

مملكة البحرين

STATELESS IN BAHRAIN



جواز سفر

PASSPORT



BAHRAIN CENTER FOR HUMAN RIGHTS

Defending and promoting human rights in Bahrain

24 SEPTEMBER 2014

ABOUT US



The Bahrain Center for Human Rights is a non-profit, non-governmental organization founded in Bahrain since July 2002. Despite an order by the authorities in November 2004 to close, the BCHR is still functioning after gaining wide local and international support for its struggle to promote human rights in Bahrain.

The BCHR maintains a documentation team on the ground that documents human rights violations on a daily basis, despite targeted attacks by the government.

Bahrain Center for Human Rights
Dronningensgade 14
1420 København
Denmark

info@bahrainrights.org

Find out more about what we are doing at:
www.bahrainrights.org

CONTENTS

What is Nationality and Statelessness?	3
Background Information	4
Who are the Stateless in Bahrain?	5
What are the Implications for a Stateless Person?	6
National Legislations	7
Terrorism Law - July 13	9
Stateless Groups and Study Groups	10
Pursuing Holders of Dual Citizenship	19
Recommendations	20

WHAT IS NATIONALITY AND STATELESSNESS?

Article 15 of the Universal Declaration on Human Rights states that “everyone has the right to a nationality” and **“no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”**. In Bahrain’s case, the government has violated this human right for over 2,000 people including 40 Bahraini individuals who were stripped of their nationality in the last two years.

HOW DOES INTERNATIONAL LAW DEFINE A STATELESS PERSON?

According to the 1954 Convention on the Status Relating to the Status of Stateless Persons, a ‘stateless person’ is defined as being

“A person who is not considered as a national by any State under the operation of its law¹.”

HOW DOES NATIONAL LAW DEFINE NATIONALITY?

Bahraini nationality is defined in the Law No (10) for 1981 Amending Bahraini Citizenship Act - 1963 as follows²:

BAHRAINIS BY DESCENT:

Anyone shall be regarded a Bahraini national, if:

- (A) Born in Bahrain after the effective date of this Act and his father was a Bahraini at the time of birth.
- (B) Born outside Bahrain after the effective date of this Act and his father was a Bahraini national at the time of birth, provided that the father or the grandfather was born in Bahrain.
- (C) Born in Bahrain or abroad after the effective date of this Act and his mother was a Bahraini national at the time of birth, provided that the father was unknown, without nationality or fatherhood was not substantiated.

BAHRAINIS BY BIRTH

A person shall be regarded Bahraini by birth, if:

- (A) Born in Bahrain after the effective date of this Act and his father was also born in Bahrain and has made Bahrain his permanent residence, at the time of birth of that person, provided, however, that this person is not holding another nationality.
- (B) Born in Bahrain, after the effective date of this Act, to unknown parents. The illegal child shall be deemed to have been born in Bahrain, unless otherwise proved.

1 [Art. 1\(1\), Convention on the Status Relating to the Status of Stateless Persons, 1954](#)

2 <http://www.refworld.org/pdfid/3fb9f34f4.pdf>

BACKGROUND INFORMATION

Until 2001, thousands of people were living in Bahrain without a nationality since the establishment of the state of Bahrain in 1973. Many of them were of non-Bahraini origin but had been living in Bahrain, or were even born in Bahrain, for many years and have been qualified to be citizens according to the nationality law of 1963 which stipulates a mandatory three-year residence for GCC nationals in Bahrain, 15 years for Arabs and 25 years for non-Arabs to obtain Bahraini citizenship.

In addition, many Bahrainis who had left Bahrain either willingly or unwillingly through forced exiles during the years of political unrest and popular protest for rights in democracy in the 80s and 90s, were unable to renew their documents.

The Bahraini government uses the practice of revoking nationality as a tool to punish political opponents.

For many of these individuals, the government simply refuses to renew their documents, leaving them without passports while living abroad. In 1996 **Dr. Mansoor Al-Jamri**, who was a political activist living in exile at that time, was stripped of nationality after he spoke about the political situation on TV. He only received his Bahraini nationality again in 2001. Another political activist, **Dr. Saeed Al-Shehabi**, was stripped of his nationality from 1981 until 2001. In addition, **Dr. Abdulhadi Khalaf**, who was once an MP in the 1973 parliament, was also stripped of his passport and the government refused to renew his document between 1978 until 2001¹. **Dr. Saeed Al-Shehabi** and **Dr. Abdulhadi Khalaf** have again been stripped of their nationality through the November 2012 ministerial order.

