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Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Bahrain Silencing dissent with revoking nationality

One of the major violation occurring in Bahrain in recent times is the use of nationality revocation as a means to silence dissent, and punish civil activists and human rights defenders. The Bahraini authorities have exaggerated the unlawful use of this deterrent to a point where approximately 300 have fell victim to it in 4 years, and scores deported from the country because of it. Legal measures, international agreements and norms, and the Bahraini constitution have been ignored or been manipulated to ensure the permanency of the nationality revocation decisions. It should be of paramount importance in the next session of the Human Rights Council – session 33 – to focus in part on the use of the nationality revocation punitive measure, to prevent further violations and find means to restore the rights of victims.

The Bahraini constitution stipulates under Article 17 that 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.” Whilst the Universal Declaration of Human Rights, applicable to Bahrain through the International Covenant on Civil and Political Rights (ICCPR) which Bahrain has signed and ratified, states that:

- (1) Everyone has the right to a nationality,
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Bahrain prominently started using nationality revocation against activists, members of parliament, scholars and journalists in 2012, with 31 victims suddenly and abruptly finding out through national news outlets that they have been stripped of their nationality. None were convicted of terrorism, nor found guilty of any other offences. No legal procedure was observed prior, and the official statement merely stated that the Interior Minister would take the “required legal procedures”.

The authority cited to allegedly allow the Interior Minister to carry out this decision was through the Bahraini Nationality Act 1963, and in particular Article 10(3), which allows for the deprivation of nationality of persons that are causing “damage to the security of the state”. The authorities have thus unlawfully used this Act to punish dissidents, activists, and scholars, the vast majority of whom have never committed a crime or prosecuted.

Most of the 31 are now exiled abroad, after Ibrahim Karimi, a lawyer and one of the 31, attempted to exhaust every legal avenue in Bahrain’s legal system to appeal against the nationality revocation decision, but was ultimately unsuccessful. Bahrain’s appeal court quashed his appeal on 29/04/2014, and Karimi himself was deported.

A royal decree was issued on 31/01/2015, revoking the nationality of a further 72 Bahrainis, again the vast majority human rights defenders, activists, scholars, and journalists. The official reason given by the Ministry of Interior was to fight terrorism, where conveniently a small handful of deceased or missing terrorist fighters were added to the list of peaceful dissidents to satisfy the official excuse given. Deportations followed with religious scholar Sheikh Khojistah and academic DrMasaudJahromi both exiled from the country in quick succession in 2016.

Most recently, the highest religious authority in the country and prominent peace advocate, Sheikh Isa Qassim, fell victim to this violation. As done previously, no legal procedure was carried out to begin with, with the Sheikh Isa Qassim falling immediately into statelessness. We anticipate that he would be trialed with future appeals quashed, and then deported, in the same fashion as previous victims.

Thus, it is of serious importance for the Human Rights Council to address the nationality revocation issue in Bahrain, which has already affected over 300 Bahraini citizens, in the upcoming 33rd session, and seek to oblige Bahrain to cease further revocations, return and compensate victims. A full and fair investigation should commence into the use of nationality revocation as a tool to suppress contrary opinions and activism.

Recommendations

- The Bahraini Government should rescind the revocation decision due to its breach of the Constitution, the laws governing citizenship in Bahrain, and its contravention of international treaties and declarations that Bahrain has signed and ratified.
- That the Bahraini Government takes swift steps to reverse decisions and procedures the Bahraini authorities have already taken to pass unlawful revocation decisions.
- Commence international proceedings to push for the rescission of decisions, and to compensate the victims of this decision. Consideration of compensation should be taken retrospectively from the time of passing of the decisions.
- Demand of the Bahraini authorities to rescind and compensate the victims urgently and expeditiously; and in the event such is not done, a case would be submitted to the Human Rights Council of the United Nations.
- Demand of the Bahraini authorities to accept and allow the visits of the UN Special Rapporteurs to meet with those that have been victims of the stripping of nationality.
- A call for human rights organizations to push the Bahraini authorities to correctly comply with signed and ratified international treaties and declarations which confer on a citizen of Bahrain the right to a nationality.

SALAM for Democracy and Human Rights (SALAMDHR), an NGO without consultative status, also shares the views expressed in this statement.
