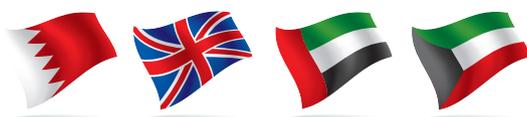


STRIPPING OF NATIONALITY AS A WEAPON OF POLITICAL SUPPRESSION:

**THE CASES OF BAHRAIN, UNITED KINGDOM,
UNITED ARAB EMIRATES AND
KUWAIT**



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Executive Summary

This report aims to reflect on the legal phenomenon of denationalisation as a political weapon against targeted groups of people who are excluded from the entire state system, on the grounds of their political, cultural or religious affiliation. The creation of stateless people by nation states is becoming a widespread phenomenon with global dimensions.

More specifically, in Bahrain, the UAE, Kuwait and Qatar, the power of the executive to revoke citizenship has been used as part of strategies for managing popular uprisings, while in some Western countries, including the UK, the executive has ramped up a controversial programme to revoke citizenship on national security grounds.

The purpose of this paper is thus essential to reflect on the risk of arbitrariness embedded in this asymmetrical hierarchical relationship of powers, in which governments decide who is a threat to security or not. In this regard, the cases of the UK, Bahrain, United Arab Emirates and Kuwait have been selected to give an example of how the legal phenomenon of denaturalisation affects different countries and has acquired a more global dimension.

The first part of this article attempts to draw out the key commonalities of this phenomenon, such as for instance, the people against whom such orders are issued, or the motivations behind such orders based on a perceived lack of loyalty to the state, and the ways in which such powers have been normalised. Indeed, all deprivation orders can be made by the respective Minister of Interior with no judicial approval in advance, violating the fundamental right of individuals to their citizenship.

Further, in the second part of this paper, all the above-mentioned countries are dealt with in more detail by describing the political background against which the controversial laws on nationality emerged.

The report concludes by expressing deep concerns about the arbitrary nature of the power to revoke citizenship.¹ Depriving people of citizenship by making them stateless has a devastating impact on their lives.

Introduction

Citizenship is a fundamental right. Or more accurately, it is “the right to have rights” in that it provides a concrete political status which in turn establishes other legal rights. Conversely, the loss of citizenship is “the loss of home and political status, equivalent to expulsion from humanity altogether”.²

A person without citizenship is stateless. As such he can enjoy none of the protections usually afforded to citizens. For example, stateless persons are unable to work, claim welfare or benefits or access education. In the most dramatic cases, they are also vulnerable to repeated deportation from state to state. Introducing the power to remove citizenship can have grave consequences for society and the individual. If politically inspired, the decision can constitute a cruel punishment against political antagonists.

In view of its enormity it is therefore surprising that the phenomenon of denationalisation has witnessed a resurgence in many countries in recent years. For example, the UK government has taken steps in the last four years to strip individuals of their citizenship as an instrument of its strategy in the ‘War on Terror’. Fifty-three individuals have been divested of their British nationality since 2002, of which 37 have taken place under Theresa May’s watch as Home Secretary since the Tory-led coalition government was formed in May 2010.³

In the same vein, the creation of new cases of statelessness at times of political instability to silence critical voices has been a tool utilised by several Arab states. A prominent example of this is Bahrain. In November 2012, the Bahraini government ordered that 35 of its citizens, all of them prominent opposition figures, be stripped of their Bahraini nationality on national security grounds. According to most reports, only six of them hold another nationality, rendering all of the remainder stateless individuals.⁴

I. PART ONE:

DEFINING THE LEGAL PHENOMENON OF DENATURALISATION

1. Common Features:

Denaturalisation as a means of punishment against political dissidents or alienated domestic minority communities is a legal phenomenon that is becoming established globally in countries with differing legal and political cultures. As such, it is possible to single out some key commonalities which are applicable and relevant to all these countries, regardless of their political, legal and cultural experiences.

