

Mandates of the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 34/6 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the discriminatory treatment of the Bahá'í minority in Qatar, which is undermining human rights in the areas of religion and culture.

According to the information received:

Administrative Deportations and Blacklisting

Several individuals and families belonging to the Bahá'í minority have been subject to administrative deportations and blacklisting resulting in loss of employment, income, and the separation of families. Qatar has terminated residence permits and subjected members of the religious minority to ongoing refusals to renew or grant visas.

In most cases the authorities have provided no reasons for their administrative deportation or blacklisting. Where the authorities provided reasons they have not provided any official record and/or have subsequently contradicted them. These individuals have clean records and were initially granted visas or permits because of employment or family in the country. Some have been long-term residents of Qatar.

There is reportedly no other apparent reason why these individuals would be singled out for deportation and blacklisting other than their adherence to the Bahá'í faith.

Rana Altamimi

Ms. Altamimi's spouse is a long-term resident of Qatar. While her residency was initially approved by the Ministry of Labor, the file was blocked by a higher authority with no reasons given. Subsequently, Ms. Altamimi, who is of Canadian and Jordanian nationality, held multiple visitor's visas and extensions, during which she gave birth to her children in Qatar. She was put on a blacklist in the

latter half of 2007 while visiting family in Jordan. Her spouse was told to stop pursuing her case.

Short term visas have since been granted to her two children but denied to Ms. Altamimi. The family was forced to settle in a third country after her spouse was unable to obtain a resident permit in Jordan due to his Iranian nationality.

Faroukh Abdul-Salam Ahmad Hasan Amer

Mr. Amer, of Egyptian nationality, worked for a Qatari company for 6 years until a ban was placed on the renewal of his visa in 2013. Authorities refused to provide any explanation for the ban and in January 2014 his employment was terminated. It is reported that after a co-worker denounced Mr. Amer to the authorities, Mr. Amer was blacklisted based solely on his religious convictions.

Rohit Goel

Mr. Goel, of Indian nationality, was brought to Qatar by a company in 1999 after obtaining all of the necessary permits and approvals. In June 2003, a notice was sent to the company that Mr. Goel's residence permits had been cancelled because of a "summons" that he was never made aware of. As a result, the company expelled Mr. Goel and his family from the home that the company had lodged them in before Mr. Goel could receive the outcome of the written appeal he had submitted to the Emir of Qatar. Mr. Goel and his family left Qatar on 19 July 2003.

Navid Habib Jaber

Mr. Jaber, of Iranian nationality, was raised in a family that settled in Qatar in the 1950s. He runs a family business and has held a valid residence permit his entire life. On 18 December 2015 he was told that his permit had been cancelled and he had been blacklisted upon returning to Doha with his family. His family members, who had residence permits under his sponsorship, were allowed to go to their home, while he was held at the airport and placed on the next departing flight. Mr. Jaber's aged parents were deprived of his support and his family business suffered a great financial loss.

Reportedly, Mr. Jaber's record is clean and no complaint has ever been lodged against him or any of his relatives. No authorities have been willing to discuss or reopen his case.

William Milne Lawson

Mr. Lawson, of British nationality, had lived in Qatar for 35 years with his Qatari-born spouse and children. In March of 2014, his employment with a company was abruptly terminated after the company's application for renewal of his residence

permit was denied and was forced to leave the country. He was told that his departure was being treated as a deportation upon instructions from the security authorities for which no reason or explanation had been given. Appeals were submitted to the Minister of the Interior and the National Human Rights Committee. No responses were received and on 24 May 2015 Mr. Lawson was forced to leave his family behind in Qatar.

Li Chen Phung

Mrs. Phung, of Malaysian nationality, had been employed by a company in Qatar since 2007. On 8 November 2016, two months after her residence permit had been renewed for another year, her employer terminated her employment upon instructions from the Internal Security Department. She appealed to the National Human Rights Committee, which was told by the competent authorities that her deportation had been ordered by the Interior Ministry despite the fact that her record was clean. An appeal by the Qatari Bahá'í community to the Minister of the Interior received no response, and despite Mrs. Phung's clean record, she and her family were forced to leave the country on 7 December 2016.

