

Mandates of the 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 the rights 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

REFERENCE:
UA BHR 5/2016

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; 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 the situation of human rights defenders; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18 and 22/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have 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 peaceful 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 Ayatollah Sheikh Isa Qassim and other Shias, discriminatory treatment of Dr. Abduljalil Al-Singace in prison and the travel ban imposed on Sheikh Maytham Al-Salman.**

According to the information received:

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 allegedly submitted a request to the Administrative Court ordering for the dissolution of Al-Wefaq National Islamic Society. Al-Wefaq 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-Wefaq website and froze all its assets.

The hearing was originally set for 6 October 2016 but was 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 date, no response has been received.

Shutting down of faith based organizations

On 14 June 2016, two non-profit religious (Shia) organizations: Al-Risala Islamic Society and Islamic Enlightenment Society (Al-Taweya) were shut down by the Bahraini Ministry of Social Development. The authorities suspended all activities, liquidated their assets and confiscated items from their headquarters. They also blocked access to the website of Al-Taweya.

On the same day, Bahraini authorities arrested and interrogated **Mahmood Al-Arab**, the head of Al-Risala as well as **Sheikh Baqer Al-Hawaj**, the head of Al-Taweya. Sheikh Baqer was charged with "spreading hatred of the regime". On 15 June 2016, the public prosecution issued a statement declaring that it had completed its investigation of the illegal fund-raising and money-laundering by Al-Risala and Al-Taweya.

Restriction on the practice of Khums

The 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 Khums to vulnerable members of their community, such as orphans, and other community projects for the purpose of promoting solidarity and eliminating poverty.

Harassment of Shia clerics, restrictions on Friday Prayers and peaceful assembly

Since 23 June 2016, there has been a wave of arrests, interrogations and charges laid against numerous Shia religious clerics and singers, including on the grounds of "illegal assembly", "inciting hatred against the regime" or "offending the Constitution" in Friday prayers speeches or "money laundering". The affected individuals include **Sheikh Mahmood Al-Aali, Sheikh Fadhel Al-Zaki, Sheikh Muneer Al-Matooq, Sheikh Ebrahim Al-Safa, Sheikh Ali Rahma, Sheikh Jasim Al-Motawa, Sheikh Jasim Al-Khayat, Sheikh Hamza Al-Dairi, Sheikh Hashim Al-Bahrani, Sheikh Hussain Al-Mahroos, Sheikh Al-Malki, Sheikh Ebrahim Al-Ansari, Sheikh Abdulmohsen Mulla Atiya, Sayed Yaseen Al-Mosawi, Abduljabar Al-Durazi, Mahdi Sahwan and Mohamed Hussain.**

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 authorities claimed that he was not authorised to deliver the sermon and charged him with “inciting hatred against the Government and insulting the Ministry of Interior”. On 19 May 2016 he pleaded not-guilty to the charges but on 24 May 2016 a Bahraini court convicted him and sentenced him to one year imprisonment. The defence team appealed against the ruling but the decision was upheld by an appellate court on 31 July 2016,

On 14 June 2016, The Ministry of Justice prohibited **Sheikh Mohamed Al-Sanqoor**, 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 involvement 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 of hatred of the constitutional system”.

On 19 July 2016, more than 13 Shia individuals were summoned for interrogation at the Budaiya police station in connection with alleged participation in a protest following the Friday prayers. At least 9 individuals remain in detention pending investigation, and all whom were charged with “illegal assembly”. On 22 July, another 50 individuals were reportedly arrested following the Friday prayers in Duraz, out of which 8 of them were relatives of Sheikh Isa Qassim.

On 27 July 2016 the authorities remanded **Sheikh Saeed Al-Asfoor** to 15 days in detention while on 31 July 2016, **Sheikh Sayyed Majeed Al-Mashaal’s** home was raided and he was arrested and remanded in detention for 15 days. He was charged with “committing illegal acts and participating in illegal assembly”.

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-Wefaq 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 adopted 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 and 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.

Since the blockade, some Bahrainis who 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 services 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 fixed-line Internet connections provided by Batelco slowed down significantly between 7 p.m. and 1 a.m., rendering the Internet effectively unusable for 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 years. 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.

Discriminatory treatment of Dr. Abduljalil al-Singace in prison

Dr. Abduljalil Al-Singace was a subject of previous communications (BHR 5/2010, BHR 7/2010, BHR 4/2011 and BHR 18/2011). In early May 2016, a new administrator took up his functions in the prison cell block where Dr. Abduljalil Al-Singace is currently being held. New guards went into Abduljalil's cell and demanded him to hand over a Shia religious book called Matifih al-Jinan. They told Abduljalil that he must remove certain passages from the book as the new administrator considers these passages to be heretical. Abduljalil refused to tear those pages as it would compromise the integrity of a religious text but he could compromise by not reading those sections.

