

High Representative Ms. Federica Mogherini, European External Action Service,
Stavros Lambrinidis, Special Representative for Human Rights,
Jan Figel, Special Envoy for the Promotion of Freedom of Religion or Belief outside the European Union,
European External Action Service,
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4 May 2017

Your Excellencies,

We, the undersigned, write to you in advance of the 7 May 2017 trial of Sheikh Isa Ahmed Qassim, Sheikh Hussain Al-Mahroos and Mirza Al-Obaidli in Bahrain. We urgently request that you publicly call on the Government of Bahrain to drop the politically-motivated charges against these three men, and to call for Royal Decree 55/2016, which stripped Sheikh Qassim of his citizenship and rendered him stateless to be dropped ahead of his trial *in absentia*.

Five UN Special Rapporteurs last year expressed concern over the systematic persecution¹ and repression of Bahrain's Shia. Sheikh Qassim's prosecution deepens that persecution. The stripping of Sheikh Qassim's citizenship and his prosecution appear to be reprisals against his expression as a prominent Bahraini figure. Sheikh Qassim, the most senior Shia cleric in Bahrain, holds the rank of Ayatollah. He preaches in Duraz at the Imam Sadiq mosque, the largest Shia mosque in the country, and is seen by the majority of the Shia population as their spiritual leader. Sheikh Qassim was one of twenty-two elected members of the Constitutional Assembly, which in 1972 met, debated and wrote Bahrain's first constitution. He was a Member of Parliament in the 1973 National Assembly, and following its dissolution in 1975 he directed his energies to his duties as a religious cleric.

The revocation of his citizenship in June 2016 and his continued prosecution *in absentia*, alongside Sheikh Hussain Al-Mahroos and Mirza Al-Obaidli, constitute violations of their rights to nationality and a fair trial. Moreover, the charges and method of prosecution appear to represent infringements of their right to freedom of religion and freedom of expression.

Sheikh Qassim was rendered stateless by order of the Minister of Interior on 20 June. This was formalised soon after by Royal Decree 55/2016. Since that date, Sheikh Qassim's hometown of Duraz has been under constant police blockade, and a sit-in outside his house has continued from that date to the present.

Sheikh Qassim was charged with money laundering, in reference to his role in the collection and redistribution of *khums*, an obligatory religious donation for Shia Muslims which is spent for religious and charitable purposes. Sheikh Qassim never received a summons, and his office was searched without warrant. The Public Prosecution states that, "He directed them [his followers] to break the law and to turn against their country and its fortunes," and describes him as, "one who allowed himself to follow the law of the jungle." The Prosecution belittle Shia who look to Sheikh Qassim for guidance, stating, "They never asked whether he was an honest man or just an imposter. Their tongues were

¹ UA BHR 5/2016, 10 August 2016,
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=3306>.

knotted so they didn't ask, their eyes were hypnotized so they didn't see, and they lacked wisdom so they didn't think." Such language from the state's prosecution encourages religious intolerance.

His prosecution is alarming not just as a violation of his rights to a fair trial and citizenship, but also for its impact on Bahraini religious freedoms. The United States Commission on International Religious Freedoms' (USCIRF) latest annual report categorises Bahrain as a Tier 2 country, which is defined as one "in which the violations engaged in or tolerated by the government are serious and characterized by at least one of the elements of the 'systematic, ongoing, and egregious' CPC [Countries of Particular Concern] standard." USCIRF found a deterioration in the religious freedoms of Bahrain's Shia, and highlights Sheikh Qassim's nationality revocation and prosecution as a key, negative development.²

The violation of Sheikh Qassim's rights has led to further grave violations: On 26 January 2017, masked, plainclothes officers shot live ammunition against the peaceful sit-in outside his home in Duraz, fatally wounding 18-year-old Mustafa Hamdan, who died in March. No government entity has acknowledged responsibility for this attack nor have any independent and impartial investigations occurred to date.³

Additionally, authorities have barred any Friday prayers from being held at the Imam Sadiq mosque, where Sheikh Qassim normally preaches, since June 2016. Over 80 Shia clerics have been subject to harassment in the past year. At least nine clerics have been sentenced to prison for "illegal gathering" and expression-related offences.

The rendering stateless of Sheikh Isa Qassim violates his right to nationality, as enshrined in Article 15 of the Universal Declaration of Human Rights (UDHR). His trial *in absentia* constitutes a violation of his right to a fair trial, enshrined in Article 11 of the UDHR and Article 14 of the International Covenant on Civil and Political Rights (ICCPR). Further, his prosecution appears to threaten the right to freedom of religion, enshrined in Article 18 of the UDHR and ICCPR, of both Sheikh Qassim and his followers, as it disrupts their normal religious life without cause, as well as the right to freedom of expression under Article 19 of the UDHR and ICCPR.

We urgently request ahead of the 7 May trial that you to call on Bahrain to drop the charges against Sheikh Isa Qassim, Sheikh Hussain Al-Mahroos and Mirza Al-Obaidli, and to reverse Royal Decree 55/2016 which rendered Sheikh Isa Qassim stateless.

Yours Sincerely,

Bahrain Institute for Rights and Democracy
Bahrain Interfaith
European Centre for Democracy and Human Rights
ARTICLE 19
Bahrain Center for Human Rights
Americans for Democracy & Human Rights in Bahrain

² United States Commission on International Religious Freedom, 2017 Annual Report, <http://www.uscirtf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>.

³ Bahrain Institute for Rights and Democracy, *18-year-old Mustafa Hamdan Dies After Security Forces Shooting*, 24 March 2017, <http://birdbh.org/2017/03/18-year-old-mustafa-hamdan-dies-after-security-forces-shooting/>.