a) Minister of Interior's Extended Powers

In all countries, new amendments to the "Nationality Laws" have vested the Minister of Interior with extended powers compared to those allowed by the original laws. Accordingly, deprivation of citizenship is exercised extensively by the Minister of Interior at his discretion, unencumbered by the burden of proving breach of law. Unlike other decisions of such magnitude, he is not subject to any statutory requirement to seek prior authorisation from the courts, and once he has signed the deprivation order, the subject of the order immediately loses his/her citizenship and all the privileges and entitlements that come with it.⁵

According to the new procedure an individual can immediately have their citizenship stripped by a non-judicial body merely on the basis of suspicion, without being given the opportunity to mount an effective defence.

b) Vaguely Worded Provision

The "Nationality Laws" vaguely describe which crimes constitute a threat to the public good. Vaguely worded expressions such as "seriously prejudicial to the vital interests of the United Kingdom", or "the national security of the state" (Bahrain, Emirates, Kuwait) are glaring examples of this intentional lack of transparency.

Generic wordings such as "causing harm to the interests of the kingdom" (Bahraini Nationality Law, 2014), or "undermining the wellbeing of the country" (Kuwaiti Nationality Law, 1959); or where the Secretary of State deems it to be "conducive to the public good" (British Nationality Act, 2014) are too vague. This has serious implications for the rule of law and in particular the right of a person to know what is expected of them in order to regulate their conduct.

These 'catch all' terms are open to interpretation and allow the Minister of Interior wide discretion in deciding to deprive individuals of citizenship.

c) Lack of due process and transparency

In relation to the issues arising from the Interior Ministry's extended powers, the right to due process, which ranks high among the inalienable rights of individuals and carries a non-derogable character, has often been severely abused. As a procedural right, namely a right which gives rise to other related rights, due process has to be seen as an indivisible system comprising a fragile bulk of rules. Once any component of the system is removed, the entire bulk can collapse.

In this regard, most reported cases have presented a breach of the law.⁶

Indeed, most deprivation orders have been carried out without informing the suspect and while the suspect was out of the country, thereby depriving him of the right to appeal. For all these reasons, the following rights here are deemed to be in jeopardy: right to be informed about concurrent investigation, right to be presumed innocent, the right to have access to and respond to all evidence adduced by the government, right to mount a defence, right to appeal, and the right to an effective remedy.

d) Deprivation as deportation

Stripping citizenship when the person is outside the country effectively amounts to deportation insofar as one cannot re-enter. Hence, the scope of the law should be further reviewed, and requirements and limitations to deprivation orders set up or amended.

e) Hostile group targeted

In most countries, these draconian measures are imposed on a specific section of society which is deemed antagonistic and hostile to the ruling majority in terms of their religious, political or cultural affiliation. As such, the new wave of deprivation laws is surrounded by a discriminatory policy, where minorities are part of "a long-standing tradition of scapegoating to gain political capital and instil fear in the population to deter dissent".⁷

In the case of the UK, it appears evident that the policy of depriving citizenship is not so much about preventing terrorism, but as part of a never-ending war against non-white internal minorities. Similarly, in the Middle East, particularly in Bahrain, the new set of laws deliberately aims at targeting political dissidents, particularly Shia dissidents, especially those who are considered to have ties with Iran.

As a consequence, citizens are effectively rendered in debt to the state to the extent that they do not feel they are citizens on a par with others, but rather bounded to a contract in an asymmetric manner. The awareness that such a contract can be revoked arbitrarily at any moment is intended to have a deterrent effect on their political activity.

2. Breach of the international law

Due to the frequency of nation states stripping their citizens' nationality, after the Second World War the international community recognised the need to legislate on the issue. As a result, the right to citizenship is today considered an essential feature of customary international law, whereby "everyone has the right to a nationality, and no one shall be arbitrarily deprived of his nationality."⁸

As a result, the right to citizenship has been secured by the Bill of Human Rights, derived from the Universal Declaration of Human Rights, which states in art. 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.

Also, in the preamble of the International Covenant on Civil and Political Rights, it is stated that:

"Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights."

In addition, denaturalisation impinges on the rights secured by the International Covenant of Civil and Political Rights in articles 2 and 17:

Art. 2:

(1): "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Art. 17:

(1): "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence".