Baher Seioshansian

Mr. Seioshansian was born and raised in Qatar. After obtaining a diploma in the USA, he returned to Qatar and worked for his brother's company. In March 2005, he was selected for a management position with the American Embassy in Doha. The security clearance required for this position was granted after receiving a certificate from the Qatari police. A couple of months after he assumed his position, Mr. Seioshansian was summoned to the Investigations Office in the Ministry of Interior and informed about the cancellation of his residency permit and that he would have to leave the country. All efforts made by the American Embassy and Mr. Seioshansian to obtain an explanation or reconsideration of the decision were in vain, and he was ordered to leave the country by 7 August 2007.

Farid Shafiei Sarvestani

Mr. Sarvestani was born to an Iranian family who are long term residents of Qatar. After concluding his medical studies abroad in 1998 he returned to Qatar. He was offered a position at a hospital, but was denied the requisite security clearance. The hospital wrote to the security authorities on his behalf to ask that the decision be reconsidered, but was once again denied at which point the hospital was forced to withdraw its offer of employment.

Following three years of efforts to resolve the problem, Mr. Sarvestani decided to join his family's business. Three months after the firm applied for a residence permit on Mr. Sarvestani's behalf, his father received a phone call announcing that Mr. Sarvestani was the subject of an administrative deportation order and would have to leave the country within seven days.

Although appeals were made through the National Human Rights Committee and friends of the family, they were unsuccessful and Mr. Sarvestani was forced to leave the country in July 2005 without given any reason the deportation or the blacklisting. A decade later, he was still blacklisted and denied a short-term visa requested to enable him to attend the funeral of his elder brother.

Peyman Zarei Esfandabadi

In 2007 the Qatari authorities granted Mr. Esfandabadi permission to marry his Qatari-born spouse. After the wedding Mr. Esfandabadi, who is of Iranian and Dominican nationality, had difficulty travelling to the country and as a result he and his spouse were forced to move to Iran. His spouse was only allowed to stay in Iran on a short-term tourist visa. In January 2012 when the couple attempted to travel to Qatar, he learned that the Qatari authorities had placed him on a blacklist and systematically refused all of his visa applications, for which he never received a reason or explanation.

Between 2012 and 2016, attempts were made by relatives to intervene on his behalf with various authorities to no avail. Mr. Esfandabadi and his spouse are currently residing in a third country.

Ahmad Foad Gulestanah

Mr. Gulestanah of Tunisian nationality, had been living in Qatar from 2001-2006 before he was deported and blacklisted, without being provided any reason or explanation for the decision.

Mansour Allahkaram Johari

Mr Johari of Iranian nationality, was born in Qatar in 1968. In early January 2016, he was suddenly informed by the authorities that he had to leave the country within two weeks. He left the country on 23 January 2016 seeking refugee status elsewhere as he is unable to return to Iran.

Saeed Hussain Rahimi

Mr. Rahimi of Canadian nationality, was born in Qatar in 1966. He has been blacklisted and refused entry to the country since 2010 for no given reason.

Olfat Akhlaghi

Mrs. Akhlaghi is an Iranian national, born and raised in Qatar. On 31 December 2017, Mrs. Akhlaghi and her family were asked to leave Qatar and have since been blacklisted for no given reason.

The family submitted a petition to the National Human Rights Committee on 30 May and 30 September 2018, to no avail.

Cemeteries

The Bahá'í minority has faced restrictions and administrative delays in their attempts to re-establish an existing Bahá'í cemetery on new land granted by the Doha Municipality.

A Bahá'í cemetery was initially granted by the authorities but has been relocated several times. In 1974, the Bahá'í cemetery, which has been used since 1953, fell within plans for road construction and the remains had to be transferred to a new cemetery in a residential area in Al Thumama.

In 2009, authorities reportedly broke into the cemetery to bulldoze and dig up graves upon instructions from the Doha municipality. As a result remains were dug up and moved to other plots and then returned after the destruction was ordered to stop by the Emir. The identity of some of these remains is now unknown. The Bahá'ís received an apology from the Minister of Municipality who reassured them that they could continue to use this cemetery until a new land is allocated.

In 2010 the municipality identified a new location for the cemetery within the Al Rayyan Municipality boundaries and allocated a budget for its construction. However construction was halted before it could begin as the municipality reevaluated its allocation of land. In 2015 another plot of land, in Wadi Aba Sallil in Wakrah Municipality was identified. Despite regular follow-up with the relevant authorities the Bahá'í community is still awaiting approval for construction.