As a result, the guards confiscated all the religious and academic books in Abduljalil's cell. Furthermore, they confined him to his cell without allowing him to walk around or outside for a week. They humiliated him in different ways: laughing at him during his prayers, making fun of the way that he uses his crutches and the way that he relieves himself in the restroom. They have also refused to bring him to his medical appointments and failed to provide him with proper medication for his injuries or rubber pads for his crutches, without which he has fallen many times. Reportedly, such discriminatory and humiliating treatment has been specifically targeted at him in the prison.

Travel ban imposed on Sheikh Maytham Al-Salman

Sheikh Maytham Al-Salman, who actively promotes tolerant societies in the Middle East and speaks out against incitement to violence and discrimination, was subject of our previous communication BHR 5/2015. A travel ban which was imposed on him on 31 July 2015 was lifted after 4 September 2015 and the charges against him were also dropped. He requested a new passport on 7 January 2016 and was due to receive it by 19 January 2016 but was later informed not to follow up without any given official reason. Effectively left without a passport, he has therefore been subject to a de facto travel ban since January to the present.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned by the systematic persecution and repression of the Shia population, religious leaders, peaceful dissidents, including human rights defenders, in Bahrain based on their religion or belief. Concerns are expressed at the harassment of the religious clerics through arbitrary arrests, detention and interrogation; violation of freedom of expression, including by criminalizing legitimate speech and undue restriction to access to the Internet. Additional concern is expressed at the restrictions of movement and freedom of

assembly and association of the Shias, including for Friday prayers. Further concern is expressed at the unfair processes of denaturalization of many dissidents and religious clerics that lead to statelessness and arbitrary deportation. We are also concerned at the discriminatory treatment and the lack of medical attention to Dr. Abduljalil Al-Singace.

We wish to recall articles 18, 19 and 20 of the Universal Declaration of Human Rights (UDHR) and articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) ratified by the Kingdom of Bahrain on 20 September 2006 that stress the rights to freedom of religion or belief, freedom of opinion and expression and freedom of association and peaceful assembly. In relation to the allegations of arbitrary arrests and detention of Shia religious clerics, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the UDHR, and articles 9 and 14 of the ICCPR.

We deem it appropriate in this regard to make reference to Human Rights Council Resolution 12/16 which refers to the right to freedom of thought, conscience or religion as an intrinsically linked right to freedom of opinion and expression, and in this context, calls on States to take all necessary measures to put an end to violations of these rights and to create conditions to prevent their recurrence. We equally reiterate the principle in the same resolution calling on States to refrain from imposing restrictions which are not consistent with article 19(3) of the ICCPR, including on discussion of government policies and political debate, peaceful demonstrations or political activities, and expression of opinion and dissent, religion or belief.

We also wish to refer your Excellency's Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 13.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

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 be grateful for your observations on the following matters

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide detailed information concerning the legal grounds for the removal of citizenship of Sheikh Isa Qassim.

3. Please provide detailed information concerning the legal grounds for arrests, detention and criminal charges brought against numerous Shia religious clerics and singers referred to above, indicating how these measures are compatible with international human rights norms and standards.
4. Please provide detailed information concerning the legal grounds for the set-up of blockade around the village of Duraz, indicating how these measures are compatible with international human rights norms and standards.
5. Please provide detailed information concerning the legal grounds for the full-body and car searches, seizure of personal items and arrest upon entry into the village, indicating how these measures are compatible with international human rights norms and standards.
6. Please provide detailed information concerning the legal grounds for imposing a travel ban on Sheikh Maytham Al-Salman, indicating how these measures are compatible with international human rights norms and standards.
7. Please provide detailed information concerning the legal grounds for blocking access of the village of Duraz to the Internet, indicating how these measures are compatible with international human rights norms and standards, in particular with article 19 of the ICCPR.
8. Please indicate what measures have been taken to ensure that individuals with dissenting political or religious views are able to exercise their rights to freedom of thought, conscience religion or belief and opinion and expression, without discrimination or fear of harassment and criminalization, in compliance with international norms and standards as stated.

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 responsible of the alleged violations.

We would like to inform you that after having transmitted an urgent appeal, the Working Group may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudice any opinion the Working Group may render. Your Excellency's Government is required to respond separately for the urgent appeal procedure and the regular procedure of the Working Group.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

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