In 2002, the King of Bahrain issued a decree to grant Bahraini citizenship to those who remain stateless residents [Bedoons] and facilitate the return of all persons living abroad who do not have citizenship and their relatives carrying Bahraini citizenship². According to the statistics, the number of Bedoons before this decision was between 9,000 to 15,000³.

In November 2008, Bahrain announced that it had comprehensively resolved the issue of the [Bedoon] stateless, which concerns people who lacked nationality since the establishment of the independent state of Bahrain in 1973⁴. However, independent groups estimated that at least 2,000 families were left behind and were not granted nationality despite eligibility⁵.

In 2010, the government repeated its old practices through the use of nationality as a means of pressure. In September 2010, amid severe crackdown on opposition, it revoked the citizenship of prominent cleric Shaikh Hussain Al-Najati and his family, stating that "Najati, his wife and children received their passports in violation of the provision of both national and passport laws." In November 2010, a royal decree was issued granting him and his family Bahraini citizenship, only for it to be revoked again in November 2012.

1 <http://bahrainmirror.com/news/6622.html>

2 <http://www.albayan.ae/last-page/2002-10-06-1.1359720>

3 <http://www.nationalityforall.org/bahrain>

4 <http://www.shura.bh/MediaCenter/News/CouncilNews/Pages/19-10-08.aspx>

5 <http://www.bahrainrights.org/en/node/2158>

WHO ARE THE STATELESS IN BAHRAIN?

THERE ARE APPROXIMATELY SIX GROUPS WHO ARE STATELESS IN BAHRAIN TODAY:

1) Persons who have been stateless since the establishment of the independent state of Bahrain in 1973. They were never granted Bahraini nationality despite being eligible to obtain a Bahraini passport and fulfill all conditions set by the laws. The nationality law stipulates a mandatory three-year residence for GCC nationals in Bahrain, 15 years for Arabs and 25 years for non-Arabs to obtain Bahraini citizenship. In 2008 it was estimated that there are 2000 families under this group¹. Due to lack of transparency, a new figure was not available. It has been suggested that the desire to keep the demographic balance in favour of the Sunni against the Shiite population remains the unspoken factor behind the exclusion of these persons from the right to nationality.

2) Children of Bahraini mothers who are married to a foreigner. The children may have the nationality of the father if he has a nationality. However, there are also cases of Bahraini mothers married to a stateless person from the first group where the children are also stateless, without any nationality.

3) Persons who have had their citizenship revoked with an order from the minister of interior in Nov 2012, without any court order and with no clear reason. There are thirty one persons affected to date.

4) Persons who have their citizenship revoked with a court order in Aug 2014 after being tried for terrorism charges. There are nine persons affected to date.

5) New born children of the persons from group 3 and 4.

6) New born children of some of the fathers who are either serving prison sentences or living in hiding for fear of arrest by the authorities, despite the fathers holding Bahraini nationality.

In the following chapters, we will explore some of the case studies from the people in groups 2 through 6 in more detail.

1 <http://www.bahrainrights.org/en/node/2158>

WHAT ARE THE IMPLICATIONS FOR A STATELESS PERSON?

Nationals who have been deprived of their citizenship are also de facto deprived of a number of other rights¹ that are related to the right to a nationality.

These rights fall under the two covenants of 1966, the ICCPR and the ICESCR, which are legally binding upon ratification. Bahrain has ratified the covenants in 2006 and 2007 respectively, and is therefore legally responsible for the human rights violations.

Many of the targeted individuals are lawyers, activists, former parliament members and human rights defenders who previously have spoken up about the government and their dissatisfaction regarding this.

An important aspect of human rights law are the principles of the member state's obligations, which are to respect, protect and fulfill the rights of the people. This is the basic rule of international law, that treaties ought to be obeyed - *pacta sunt servanda*.

