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Bahrain: Stop arbitrarily rendering citizens stateless

Amnesty International is seriously concerned about the Bahraini authorities' increasing resort to revocation of nationality as a means to punish critical voices, as the authorities stripped 72 individuals of their Bahraini nationality, rendering many of them stateless. The organization urges the authorities to rescind this decision and stop targeting dissidents.

On 31 January, the Ministry of Interior issued a statement that it had withdrawn the Bahraini nationality of 72 individuals involved in "illegal acts". They included former MPs, doctors, human rights activists and political opponents who have been forced to live abroad because of their anti-government activities. The list also comprised a number of individuals who have allegedly been fighting for the armed group calling itself the "Islamic State" (IS).

The Ministry's statement cited as "illegal acts" a number of terrorism-related offences. However, it also included acts such as "inciting and advocating regime change through illegal means", "defaming brotherly countries" and "defaming the image of the regime, inciting against the regime and spreading false news to hinder the rules of the constitution".

While some of the alleged acts may – if proven - constitute crimes, some are acts the punishment of which is contrary to international human rights law, and the vagueness of the charges themselves makes it difficult to distinguish between a criminal act and exercising one's right to freedom of expression. Even when people are investigated or prosecuted on suspicion of criminal conduct, the authorities must ensure due process is fully respected. If charged, they must be given a fair trial without recourse to the death penalty. Deprivation of nationality is permitted only under narrow circumstances under international law, and must be accompanied by sufficient due process protections and a right to appeal.

In contrast to this, many of those on the list first heard about the decision to revoke their nationality on the news and have received no prior notice. Stripping citizens of their nationality on the basis of vague allegations without due process protections is arbitrary and in violation of Bahrain's international human rights obligations.

In a worrying move, the authorities have put the names of a number of known Bahraini human rights and political activists on the same list as other Bahrainis who have been alleged IS fighters. Over the past years, the Bahraini authorities have increasingly used vague wordings to imprison individuals for peacefully expressing their views or for calling for regime change in an attempt to tighten the screw on activists. Many of the activists on the Ministry of Interior's list were forced out of the country as a result of judicial harassment or for fear of prosecution.

The Ministry's decision effectively means that those on the list who only hold Bahraini nationality

find themselves stateless. The right to a nationality, which must not be deprived arbitrarily, is enshrined in Article 15 of the Universal Declaration of Human Rights. Article 7 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 recognized as a norm of customary international law.

In addition to decisions by the Ministry of Interior to revoke nationality, Bahraini court judges have in recent months handed down sentences that included the revocation of nationality. At least 21 received court orders stripping them of their nationality. Nine of them had this order overturned by an appeal court on 27 January 2015.

New amendments to a number of Bahraini laws have broadened the reasons for which an individual could have his or her nationality revoked. On 24 July, a new decree (21 of 2014) was issued amending the 1963 Citizenship Law. Article 10 (Paragraph C) which was used to revoke the nationality of the 31 was expanded 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.

Mixing human rights and political activists with alleged IS fighters in the same list is clearly meant to tarnish the image of those seeking to expose human rights violations in Bahrain or call for reform. It is also a clear sign of the Bahraini authorities’ growing use of security solutions to clamp down on dissent.

On 28 October 2014 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 MPs, 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. A hearing is scheduled for 14 April 2015. The deportation order has been halted until the court issues its verdict.