the determination of rules of law which can be used as guidance by the Government of the Kingdom of Bahrain to ensuring that the rights to freedom of religion or belief is fully protected in the country in accordance with article 18 of the International Covenant on Civil and Political Rights (ICCPR).

Article 18(1) of ICCPR provides that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Paragraph 1 of article 1 of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which provides that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practices and teaching.”

In addition, paragraph 1 of article 2 of the same Declaration provides that “no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.” Article 3 states that “discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.”

Article 6(g) of the 1981 declaration states that “the right to freedom of thought, conscience, religion or belief includes the freedom, “To train, appoint, elect or designate by succession appropriate leaders [...]” General Comment 22 the Human Rights Committee observed that “in addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools [...]” (CCPR/C/21/Rev.1/Add.4, para. 4).

As you Excellency’s Government referred in its response to the communication sent to your Excellency’s Government on 29 November 2012 (BHR 12/2012), to Convention on the Reduction of Statelessness of 30 August 1961 and Convention relating to the Status of Stateless persons adopted on 28 September 1954, I would like to draw the attention of your Excellency’s Government that paragraphs 1 and 4 of article 8 of the Convention on the Reduction of Statelessness of 30 August 1961

provides respectively that “a Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless;” as well as that “a Contracting State shall not exercise a power of deprivation permitted by paragraphs 2 or 3 of this article except in accordance with law, which shall provide for the person concerned the right to a fair hearing by a court or other independent body.” Article 9 of the same Convention states explicitly that “a Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.”

Furthermore, article 3 and 4 of the convention relating to the Status of Stateless persons adopted on 28 September 1954 provide respectively that “the Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin;” as well as that “the Contracting States shall accord to stateless persons within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.”

Paragraph 1 of article 31 of the same convention explicitly states that “the Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order. Its paragraph 2 further states that “the expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority. Paragraph 3 of the same article provides that “the Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.”

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I remain at the disposal of the authorities of the Government of the Kingdom of Bahrain for any further information, advice or guidance to assist them in their effort to ensure that the fundamental rights and freedoms of all persons living in the Kingdom are guaranteed, respected and protected.