Stateless persons have no legal status and cannot give power of attorney to lawyers to lodge appeals on their behalf. They are not able to formally own real estate. They are deprived from the benefits of citizens including social allowance, housing application and access to free health services. They have difficulties in registration for education at schools and universities. They have issues getting a permanent job and they are unable to travel outside the small island of Bahrain.

With all the checkpoints around Bahrain, stateless persons always encounter difficulties when asked for their IDs at a checkpoint. Some of them said they are transferred to police stations and treated like criminals.

Shaikh Husain Najati is one of the clearest examples of harassment until a stage where he was forced to leave the country. The UN Special Rapporteur on Religious Freedom condemned this act and issued very strong statement² while others are under daily threat of being deported out of the only country they ever knew.

Stateless children have to renew their residency permits continually and once they are adults they have to be sponsored by an employer in order to continue living in Bahrain. When these children grow up, the females can hope to receive their husband's nationality, but the male children have no hope.

1 ICCPR art. 12.2, art. 24

2 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14533&LangI%20D=E>

"A member state's obligations are to respect, protect and fulfill the rights of the people."

NATIONAL LEGISLATIONS

Bahrain's constitution states, in Article 7, that Bahrain nationals cannot be stripped of their nationality

"except in case of treason, and such other cases as prescribed by law."

The legislation of Bahrain does not ensure the right of every child to acquire a nationality and it does not contain sufficient safeguards to prevent statelessness of children. Women cannot transmit their nationality to their children or husbands, although the 1963 Bahraini Citizenship Act (amended in 1981) grants these rights to men (art. 4, 5, and 7). According to this law, Bahraini mothers can only confer their nationality to their children when the father is unknown or not legally related to the children.

On Jan 2014, the cabinet approved a proposed law to pass the citizenship of Bahraini mothers to their children under certain conditions. The proposal was forwarded to the council of representatives for discussion and approval. Despite this, several months passed since it was referred to the council and it has not been approved yet.

JULY 2014 AMENDMENTS TO THE BAHRAINI CITIZENSHIP LAW (1963) FOR CITIZENSHIP REVOCATION IN CASE OF DUAL CITIZENSHIP:

On 7 July 2014, the King of Bahrain ratified and issued Law 21 for 2014, amending some provisions of the Bahrain Citizenship Law of 1963. According to Article 9, Bahraini citizenship may be withdrawn upon request of the Interior Minister and approval of the cabinet from any Bahraini citizen who receives another nationality without prior approval from the Interior Minister. Bahraini nationals with other nationalities have to resolve their situation within six months to either renounce their other nationality or receive approval from the Minister of Interior to keep it. Citizenship will be withdrawn with a decree if the Minister of Interior did not approve the foreign nationality and after obtaining the cabinet approval. The only exception is if the dual citizenship is with one of the GCC countries. In this case, the citizen would be subject to a fine of up to 10,000 Bahraini dinars if the citizen did not obtain Minister's approval¹.

Additionally, Article 10 of the amended law stipulates that the Bahraini citizenship may be withdrawn upon request of the Interior Minister and approval of the cabinet from any Bahraini citizen who "causes harm to the interests of the kingdom". The very broad phrase and the lack of definition of "harm" allow arbitrary interpretation and application of the law to revoke citizenship of simply anyone.

Bahrain Center for Human Rights fears that this bill will be used against the many Bahraini activists who hold dual citizenship after living in political asylum in the eighties, nineties and today.

1 <http://bna.bh/portal/en/news/625156?date=2014-07-7>

TERRORISM LAW - AUGUST 13

On Wednesday 31 July, 2013, a royal decree was issued to amend the law on the Protection of Society against Acts of Terror following the national assembly's recommendations, which were provided few days earlier.

The OHCHR has expressed concerns over the national assembly recommendations and that "arbitrary deprivation of nationality may also lead to statelessness with serious consequences for the protection of the human rights of the individual's concerned¹", however, the government has not taken these concerns into consideration. The amendments to the law on the Protection of Society against Acts of Terror have provisioned harsher punishments of up to 15 years imprisonment, life imprisonment, the death penalty or revocation of citizenship.

The amended laws stated that Article 10 be changed to:

"the punishment of not less than 10 years shall be provisioned to whomever carries out a bombing or attempts to carry out a bombing for terrorism purposes" and

"the punishment of execution or life imprisonment if the bombing/ explosion resulted in a death or injury. Imprisonment shall be the punishment of whoever puts or carries in public or private places for the same reason prototypes or models that look like or resemble explosives or firecrackers."

