

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

23 February 2016

Index: MDE 11/3505/2016

Bahrain: Alarming deportations of those stripped of their nationality

Amnesty International is gravely concerned at the deportation by Bahrain on 21 February of a Bahraini citizen and the confirmation of a deportation order by an appeals court today of another Bahraini citizen, both of whom had their nationality revoked on 31 January 2015. The organization urges the Bahraini authorities to halt any planned deportations of Bahrainis, allow those who have been deported to return to Bahrain, and to stop any revocation of nationality that would render an individual stateless.

Muhamad Hassan Ali Hussain Khojasat, a Shi'a cleric, and Hussain KhairAllah Mohamed Mahmood were among a group of 72 Bahrainis the Ministry of Interior said it stripped of their nationality on 31 January 2015. They were accused of "carrying out acts that are harmful to the security and interests of Bahrain and which contravene his duty of loyalty". They do not have another nationality and the stripping of their Bahraini nationality leaves them stateless. . Hussain KhairAllah Mohamed Mahmood is at risk of being imminently deported from Bahrain.

At 2pm on 21 February, Muhamad Hassan Ali Hussain Khojasat received a call requesting him to go immediately to the Ministry of Interior's General Directorate of Nationality, Passport and Residence Affairs. When he arrived with his lawyer, he was told that they wanted to implement the Court of Appeal's decision, three days earlier, to uphold the decision to deport him. His lawyer asked how they would implement the decision and was told to talk to an officer in an area away from his client. When he returned, he saw that Muhamad Hassan Ali Hussain Khojasat had been detained and was being guarded by two police officers. His lawyer was not allowed to talk to him. At around 4pm Muhamad Hassan Ali Hussain Khojasat was put on a flight to Doha, and then put on a flight to Beirut.

Muhamad Hassan Ali Hussain Khojasat travelled to Lebanon on a travel document issued by the General Directorate of Nationality, Passport and Residence Affairs which allowed him to enter Lebanon the day he was deported as his passport was taken from him by the authorities in February 2015.

Muhamad Hassan Ali Hussain Khojasat was sentenced on 14 May 2015 to be deported for "illegally residing in Bahrain" under articles 63 and 111 of the Bahraini Penal Code and articles 2, 15 and 28 of the Foreigners Law. Hussain KhairAllah Mohamed Mahmood was sentenced for the same charge three days earlier. They each paid a 100 Bahraini Dinar fine (approximately US\$ 250) in order to halt their deportation and appeal the decision. On 18 February 2016, the High Court of Appeal upheld the decision to deport Muhamad Hassan Ali Hussain Khojasat, and today upheld the decision to deport Hussain KhairAllah Mohamed Mahmood.

Following the Ministry of Interior statement on 31 January 2015 which listed 72 Bahrainis who had their nationality revoked, Muhamad Hassan Ali Hussain Khojasat and another person in the group of 72, Masaud Jahromi, a university lecturer, were summoned on 5 February to hand in their passports and ID cards at the General Directorate of Nationality, Passport and Residence Affairs and asked to sign documents confirming that they had to regularise their legal status as they were considered

foreigners, or otherwise leave the country. On 15 April, Muhamad Hassan Ali Hussain Khojasat applied to the General Directorate of Nationality, Passport and Residence Affairs to request that his legal status be corrected stating that he was ready to either provide a sponsor or be allowed to voluntarily leave Bahrain. His request was rejected and he was told that he needed to provide evidence of another nationality and provide a sponsor in order to get a residency permit.

This is not the first time that one of the 72 Bahrainis stripped of their nationality in January 2015 has been deported. Farahat Khursheed Afrah Khursheed was deported on 5 February 2015 to Qatar, after he and his family were detained at Manama airport on their return from Iran. His family was allowed entry into Bahrain but he was forced to board a flight to Qatar. Amnesty International fears that others from the group of 72 are at real risk of being deported including Masaud Jahromi, who is appealing his deportation order. His next hearing will take place on 6 March and if a verdict is reached during the hearing which upholds the order, he will also be deported.

Others, including 10 Bahraini citizens who had their nationality arbitrarily revoked in November 2012 are also at risk of deportation. The 10, who are now stateless, were issued with a deportation order on 28 October 2014 by a lower court in Manama. The following day, their lawyers lodged an appeal and their deportation order was halted until the appeals court issues its verdict. The next hearing will take place on 8 March.

In an alarming trend, the Bahraini authorities stripped the nationality of 208 people in total in 2015, compared to 21 in 2014. In addition to decisions by the Ministry of Interior to revoke nationality, court judges have also increasingly handed down sentences that included the revocation of nationality, mostly in cases where defendants were convicted of terrorism-related offences.

Amnesty International is reiterating its call on the government of Bahrain to rescind the decision to strip 72 people of their nationality, to halt the deportation of Hussain KhairAllah Mohamed Mahmood and of others who have been arbitrarily stripped of their Bahraini nationality, and to allow those deported from Bahrain to return. While some of the alleged acts may – if proven - constitute crimes, others 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 any event, forcible exile from one's country is not a lawful punishment under international human rights law. And deportations also can adversely impact the rights to private and family rights.

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. The right to a nationality, which must not be deprived arbitrarily, is enshrined in Article 15 of the Universal Declaration of Human Rights (UDHR) and Article 24 of the International Covenant on Civil and Political Rights (ICCPR) to which Bahrain is a state party. Article 7 of the 1961 Convention on the Reduction of Statelessness also prohibits, with only a very few very tightly drawn 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.

International human rights law and standards also prohibit arbitrary deportation and the exiling of persons from their own country. According to Article 13 of the UDHR, "[e]veryone has the right to

leave any country, including his own, and to return to his country.” Art 12.4 of the ICCPR also upholds this right. The Human Rights Committee, which monitors state parties implementation of the ICCPR, has explained [in General Comment No. 27, para. 20] that “own country” is broader than formal nationality. The concept “embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, of nationals of a country who have been stripped of their nationality in violation of international law.”

Background

On 31 January 2015, 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 decision effectively meant that those on the list who only hold Bahraini nationality found themselves stateless.

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”.

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 2014, a new decree (21 of 2014) was issued amending the 1963 Citizenship Law. Article 10 (Paragraph C) 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 terrorism offences. These amendments, coupled with the use of vaguely-worded anti-terrorism legislation, have resulted in an increasing number of rulings which include the revocation of nationality.