The reference to the concept of arbitrariness in the main international human rights instruments is intended to emphasise the peremptory nature of citizenship. Further, it guarantees that even interferences provided for by the law should be in accordance with the provisions, aims and objectives of the Covenants and should be, in any event, reasonable in the particular circumstances. The UN Human Rights Committee considers that there are few, if any, circumstances in which deprivation of the right to enter one's own country could be considered reasonable. A state party must not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent this person from returning to his or her own country.⁹

3. The Effects of the Revocation Decision

The deprivation order might severely impact on the victims and their families, and put a strain on many facets of their lives and endeavours; be they social, political, or legal. They may impinge on individuals' employment and may even affect their safety. Some of the struggles are summed up below:¹⁰

- Deprivation of their right to identity, loss of access to documents providing legal proof, and exposure to issues of immigration and asylum;
- A loss of feeling of security and a sense of constant threat, especially at checkpoints and country borders;
- Depriving the new-borns of the victims of a nationality - if a child is born to a stateless individual it may itself also be stateless;
- The barring of the use of many services previously available to the victims as citizens, which include:
 - a) Hospitals and housing services.
 - b) The loss of the right to deal with personal assets.
 - c) Loss of the right to pensions and pecuniary benefits.
 - d) The right to work, especially in governmental positions. (Note that the majority of victims who were working in such positions were immediately removed from employment).
 - e) Interactions with local authorities.
 - f) The loss of the right to welfare benefits such as housing and social insurance.
 - g) The barring of travel, and with that the inability to deal with their work from outside their country.
 - h) The sense of anxiety among parents who have young children and families to maintain.
 - i) The separation of families as the deported person is left stranded abroad
 - l) The difficulty of earning a livelihood, specifically for those who are made redundant.
 - m) The inability to enjoy their human and civil rights, such as the right to vote.

II. PART TWO: STRIPPING NATIONALITY AS A POLITICAL WEAPON: THE CASES

1. The Case of Bahrain

The Bahraini authorities continue to step up arbitrary punitive measures whenever there are protests demanding democracy. In general, if citizens from an ethnic or cultural community are involved in any protests, they will be deprived of Bahraini nationality regardless of their rights. In practice, it seems that such arbitrary and punitive measures are aimed at a specific group of political opponents, particularly those subscribing to the Shia school of thought of Islam, and within this group those who are assumed to have ties to Iran.¹¹

a) Background

The stripping of nationality has been an instrument used by the Bahraini authorities to punish political protestors throughout the last century. The first time it was used was in 1954 when a national leader, Abdul-Rahman Al-Bakir, was stripped of his Bahraini nationality for his political activities against the authorities. He was deported along with a number of opposition figures to Saint Helena Island in the south Atlantic Ocean. Afterwards, in the sixties and seventies the Bahraini authorities barred a number of people who were considered ‘political opposition’ from returning to Bahrain after studying abroad. This continued into the eighties when hundreds of citizens with Persian heritage were forcibly deported to Iran and had their nationality taken away.¹²

In recent times, on 7 November 2012, the Bahraini authorities passed a decision to strip 31 Bahraini citizens of their nationality on the grounds of conduct harming the security of the state and dual nationality. Barely a year later, on 6 August 2013, nine Bahraini citizens had their nationality stripped by a court which found them guilty of a “terrorism plot” and “espionage against the kingdom of Bahrain on behalf of Iran”.¹³

The court order mentioned the 2013 Anti-Terrorism Law which provides for revocation of nationality of citizens convicted of terrorism. In addition, the 14 defendants, including the nine stripped of their citizenship, were sentenced to long prison terms ranging from 5-22 years.¹⁴

b) Domestic Law

Bahraini nationality is regulated by the Nationality Law as promulgated in 1963 which allows the revocation order in three separate cases: deprivation of nationality acquired by naturalisation (art. 8); loss of nationality (art. 9) and revocation of nationality (art. 10).