In addition, Article 24 was amended to:

"Repeating: In addition to the penalty prescribed of citizenship revocation of the defendants in the crimes stated in articles (5) to (9), (12) and (17) of this law".

Since it was issued in 2006, The Bahraini Counter-Terrorism Law has been criticized internationally because of egregious violations of fundamental human rights that according to UN experts is:

" the definition of terrorism is overly broad since there is no requirement of specific aim to commit a terrorist act and some acts are deemed to be "terrorist" without the intention of causing death or serious bodily injury - thus this definition goes against several human rights instruments; rights to due process would be denied because of the excessive powers of the Public Prosecutor regarding detention without judicial review."

Terrorism has been the go-to accusation for the authorities in Bahrain against political activists and human rights defenders, in addition to being used to suppress peaceful protest movements. Despite the clarifications issued by the authorities that the bill is to reduce terrorism coming from abroad, it has become apparent that after the adoption of the law this has not been the purpose. The BCHR has also documented that the evidence used against those charged under the terrorism law was almost, if not always, confessions extracted under torture.

1 <http://www.bahrainrights.org/en/node/6290>

TERRORISM LAW

JULY 13

The acts of depriving or stripping citizens of their nationality are in violation to the Universal Declaration of Human Rights states in Article 15:

- (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.

Additionally, the apparent discrimination against women in the citizenship law currently being implemented is incompatible with the obligations of Bahrain towards several conventions including the **International Covenant on Civil and Political Rights**, which Bahrain ratified on 20 September 2006 and states:

Article 24: Every child has the right to acquire a nationality.

It is also in violation to the **Convention on the Rights of the Child** of which Article 7 states:

- (1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parent.
- (2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 10 of the same Convention indicates that:

Applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner.

Additionally, the **Convention on the Elimination of All Forms of Discrimination against Women** which states in Article 9:

- (2) States Parties shall grant women equal rights with men with respect to the nationality of their children.

The Kingdom of Bahrain is neither a party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness.

STATELESS GROUPS AND STUDY GROUPS

LOST NATIONALITY WITH MINISTER ORDER: 31 BAHRAINIS

On 7 November 2012, the citizenship of 31 Bahraini citizens was revoked with an announcement published over the official Bahrain News agency website. The statement referenced Article 10 of the Citizenship Law which allows withdrawal of citizenship from people who have “caused damage to state security”. The names of the 31 citizens were published, 30 men and 1 woman. Out of these people, 12 were residing in Bahrain, 2 were on a trip at the time of announcement and one was forced to leave Bahrain while the rest were living abroad or had left Bahrain prior to the revocation of their citizenships.

The Bahraini authorities did not provide substantial evidence on the alleged damage to the state security, these people were not set on any trial, no prior notification was given to them and no due process was followed. They did not receive any formal documentation to notify them of the citizenship revocation and explain to them why it was revoked. It is fair to say that the revocation was completely arbitrary.

Although the statement mentioned that they could file an appeal, not one of the 31 were able to do so simply because they had no legal status and could not give power of attorney to lawyers to lodge appeals on their behalf. It was only in January 2013 when 9 of them were allowed to appeal after Amnesty International intervention.

In June 2013, 10 persons living in Bahrain had to hand in their passports and IDs 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.

Between 14 and 15 July 2014, several of these people who were still living in Bahrain had been summoned to sign documents before the Immigration Office stating that their nationality had been revoked and that they had not looked for a sponsor. Therefore, they are treated as foreign nationals in Bahrain and they risk being deported from their own country.

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)”. Their Lawyer said that given that they were born in Bahrain, laws applying to foreigners should not apply in their case. Additionally, given that all their identification documents had been confiscated, they could not apply for residency.

STATELESS INDIVIDUALS

Ebrahim Karimi

has lodged an appeal against the court decision in the beginning of 2013. Despite the urgent nature of the case, it was postponed several times at the High Administrative Court. During the trial, the defense protested against not being provided a copy of a document that the State's representative submitted to court. It took the court over a year to reach a decision on 29 April 2014 and reject the appeal. He lodged another appeal at the court of appeals and a hearing was scheduled on 2 September 2014.

