

URGENT ACTION

HARASSMENT OF BAHRAINIS RENDERED STATELESS

Ten Bahrainis, whose nationality was arbitrarily revoked in 2012, are at risk of harassment and intimidation while awaiting the appeal against a court order to deport them.

On 28 October a lower court in the capital, Manama, ordered the deportation of 10 of 31 people whose Bahraini nationality was arbitrarily revoked on 7 November 2012 and fined them 100 Bahraini dinars (approximately US\$ 250). The 10 live in Bahrain and the rest of the 31 abroad. They include two former members of parliament, as well as activists and clerics.

The nine men and one woman only have Bahraini nationality and have therefore been rendered stateless. The day after the verdict their lawyers lodged an appeal and their case was transferred to an appeal court and a hearing scheduled for 14 April 2015. Their deportation order has been halted until the court issues its verdict. Early in the morning on 29 October one of the 10 individuals, **Isma'il Khalil Darwish Ghulom**, a fisherman, was arrested at a check point in al-Dair, northern Bahrain, and taken to the Samahij police station as he did not have identification documents. He was later released.

All 10 Bahrainis were ordered to hand in their passports and identification documents in June 2013 by the Immigration Office and were forced to sign statements confirming they had (as foreigners) to "correct" their legal status and look for a sponsor or work permit. They were also ordered to attend appointments at the Immigration Office when requested. On 10 August 2014 the Public Prosecution charged them with "being a foreigner in the country, breaking the Immigration and Residency Law (Foreigners Law)". Those Amnesty International has spoken to claim that during their first hearing in court they told the judge they could not apply for residency as their identification documents had been confiscated. They also stated that they were Bahrainis and so laws applying to foreigners should not apply in their case. One of the men, **Sheikh Hussein al-Najati**, was expelled from the country on 23 April 2014.

Please write immediately in English, Arabic or your own language:

- Urging Bahrain's authorities to stop the harassment and intimidation of the 10 individuals part of the group of 31 who had their nationality revoked in 2012 and who are still in Bahrain and to refrain from further expulsion of Bahraini nationals;
- Urging them to rescind the decision to revoke the nationality of all 31 Bahrainis;
- Urging them to allow Shaikh Hussain al-Najati and all others in the group living abroad to return to Bahrain.

PLEASE SEND APPEALS BEF 11 DECEMBER 2014 TO:

King

Shaikh Hamad bin 'Issa Al Khalifa
Office of His Majesty the King
P.O. Box 555
Rifa'a Palace, al-Manama, Bahrain
Fax: +973 1766 4587 (keep trying)
Salutation: Your Majesty

Minister of Interior

Shaikh Rashid bin 'Abdullah Al Khalifa
Ministry of Interior, P.O. Box 13,
al-Manama, Bahrain
Fax: +973 1723 2661
Twitter: @moi_Bahrain
Salutation: Your Excellency

And copies to:

Minister of Justice and Islamic Affairs
Shaikh Khalid bin Ali bin Abdullah Al
Khalifa, Ministry of Justice and Islamic
Affairs, P.O. Box 450, al-Manama,
Bahrain, Fax: +973 1753 1284
Email: minister@justice.gov.bh
Twitter: @Khaled_Bin_Ali

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 99/14. Further information:

www.amnesty.org/en/library/info/MDE11/014/2014/en

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ADDITIONAL INFORMATION

The Ministry of Interior announced on 7 November 2012 that it had ordered the revocation of the nationality of 31 Bahraini citizens. Of those, 10 live in Bahrain and the rest live abroad, including Sheikh Hussein al-Najati who was expelled to Lebanon on 23 April 2014. The 31 people never received an official notification about this decision, learned about it from the media on the day it was announced, and have had no opportunity to challenge the decision in court.

The 31 include activists living abroad; a lawyer; a number of people active in politics within Bahrain; people active in Shi'a Husseiniyas, a gathering place for Shia' religious ceremonies; a number of Shi'a clerics; and others with no political or religious affiliations. Some in the group are of Persian origin, although they were born in Bahrain. Others are activists, vocal in denouncing the government. The 10 Bahrainis who are still in the country and who have had trial proceedings against them do not have another nationality, and only some of those living abroad have another nationality.

Under the Bahrain Citizenship Law and its amendments, Article 10 stipulates that nationality can be revoked (Paragraph A) if a person engages in the military service of a foreign country; (Paragraph B) if he helps or engages in the service of an enemy country; or (Paragraph C) if he causes harm to state security. On 24 July, a new decree (21 of 2014) was issued amending this Citizenship Law, expanding Article 10 (Paragraph C) which was used to revoke the nationality of the 31 to also include "anyone whose acts contravene his duty of loyalty to the Kingdom". The new amendments also empower the Minister of Interior to revoke the nationality of any Bahraini citizen who takes up another nationality (except that of a GCC country) without prior permission from the Ministry. Also, in July 2013, amendments were made to the 2006 anti-terrorism law giving courts powers to hand down rulings stripping defendants of their nationality when they are convicted with vaguely-worded terrorism offences.

The decision to revoke the nationality of the 31 individuals was arbitrary, and the Ministry's announcement effectively means that those members of the group who only held Bahraini nationality are now stateless.

Article 15 of the Universal Declaration of Human Rights (UDHR) states that everyone has the right to a nationality (Paragraph 1). Paragraph 2 further specifies that no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. The requirement of due process and non-arbitrariness is also enshrined in the Bahraini Constitution, of which Article 17 (a) states that the "Bahraini nationality shall be determined by law. A person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in case of treason and such other cases as prescribed by law".

With respect to those of the 31 who are living outside Bahrain, Article 12(4) of the ICCPR states, "No one shall be arbitrarily deprived of the right to enter his own country".

Revocation of nationality resulting in statelessness would not be compatible with the right to nationality articulated in Article 15(1) of the UDHR. Article 7(6) of the 1961 Convention on the reduction of statelessness also prohibits, with very few specific exceptions, any loss of nationality which results in statelessness. Subsequently, the obligation to avoid statelessness has been recognised as a norm of customary international law. Discriminatory revocation of nationality is specifically prohibited by Article 5 D (iii) of the International Convention on the Elimination of all Forms of Racial Discrimination, to which Bahrain is a state party. Similarly, UN Human Rights Council Resolution 20/5 from July 2012 calls upon all States "to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless".

Name: Isma'il Khalil Darwish Ghulom, Shaikh Hussain al-Najati and 29 others

Gender m/f: both

Further information on UA: 99/14 Index: MDE 11/042/2014 Issue Date: 30 October 2014