These articles have been subjected to the new amendments as approved by the Bahrain government by the 2013 Law n 21. According to the new dispositions:

(art. 9)

“A Bahraini may have his/her citizenship revoked if he/she acquires a foreign citizenship voluntarily without prior authorisation of the Minister of Interior. Any Bahraini who has acquired a foreign citizenship in this way shall adjust their situation within six months by giving it up or requesting the Interior Minister to keep it”.

In addition, article 10 states that

“the Bahraini citizenship may be withdrawn upon request of the Interior Minister and approval of the cabinet from any Bahraini citizen who:

- a) enters in military service of a foreign country and keeps on service despite an order issued by the government of Bahrain to leave such service;
- b) helps or engages in service of a hostile country
- c) causes harm to the interests of the kingdom”.

That the right to nationality stands before all other rights is confirmed by the fact that the Bahraini constitution itself aimed at regulating the issue, by clearly providing that:

(art. 17) The Rights and Duties

“Bahraini nationality is governed by the law, and its revocation is not permissible unless in situations of great national betrayal, and other circumstances determined by the law.”

Hence, according to Bahraini law citizenship can be revoked only upon request from the Interior Minister and the subsequent approval of the cabinet. Nonetheless, the revocation order against the 31 defendants came solely from the Interior Minister, which seems to strongly indicate that the decision was not passed legally, and was in breach of both the Constitution and the country’s Nationality Law. This renders the minister’s decision devoid of legal basis, considering that a legal requirement to execute such a decision had not been met.¹⁵

In this regard, the Minister of the Interior stated in his defence that even if it is true that stripping of citizenship is reserved as a Power of the King, he ordered it in this instance and granted the Interior Minister powers to circumvent the usual procedures. However, the publication of the King’s order that was allegedly given to the Interior Minister allowing him to execute the royal prerogative has yet to be seen.¹⁶

The Minister of the Interior added that all the decisions would be in compliance with international agreements, with particular regards to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Anyone who had an issue with these decisions should take it up with the judiciary. According to defence lawyers, some of the citizens have attempted to challenge and appeal the decision against them, but the judiciary seems unwilling to examine the complaints.¹⁷

c) Cases

Not surprisingly, all those who had their citizenship revoked are eminent figures known for their political activism against the regime. For example, some of them are former MPs from the Al-Wefaq Party, with others coming from the ranks of the Bahrain Freedom Movement and Shia Muslim clerics.

Among the political activists are two ex-MPs Jawad Fairouz and his brother Jalal Fairouz from the al-Wefaq Party, who were previously arrested for allegedly participating in anti-government protests in 2011; Saeed al-Shehabi, the head of the Freeman of Bahrain movement and Ali Hassan Mushaima, the son of the leader of Al-Haq group and prisoner of conscience Hassan Mushaima.

As for religious figures, the Shia Muslim clerics Hussein Mirza, Khaled Mansour Sanad, Alawi Sharaf, and Ayatollah Hussain al-Najati who has reportedly been under immense pressure to leave Bahrain, were all issued with deprivation orders under the same administrative act.

Remarkably, there was never any communication by officials with the subjects of the orders, investigations or even questioning of the defendants. Eventually, all of them faced jail terms or deportation from the country.

2. The Case of the UK

The British government has dramatically escalated its use of citizenship-stripping powers, particularly in the context of the “War on Terror”, against those whom it has deemed to be involved in fighting, extremist activity or terrorist training overseas. The rise in cases comes as the government attempts to prevent dual nationals who have gone to fight in Syria from returning to the UK.

a) Background

During 2013 the Home Secretary, Theresa May, removed the citizenship of 20 individuals – more than in every other year during the Conservative leadership. As reported by the Bureau of Investigative Journalism, in total May has revoked the citizenship of 48 people since entering office in mid-2010.

During World War I, when citizenship-stripping powers were first enshrined in the law, the governments then in power implemented it only four times. Successively, from the end of World War II to the end of British colonial rule (1945-1971), only 24 deprivation orders were made. Between 1972 and 2002 only one order was made - against the Czech spy Nicholas Prager. However, following 9/11 the then Labour government enacted legislation making it easier to deprive persons of their citizenship provided it did not cause statelessness. Once the power was enacted, they only used it on five occasions.

