



# General Assembly

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## Human Rights Council

Thirty-second session

Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a 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.

[30 May 2016]

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

GE.16-09383(E)



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## **Bahrain punishes opponents by revoking their citizenship**

Over the last two years Bahrain has intensified the use of stripping citizenship from those who dissent or speak out in protest as a form of punishment. Since November 2012 – when the country's minister of the interior made 31 activists stateless, many of whom were living in exile

On 31 January 2015, the King issued a decree revoking the citizenship of 72 individuals, including journalists, bloggers, and political and human rights activists, rendering many of them stateless – its latest attempt to crack down on those critical of the government.

In total Bahraini authorities has revoked the citizenship of over 280 people. 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.

Activists say the government has increasingly used administrative and legal means against its opponents and has portrayed them and the protests as part of a plot inspired by Shi'ite Iran to bring down Bahrain's Sunni monarchy. The opposition denies any influence from Tehran.

Timeline of stripping of nationality decisions:

- 7th November 2012, 31 Bahrainis, former MPs and activists to scholars, were instantly stripped of their Bahraini nationality without court proceedings or notifications. Decision broke out by Bahrain News Agency.
- 6th August 2014, 9 imprisoned Bahrainis were stripped of their nationality. Decision was quashed after an appeal on 27 January 2015.
- 29th September 2014, the Bahraini judiciary stripped 9 imprisoned Bahrainis and sentenced all to life imprisonment.
- 20th November 2014, an additional 3 imprisoned Bahrainis were stripped of their nationality and sentenced to life imprisonment.
- 31st January 2015, a Royal Decree was issued stripping 72 Bahrainis of their nationality. As like the previous decisions, the victims were not informed and the decision broke out on Bahrain News Agency. The victims predominantly are former MPs, political activists, human rights defenders, journalists, media personalities and scholars.
- 30th May 2016, 10 imprisoned Bahrainis were stripped of their nationality.
- Total number of stripped Bahraini nationalities to date is over 280.
- Appeal by one of the stripped nationals, Ibrahim Karimi, has been refused. All legal appeal avenues in Bahrain have been exhausted.
- Five stripped nationals, Sheikh Najati, Sheikh Khojasta, Dr Jahromi, Khorsheed, and Esfandiyar have been forcibly deported from Bahrain.

### **Human Rights and Citizenship**

Revoking or 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.

Article 15 explicitly refers to a right to citizenship, declaring, "Everyone has the right to a nationality" and that "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

The UDHR describes the equal rights of all human beings. Therefore states, in their recognition of the UDHR, practice the principle of non-discrimination with respect to each individual right. Rights are applicable to each citizen on an equal basis. Article 1 of the UDHR puts this simply: "all human beings are equal with regard to rights".

In their promotion of rights, states should align their domestic legislation and actions with Article 2, which states,

The value of a nationality is further seen in the international community's measures to prevent statelessness. The 1961 Convention on the Reduction of Statelessness particularly underlines states' commitments to the prevention of statelessness. The Convention seeks to balance states' sovereign powers over citizenship with the value of nationality as a recognised international right. Article 5 and 6 of the Convention state that loss of nationality should be conditional upon the possession of another nationality.

#### Recommendations

- Restore citizenship to all citizens who were unfairly stripped of their citizenship without recourse to due process in law.
  - Halt the policy of citizenship revocation used as a punishment against critics and dissidents practicing their right to freedom of opinion and expression.
  - Join and adhere to the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness
  - Demand the Bahraini Government to 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 the unlawful revocation decision.
  - Commence international proceedings to push for the rescission of the decision, and to compensate the victims of this decision. Consideration of compensation should be taken retrospectively from the time of passing of the decision.
  - 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.
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