Personal Legal Status

The Bahá'í minority in Qatar have consistently faced problems navigating personal status laws in relation to marriage, divorce, and inheritance. The National Spiritual Assembly of the Bahá'ís in Qatar oversees the implementation of Bahá'í custom and law in these areas. For Qatari authorities to recognize Bahá'í documents issued in Qatar members of the Bahá'í faith must travel abroad to attest to the documents or to obtain new legal documents. This procedure is expensive and can result in delays and further legal complications.

In rare circumstances officials at the Ministry of Justice have accepted and authenticated marriage certificates issued by Bahá'í institutions in Qatar. Reportedly, an attempt has been made to have officials at the Ministry of Justice accept and authenticate Bahá'í documents as regular procedure, however no decision has been made by the Minister of Justice on this matter to date.

While we do not wish to prejudge the accuracy of these allegations, we are concerned about the disparate treatment of the Bahá'í minority and what appears to be a disturbing pattern of discrimination against individuals based on their religion or belief. We are especially concerned about the deportation and blacklisting of individuals based on their adherence to a minority religion. We are equally concerned about the obstacles the Bahá'ís appear to encounter in obtaining the legal status in order to function in relation to marriage, divorce, and inheritance as well as with regard to acquiring and maintaining burial grounds. This has had a serious impact on the enjoyment of their freedom of religion or belief, and the exercise of their cultural practices linked with the care of cemeteries and their right to enjoy and access the cultural heritage and places of memory of their families.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal grounds for the deportation and blacklisting of Bahá'ís and how these measures are compatible with international human rights standards;
3. Please provide information as to what steps are being taken to rectify the destruction of and to relocate the Bahá'í cemetery in Doha;
4. Please provide information as to what steps are being taken to accommodate Bahá'ís that seek to have their personal status documents issued by the National Spiritual Assembly of the Bahá'ís authenticated within the Qatari legal framework.
5. Please indicate what measures have been taken to ensure that persons belonging to religious minorities, including Bahá'í followers, can freely and without discrimination exercise their right to freedom of religion or belief.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Fernand de Varennes
Special Rapporteur on minority issues

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to appeal to your Excellency's Government to take all necessary measures to respect and ensure the right not to be subject to discrimination on the basis of religion by any State, institution, group of persons, or person as outlined in the International Covenant on Civil and Political Rights (ICCPR), acceded to by Qatar on 21 May 2018, and article 2 of the United Nations 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55).

In this regard, we would like to stress that article 18 of the ICCPR guarantees the right to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice and not to be subject to coercion. This includes the freedom to either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. This freedom is subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. According to the General comment No. 22 of the Human Rights Committee, para 4, the concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts.

We would also like to draw attention to Commission on Human Rights resolution 2001/42, entitled "Elimination of all forms of religious intolerance", in which the Commission urges States to exert utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction.

In her report dedicated to the right of access to and enjoyment of cultural heritage, the Special Rapporteur in the field of cultural rights recommended that States should recognize and value the diversity in cultural heritages present in their territories. They have the duty "not to destroy, damage or alter cultural heritage", and to seek the free, prior and informed consent of concerned groups in all decisions concerning their heritage. Furthermore, States have the duty to "take measure to preserve/safeguard cultural heritage from destruction by third parties" (A/HRC/17/38, in particular paras. 78 and 80 a and b). This obligation was reiterated by the UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage (2003), stressing the responsibility of State not to intentionally destroy heritage of their country. States should make available effective remedies, including judicial remedies, to concerned individuals and communities who feel that their cultural heritage is either not fully respected and protected, or that their right of access to and enjoyment of cultural heritage is being infringed upon (A/HRC/17/38, recommendation 1).

Recognizing that those individuals affected are members of religious minorities in Qatar, we would like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to

religious minorities, in particular to article 27 of the ICCPR, that guarantees minorities, inter alia, the right to enjoy their own culture, to profess and practice their own religion. Further, Article 1.1 of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic calls on States to protect the existence of religious minorities within their territories and to encourage conditions for the promotion of that identity. We would also like to bring to your Excellency's attention the recommendation number 34 of the Forum on Minority Issues (2013), which states that "measures should be put in place to protect and maintain the cultural heritage of religious minorities-including buildings, monuments, burial grounds and other sites of religious importance [...]". Article 2 provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them, whereas article 4 establishes that States shall take measures to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.