Hussain Al-Mosawi

said that all of his and his wife's (Mariam Redha, who also had her citizenship revoked), identification documents were held by the authorities. When renewing her driving license at the general directorate of traffic, Redha had her nationality changed to "No Nationality". Some of these stateless persons were not allowed to transfer the ownership of their real estate to other persons. They have been deprived from the benefits of citizenship, like social allowances, and their housing application was canceled¹.

Lawyer Taimoor Karimi

was banned from 14 Nov 2012 with an order from the Minister of Justice due to pleading at the court and attending as a lawyer on behalf of clients¹.

Shaikh Hussain Najati

a cleric, was forced to leave the country under pressure from the authorities. It is also worth mentioning that this is the second time his citizenship has been revoked (please refer to the history section for more details).

Ismaeel Khalil Darwish

a former political detainee, was arrested in 2011 and detained for more than 80 days. He was tried and sentenced to one month in prison for illegal gathering. During his arrest and detention in 2011, Ismaeel was reportedly subjected to severe torture. Following his arrest, Ismaeel's boat was confiscated for 10 months, preventing him from performing his job as a fisherman. In 2012, Bahraini authorities revoked his citizenship and his brother's without any prior notification. Although his boat was returned to him, he was not given his license back because "he's not Bahraini". Harassed by the authorities while fishing, the coast guard would stop him for hours without reason, take his fish or verbally harass him. Moreover, Ismaeel was stopped several times at checkpoints and taken to the police station where he was treated like a criminal. All of his identification and nationality documents were confiscated and he has been threatened with deportation. He has no other nationality than the Bahraini nationality.

Jalal and Jawad Fairouz

are ex-parliament members and members of Al-Wefaq political society. They were active in the opposition movement and regularly appeared in the media criticising the government. In May 2011, Jawad's home was raided and he was arrested. He was held in solitary confinement for more than 43 days. Jawad was denied his rights of access to a lawyer and family, his family did not hear from him until 27 days after his arrest. His charges were incitement against the regime and dissemination of false news. In 2012, when the authorities announced the names of who was stripped of their citizenship, Fairouz's brothers were on a trip to London. The news came as a surprise to them¹⁵. They have found themselves in a position where they are forced to exile and they have become UK political refugees.

¹ <http://www.alwasatnews.com/4012/news/read/805639/1.html>

The decision to revoke the citizenship of the 31 Bahrainis is in a clear violation of Bahrain's citizenship law and the Bahraini constitution. The constitution in Article 17 states that "Bahraini citizenship is given by laws. It may not be dropped from whoever has it, unless in case of treason or others as stipulated by laws." On the other hand, Bahraini law only gives the King authority to revoke citizenship of Bahraini nationals and no one else after it is looked into and decided by the highest judiciary. However, in the case of the 31 Bahrainis, they all had their citizenships revoked by the Minister of Interior which violates Article 11b from the law and Article 17 from the constitution as aforementioned.

LOST NATIONALITY WITH COURT ORDER: 9 BAHRAINIS

In August 2013, a royal decree was issued to approve amendments in the law on the Protection of Society against Acts of Terror that introduced harsher punishments including revoking citizenships of defendants committing certain terrorist crime. One year later, the amendments have been put in action and the Bahraini judiciary used the law to revoke 9 Bahraini's citizenships.

On 6 August 2014, the fourth criminal court ruled in the case of the 14 defendants, who were accused, among other charges, with spying for a foreign country, establishing and joining a terrorist group, attempted murder of policemen and possession and use of weapons and explosives. The court also revoked the citizenship from 9 of these defendants and sentenced them to prison terms ranging from 7 to 22 years¹⁸. The revocation requires approval from the King of Bahrain to make it final. A court session is scheduled to hear their appeal in October 2014.

	Name	Age	Sentence
1	Hamed Jaffer AlMahfoodh	30 years	15 years in prison and citizenship revocation
2	Nedal Ali Mohammed Isa	30 years	15 years in prison and citizenship revocation
3	Ali Reyadh Hameed Ali Sanqoor	34 years	15 years in prison and citizenship revocation
4	Husain Jasim Isa al-Banna	24 years	22 years in prison and citizenship revocation
5	Sayed Hashim Redha Hasan Majed	22 years	7 years in prison and citizenship revocation
6	Mohammed Abbas Ebrahim Mahdi	25 years	7 years in prison and citizenship revocation
7	Ali Hasan Adam Qaher	25 years	7 years in prison and citizenship revocation
8	Ali Ahmed al-Asfoor	25 years	7 years in prison and citizenship revocation
9	Jalal Ali Mohammed Ali	22 years	7 years in prison and citizenship revocation

Hamed Jaffer AlMahfoodh

30 years old, was arrested on 28 June 2013 while on his way to a meeting. He was taken to the Criminal Investigation Department (CID) and subjected to enforced disappearance. His family did not know of his whereabouts for 3 days, during which time they asked for him at police stations and hospitals, but the authorities denied having him in custody. At that time he was already sentenced to 6 months on charges of rioting and illegal gathering. Hamed was reportedly subjected to torture while in the CID at the hands of Ministry of Interior personnel. They reportedly hung him naked in the "Failaqa" position, burned him with cigarettes, poured a burning liquid on his body, forced him to stand for a long period of time in a very cold room, electrocuted him and was then forced to sign papers without knowing the content. When he finished the sentence he was taken to CID in order to release him, however, he was again subjected to enforced disappearance and only contacted his family three days later to tell them that he had a new case against him. Although Hamed has never traveled to Iran, and during the time the authorities claimed the case occurred, he was charged with spying for a foreign country. Hamed is married, has a 5 year old daughter and has been out of a job since his dismissal in 2011. He had his citizenship revoked and was sentenced to 15 years imprisonment. He has no other nationality.

Ali Ahmed Al-Asfoor

25 years old, was arrested on 27 December 2013 from the sea when he was with a group of other wanted persons. At time of his arrest he was already sentenced to 3 years and 6 months imprisonment on multiple cases of riot and illegal gathering. He was subject to enforced disappearance for 15 days and his family knew nothing of his whereabouts or wellbeing until he called them from Dry Dock detention center. He told his family that he was subject to torture at the CID following his arrest. He was beaten on the head with a gun, causing injuries which he was hospitalized for. He was allegedly hung in "Failaqa" position and forced to sign papers under duress. His father said that the family was able to see the torture marks on his hands when they visited Al-Asfoor for the first time on 20 January 2014. Al-Asfoor's passport was confiscated at the time of arrest. He had his citizenship revoked and was sentenced to 7 years imprisonment. He has no other nationality.

Ali Al-Sanqoor

34 years old, was arrested on 21 January 2013. He was reportedly seen blindfolded and handcuffed at the public prosecution on 23 June 2013. Human Rights defender Mohamed AlMasqati, who also saw him on that day, described his state as "in bad condition". His father stated that his son was subjected to torture and his mother said that Sanqoor lost the ability to hear from one of his ears due to torture after his recent arrest and is now in need of a hearing device. The prison administration has thus far refused to allow him get a hearing device. Additionally, he was denied the right to attend his own trial despite several requests from his lawyer. He was interrogated about this case while he was detained on charges related to another terrorism case, for which he was sentenced to 15 years for allegedly joining a terrorist group. He told the judge during that trial that he had been pressured to sign confessions, which could be the reason he was prevented from attending his second trial. He is married with children and he has no other nationality. He had his citizenship revoked and was sentenced to 15 years imprisonment.

Ali Hasan Adam

25 years old, was arrested along with his father on 21 June 2013 during a house raid. The electronic devices of the family, including 6 phones, 2 laptops and a camera, were confiscated. Additionally, 3 cars belonging to the family were also confiscated. Both Ali and his father were subject to enforced disappearance for 3 days. After that, they called to inform the family they were fine. Ali was studying abroad and a month before his arrest he came to visit for the first time in three years. According to his mother, he is a shy guy and is not very social, she was surprised of his accusation of joining a terrorist group and spying. He has lost 70% of his eyesight after graduating from high school and although he is at risk of losing the rest of his eyesight, the prison authorities have refused to allow him to get eyeglasses. Ali mentioned being forced to stand for 3 days in the CID. He is a single person and he has no other nationality. He had his citizenship revoked and was sentenced to 7 years imprisonment.

Sayed Hashem Redha

23 years old, was arrested on 21 June 2013 from Adam's house. His family did not know his whereabouts for 6 days until he called. They learnt that after arrest he was transported to the CID where he was subjected to physical and psychological torture, including deprivation from sleep, put in a very cold room for hours and forced to stand for long period of time. They made him hear the screams of others being tortured and the interrogator even told him that his mother and father passed away after hearing about his arrest. He said that even at the public prosecution where he was interrogated in absence of a lawyer, during the waiting time his hands were hanged to force him to stand and not be able to sit. His passport was confiscated during the house raid. He is a single person and he has no other nationality. He had his citizenship revoked and was sentenced to 7 years imprisonment.

Hussain Jassim Al-Banna

24 years old, was arrested on 22 June 2013 from the street. He was on the wanted list for several charges, including illegal gathering and rioting, and was sentenced to a total of 11 years at that time. His family did not hear from him until 7 days later when he called from Al-Qala'a hospital where he was taken following the torture he was subjected to in the CID. In April 2014, Hussain was transported to solitary confinement for allegedly escaping from prison. His family stated that he was subjected to torture again after running away from prison. The family has logged a complaint with Bahrain ombudsman about the ill-treatment that Albanna has received after the incident including keeping him handcuffed in solitary confinement but has not received a valuable response. Albanna was also visited by delegation of the OHCHR and has talked to them about being tortured; he was suffering from a beating on his nose. He is a single person and he has no other nationality. He had his citizenship revoked and was sentenced to 7 years imprisonment.

STATELESS CHILDREN

Depriving children of identification documents is a violation of the **Convention on the Rights of the Child**, Article 7, which states:

(1) 'The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.'

(2) 'States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.'

Depriving children from required medical care, amidst the deprivation of issuing an identity document, is a violation of the **Convention on the Rights of the Child**, Article 24, which states:

'States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.'

NEW BORN CHILDREN FOR THE RECENTLY STATELESS PERSONS

Fatima Adnan Kamal

(DOB November 2012) Although her name was not on the list of the 31 persons who had their citizenship revoked in November 2012, she became the 32nd person to lose their nationality simply because she was born two weeks after her father, Adnan Ahmed Kamal, had been stripped of his nationality as one of the 31 persons group¹⁹. Fatima's mother is a Bahraini, but due to the discriminatory laws that prevent passing the mother's nationality to her children, she was not able to grant the Bahraini nationality to her child Fatima.

It has been almost two years and Fatima still does not have any kind of identification documents, a passport, nor a nationality.



NEW BORN CHILDREN FOR IMPRISONED OR DISAPPEARED FATHERS

Abbas Mohammed Al-Khabbaz

1.5 years old, was 3 months old when his father was arrested. He suffers from several health problems that are getting worse by day. Abba is in need of surgery that the family decided to do in a hospital in Riyadh because it had higher success rates than Bahrain; however, the passport department has stalled by giving different reasons. At first they asked for the father's authorization, which was issued by a police station, but when presented to the department it was rejected¹. Abbas's father is currently serving a life sentence. Abbas's mother has raised his case to the media attention several times in hope for a solution but with no results up until September 2014 when he was finally given a passport.



Zainab Abdullah Isa Al-Mahroos

3 years old, is the daughter of Sheikh Abdullah Al-Mahroos, one of the activists accused of attempting to overthrow the regime in the "Bahrain 13" case and sentenced to 15 years imprisonment. Zainab was born 28 days after his father was arrested in April 2011 and since then the family has not been able to issue her a passport, without being given a clear justification.

Israa Hussein Ahmed

11 months old (DOB: 13 October 2013), is the daughter of political prisoner Hussein Ahmed Hasan, who was arrested in May 2013, subjected to torture and abuse and sentenced to 8 years in prison. Israa was born with health problems and was denied treatment at the Salmaniya hospital because she did not have identification documents, despite her grandfather having authorization to issue her a passport. Israa's father's passport expired while in detention and the Public Prosecution refused to renew it. Because of this, his daughter is deprived from being issued any document that proves her identity.



Jenan Jaffar Hussein Eid

1 year and 3 months old (DOB: 14 June 2012), was born 20 days before her father was arrested. He is currently serving life imprisonment after he was convicted on terrorism charges. Because of her father being in prison, the family is unable to issue Jenan identification documents. Her mother filed a complaint at the National Institute for Human Rights (NIHR) as well as the Ombudsman but to no avail.



1 <http://www.alwasatnews.com/4360/news/read/911934/1.html>

NEW BORN CHILDREN OF BAHRAINI MOTHERS MARRIED TO A FOREIGNER OR A STATELESS PERSON

In Sep 2013, the General Secretary of the High council of Women in Bahrain said that 3,181 children of Bahraini women married to non-Bahraini nationals were granted Bahraini nationality until the end of 2012. As of September 2013, there were 553 pending application of children to be granted Bahraini citizenship¹. Royal decrees remain the only mechanism to grant nationality to children of a Bahraini mother married to a non-Bahraini father.

Due to a lack of transparency, BCHR was not able to obtain more recent statistics on the pending applications of children of Bahraini mothers without a nationality.

Mahmoud Ahmed Khorri

21 years-old, was born in Bahrain to a Bahraini mother and a stateless father with Iranian origins. He has grown up and lived in Bahrain without receiving Bahraini nationality. He has finished high school and joined his father in working the central market. Since 29 April 2014, Khorri has been locked up in the temporary detention center under the immigration custody and there is serious concern that he will be expelled from Bahrain. Before that, he served a one-year prison sentence on charges related to monitoring and reporting on police movements for the popular protests, but instead of releasing him, he was transferred to the immigration custody. His mother has sent a message for help through local media to prevent deporting Khorri. She said that she has been trying to get nationality for Khorri and his siblings since 2011 without any luck. His father, a stateless person with Iranian origins, has been living in Bahrain since 1948. Khorri has three siblings, all without a nationality and who have never traveled outside Bahrain.



Sara Husain

was born in Bahrain to a stateless father and a Bahraini mother. Her father was born in Bahrain and lived in Bahrain; he passed away before being given Bahraini citizenship. Sara has recently graduated from high school and was granted a scholarship by the Royal Charity Institute. However, her problem is that she is not able to enroll in any university whether public or private because she is stateless. She went to the Ministry of Education and was told that she has to go to the citizenship department.

1 <http://albiladpress.com/article214152-1.html>

PURSUING HOLDERS OF DUAL CITIZENSHIP

On 15 August 2014, the Assistant Undersecretary for Legal Affairs in the Ministry of Interior threatened those holding dual citizenship without prior permission from the concerned authorities with prosecution, particularly the inciters and violators of law. He warned anyone who harms Bahrain's interests and violates loyalty.

Salah Al-Jalahma

On 5 September 2014, the Bahraini authorities arrested former Bahraini military officer Salah Al-Jalahma from Bahrain International Airport while trying to leave the country, when he discovered that there was a travel ban on him. Al-Jalahma had restored his original Qatari citizenship recently. He was charged with inciting hatred against the regime and calling the Al-Jalahma family to emigrate from Bahrain to Qatar. The public prosecution ordered his detention for 7 days pending investigation. His family contacted Qatar embassy and informed them that Salah was arrested and to take the necessary actions to release him. Lawyer Abdulla Al-Shamali has described the charges as non-constitutional, as "calling others to migrate" is not defined as a crime in the law. On 14 September, Salah was released after he submitted a written apology in which he vowed to correct his legal situation.



RECOMMENDATIONS

Accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.

Expedite the adoption of the amendments to the Nationality Law to enable Bahraini mothers to pass on their nationality to their children.

Reverse the decision to revoke the nationality of 40 persons, which is in direct contrast with the Universal Declaration of Human Rights stating: "no one shall be arbitrarily deprived of [their] nationality."

Cancel the amendments to the Nationality Law that violate the right to a nationality and guarantee every citizen the right to maintain his or her nationality in accordance with Article 15 of the Universal Declaration of Human Rights;

Granting the right to a nationality to the children of female citizens on the basis that it is the right of the child and his or her mother, guaranteed by the international conventions of human rights.

Immediately work on granting the nationality to those stateless persons who have met the eligibility criteria without discrimination against them.

Immediately stop the systematic and widespread human rights violations against the citizens of Bahrain.