

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23)
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27 June 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 14/11, 16/4 and 15/21.

We would like to draw the attention of your Excellency's Government to information we have received regarding police attacks of religious processions held in Bahrain by members of the Shia community on 5 June 2011.

According to information received:

On 5 June 2011, hundreds of individuals belonging to the Shia community were reportedly attacked during religious gatherings in villages and cities across Bahrain, including in **Ma'ameer, Sitra, Karzakan, Buri, A'ali, Dair, Kuwara Hamal, and Duraz**. The religious gatherings took place to commemorate the death of Imam Hadi, and have reportedly taken place in Bahrain for centuries.

During the religious processions, members of the Shia community were reportedly attacked by the police using tear gas, rubber bullets, sound grenades and birdshot in order to break up the marches. Moreover, in the city of Sitra, several residents were injured with one house set on fire. Furthermore, some participants were reportedly detained for their participation in the processions.

The above-mentioned religious procession reportedly took place following the end of the national emergency law, on 4 June 2011. The emergency law reportedly came into effect on 12 April 2011, which included the prohibition of religious processions.

Serious concern has been expressed that this recent attack on those belonging to the Shia community in Bahrain severely restricts their religious freedom, and in particular curtails their right to assemble, worship and practice their religion.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances regarding the attacks on the religious procession.

We would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief of the members of the Shia community in Bahrain in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights as well as of the International Covenant on Civil and Political Rights. According to its article 4, "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." Furthermore, no derogation from article 18 on freedom of thought, conscience and religion may be made under article 4 of the International Covenant on Civil and Political Rights.

We would also like to recall that the General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end "(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; [...] (g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas; [...] (j) To ensure that all public officials and civil servants, including members of law enforcement bodies and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided; [...] (m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief".

Additionally, we would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the

ICCPR, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "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."

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the incidents accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?
3. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to these incidents.
4. Please explain how the temporary prohibition of religious processions pursuant to the emergency law that came into effect on 12 April 2011 is compatible with provisions of the International Covenant on Civil and Political Rights, including its articles 4, 18, 19 and 21.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Ms.Radhi, the assurances of our highest consideration.

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression