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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Kham Rehabilitation Center for Victims of Torture, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Friday Prayer Ritual is Repressed in Bahrain and Shiite Clerics are Religiously Persecuted by the Judiciary

The Bahraini authorities have not fully implemented the recommendations of the report of the Bahraini Independent Commission of Inquiry (BICI) to tackle the grave human rights violations and largely improve the situation of religious freedoms, which was discussed in several human rights reports issued by international organizations and bodies.

Alongside the recent deterioration of the human rights situation in Bahrain, we have watched (until the moment of writing this report) the security authorities ban the Shiite Muslims from performing their religious ritual of Friday Prayer 8 times in Imam Al-Sadiq Mosque in Diraz (the biggest weekly religious gathering) following the revocation of the citizenship of Ayatollah Sheikh Isa Qassim in 2016 and the siege of Diraz. There were 2 bans in 2011 and 2012. In addition, Ali Abbass Radhi was killed in 2012 during the siege of Diraz after the security forces chased him while he was going to pray. In 2011, more than 530 violations of religious freedoms were recorded.

The Shiite cleric Sheikh Mohammed Sanqoor, the Imam of the biggest Friday Prayer in Bahrain, said that he was held in custody on July 17, 2016. “The next day, I was interrogated by the Public Prosecution over charges of inciting hatred against the government and delivering sermons without a license, then I was released on probation”, he added.

“On February 24, 2016, I was summoned for interrogation in Al-Budaiya Police Station without knowing the reasons of the summoning or having them clarified after being present. On July 17, I was banned from delivering sermons by a decision issued by Bahrain’s Minister of Justice and Islamic Affairs, and on July 22, 2016, the alternative Imam of Friday Prayer was banned from performing the prayer after he was banned, along with the citizens who do not reside in the region, from entering Diraz”, Sanqoor explained.

Before his arbitrary arrest and the announce of his prosecution for 2 cases, the Shiite cleric Sayed Majeed Meshal – the head of the Islamic Scholars Council which the authorities dissolved in 2014 – explained that the security authorities had banned the alternative Imam of the prayer from entering Diraz and reaching the mosque, although he told the security forces at the checkpoint that he is the alternative Imam and argued with them for around half an hour to allow him to enter, but they insisted on his return. They also repelled and prevented many worshippers from reaching the mosque, which resulted in the failure to perform the Friday Prayer. Finally, the worshippers prayed individually and dispersed.

“I tried to enter Diraz from all the entrances and was prevented from doing that, even while walking on foot. I’ve seen a person getting arrested in front of Diraz Roundabout for trying to enter. One of the citizens, who was returning from a checkpoint that I was trying to enter through, said that preventing him from performing the prayer was easier than the degrading treatment and the humiliation he was subjected to at the checkpoint”, the Bahraini citizen Ali Kadhém said.

Before his arrest, the Shiite cleric Sheikh Fadhel Al-Zaki – a leader in the Islamic Scholars Council which the authorities dissolved in 2014 – said that at noon on Friday, July 22, 2016, he had announced the following statement at Imam Al-Sadiq Mosque: after preventing Sheikh Mohammed Sanqoor, the imam of the biggest Friday Prayer of Shiite Muslims in Imam Al-Sadiq Mosque, from performing the Friday Prayer, the alternative Friday Imam from entering Diraz to perform the prayer, and the worshippers from reaching the mosque, we announce that we are not going to hold the prayer in this holy mosque this week.

Moreover, in previous periods the security forces had prevented the Shiite citizens from performing the congregational prayers (collective ritual to perform the usual prayer) either by besieging or by detaining them in some of the mosques that the Bahraini authorities had illegally demolished to promote sectarian persecution; as what happened to Al-Barbaghy Mosque or Abu Dharr Al-Ghifari Mosque, which was transformed by the security authorities into a public park.

Regarding the demolished mosques, the Bahraini government reconstructed only 12 mosques, in a violation of the law, while the Shiite community built 8 mosques. However, the Bahraini authorities built 4 mosques not on their original locations, and until the moment of writing this report, 14 mosques are still under construction.

These security measures of depriving the Shiites of performing Friday Prayer violate Article 18 of the Universal Declaration of Human Rights, Articles 1 and 4 of the International Covenant on Civil and Political Rights, Articles 1, 2, and 6 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and Article 311 of the Bahraini Penal code.

It is noteworthy that a group of United Nations human rights independent experts¹ said in a statement that “the intensified wave of arrests, detentions, summons, interrogations and criminal charges brought against numerous Shia religious clerics and singers, human rights defenders and peaceful dissidents is having a chilling effect on fundamental human rights”. “Shias are clearly being targeted on the basis of their religion.”

The summonses submitted to Shiite clerics have recently reached 88 summonses, and the trials of 12 clerics continued. These clerics include Ayatollah Sheikh Isa Qassim, the leader of the Shiite community in Bahrain, Sayed Majeed Al-Meshal, and Sheikh Isa Al-Mo'men, member of the Islamic Scholars Council. Meanwhile, Shiite cleric Sheikh Ali Al-Humaidan was sentenced to a year in prison over practicing the right to peaceful assembly.

Among the prominent clerics who were summoned, tried, or arrested: Sheikh Baqer Al-Hawach, President of the Islamic Enlightenment Society – the biggest cultural Shiite society, Sheikh Hamza Al-Dairy, former MP of Al-Wefaq bloc, Sayed Mohammed Ghoraifi, a leader in Al-Wefaq Society, Sheikh Moneer Al-Maatouq, a member of the Islamic Scholars Council, Sheikh Imad Al-Sho'la, Sheikh Jassim Al-Mtawa', Sheikh Saeed Al-Madeh, Sheikh Maytham Al-Salman, the head of the religious freedom unit at Bahrain Human Rights Observatory, Sheikh Mohammed Jawad Al-Shihabi, director of Imam Baqer Seminary, and Sayed Yassine Al-Musawi.

Bahrain's Public Prosecution announced the trial of Ayatollah Sheikh Isa Qassim over charges of raising funds without a license and laundering money through carrying out transactions to legitimize it. However, the security authorities attempt to prosecute the Shiite clerics over receiving the Khums funds is against the national law, according to the interpretation of one of Bahrain's senior lawyers, Abdullah Al-Shamlawi². He says that receiving Khums is “a usage of a right stated by the Constitution, and a right stated by an existing custom – at least – which gained the power of the constitution after both the Charter and the Constitution referred to it as a governing reference, which prevents the possibility of addressing them with the provisions of this Decree-Law and considering them convicted of committing the crimes identified in it for not respecting its provisions. Criminalizing this practice is a violation of the provisions of the Charter and the Constitution which considered the prevailing habits and the applicable customs regarding practicing the religious rituals as a constitutional rule”.

It is noteworthy that the U.S. Department of State International Religious Freedom Report stated that: “the government permitted minority religious groups to produce religious media and publications and distribute them in bookstores and churches. [...] The government-run television station did not broadcast Friday sermons from Shia mosques, while broadcasts from Sunni mosques appeared regularly on the channel.”³.

Recommendations:

1. Press on the Bahraini authorities to allow the UN Special Rapporteur on freedom of religion or belief to visit Bahrain in order to inspect the Bahraini authorities' violations against the Shiite Muslims.
2. The Special Rapporteur on freedom of religion or belief submits a new request to visit Bahrain.
3. The international community and the human rights organizations practice pressing roles on the Bahraini authorities by addressing them to stop the violations related to the confiscation and restriction the freedom of belief and the freedom of expression and peaceful assembly against the Shiite Muslims.
4. The international community urges the Bahraini authorities to engage in a serious national dialogue with all the relevant political and social parties.
5. The Bahraini authorities lift all the restrictions on movement including the travel ban imposed on the Shiite religious leaders and human rights defenders.
6. The Bahraini authorities put an end to the arbitrary arrests and the malicious summonses of individuals because they belong to the Shiite community, and release all those detained over exercising their constitutional rights.
7. Abolish the decision to revoke the citizenship of the leader of the Shiite community, Ayatollah Sheikh Isa Qassim, and all the other citizens who the Bahraini authorities violated their right to citizenship and stripped them of their nationalities, in a violation of the national and international law; and stop using the Bahraini Nationality Law to revenge the dissidents.

¹ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20375&LangID=E#sthash.lkDDG69W.dpuf>

² <http://www.alwasatnews.com/news/1149967.html>

³ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

Bahrain Forum for Human Rights (BFHR), an NGO without consultative status, also shares the views expressed in this statement.
