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Bahrain: Trials on revocation of nationality must stop

Amnesty International is seriously concerned about ongoing trial proceedings against a group of people whose Bahraini nationality was arbitrarily revoked in 2012. The organization is urging the authorities to rescind the decision to revoke the nationality of 31 people and drop the charges of being in the country illegally against those in the group currently on trial.

Trial proceedings have started against 10 Bahrainis living in the country who were among a group of 31 people whose nationality was revoked by the Ministry of Interior on 7 November 2012. Several in the group have told Amnesty International that they had been summoned between 14 and 15 July 2014 to sign documents before the Immigration Office stating that their nationality had been revoked and that they had not looked for a sponsor. They are therefore being treated as foreign nationals in Bahrain and they risk being deported from their own country. One person, Sheikh Hussein al-Najati, had already been forced out of the country in April this year.

The 10 had to hand in their passports and IDs in June 2013 upon request by the Immigration Office and were made to sign statements confirming they had to correct their legal status and attend appointments at the Immigration Office when requested.

On 10 August 2014, they were charged by the Public Prosecution, under articles 111 and 64 of the Penal Code and articles 15, 28-1 and 29-2 of the Asylum and Immigration Law, with “being a foreigner in the country breaking the Immigration and Residency Law (Foreigners Law)”. Those Amnesty International spoke to have claimed that during their first hearing in court they told the judge they could not apply for residency if all their identification documents had been confiscated, but above all they were Bahrainis and, therefore, laws applying to foreigners should not apply in their case.

The Ministry of Interior argued in November 2012 that the decision to revoke the nationality of 31 people had been taken under Article 10 (Paragraph C) of the Bahrain Citizenship Law, according to which the nationality of a person can be revoked if he or she causes harm to state security. No explanation was given to any of the 31 in the group as to what threat they posed. Twenty of the 31 affected live abroad and they include two former members of parliament as well as activists and clerics.

The decision effectively means that those members of the group who only held Bahraini nationality are now 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.

New amendments to legislation broaden 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.