These figures show how the use of deprivation orders is unprecedented in the modern history of the country. Indeed, suffice it to say that during this Conservative-led coalition government deprivation powers have been used four times more often than they were used in World War I, and three times more than they were used by the Labour government between 2002-2010.¹⁸

b) Domestic Law

The Immigration Bill was given Royal Assent on 14 May 2014. This means that it became law, and an Act, on that date. The Bill introduced new substantial changes to the British Nationality Act. 1981.¹⁹

Firstly, section 66 of the Immigration Act 2014 confers on the Secretary of State enhanced nationality-stripping powers by introducing a new subsection (4A) into section 40 of the British Nationality Act 1981. It allows the Secretary of State to deprive an individual of citizenship, even if it would result in statelessness, as long as three conditions are met:

- The citizenship status results from the person’s naturalisation;
- The Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the UK;
- The Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.

Along with this, of the Immigration Act 2014 provides for a 28-day period for exhaustion of appeal rights.

Regrettably, considering that in the vast majority of cases, the deprivation orders have been issued against British citizens whilst they were overseas, for all practical purposes they have been unable to comply with the legal requirements to appeal against deprivation.

Recently the British Prime Minister David Cameron confirmed that the Government is working on further measures to strengthen powers to seize passports and exclude British nationals from the UK.²⁰ 1 Sept 2014
With regards to preventing British suspects from travelling overseas, the Prime Minister said that “specific and targeted legislation” will be introduced to give police powers to seize passports at the border when they have suspicions about the traveller.

c) Cases

In May 2014 James Brokenshire, Minister for Immigration and Security, gave figures for the number of deprivation orders issued since 2006:²¹

- 27 deprivations had occurred on ‘conducive to the public good’ grounds; and
- 26 deprivations had occurred on fraud, false representations or concealment of material fact grounds, and another case was outstanding.

According to the ongoing “Citizenship Revoked” investigation by the Bureau of Investigative Journalism (BIJ), 48 of the deprivation cases have occurred under the coalition government (as at 3 June 2014). Also, BJI reported a significant increase in the use of deprivation powers in 2013, in part due to British citizens travelling to fight in Syria.²²

As to the appeals procedure, an article published in late 2013 gave some details of the cases appealed. Accordingly:

- two subjects (Abu Hamza and another) have successfully appealed to a Tribunal;
- two (Mohammed Sakr and Bilal al-Berjawi) have apparently been killed in drone strikes ordered by the government of the United States of America
- one (Hilal- Al-Jedda) has succeeded in reversing the Tribunal’s adverse decision on appeal to the Court of Appeal.
- one (Mahdi Hashi) has been secretly transferred to custody in the United States.

Further appeals at various stages are pending in some of these cases.²³

3. The Case of the United Arab Emirates

In the wake of the popular protests since 2011 across the Middle East and North Africa, the UAE has aggressively cracked down on pro-democracy activists involved in peaceful demonstrations against the local government, in particular by targeting suspected members of the Reform and Social Guidance Association (Al-Islah), a non-profit organisation that advocates greater adherence to Islamic precepts and has been engaged in peaceful political debate and discussion in the UAE since 1974.²⁴

The crackdown culminated in 69 alleged members of the group being convicted and sentenced to prison terms ranging from 7-15 years, accused of being foreign agents of the Muslim Brotherhood and plotting to overthrow the government.

a) Background

The incidents leading up to show trials go back to 3 March 2011, when a group of 130 leading academics and intellectuals signed a petition calling for constitutional reforms to amend the articles relating to the Federal National Council.²⁵

As a first move, one month later the Ministry of Social Affairs took action against two NGOs that had signed the petition, and replaced the executive board members of the Jurists' Association and the Teachers' Association with government appointees.²⁶

The security forces then arrested five activists, known as the "UAE 5", who had signed the petition, and charged them with insulting the rulers of the UAE for having allegedly posted statements on 'UAE Hwar', an internet forum preventively blocked by the authorities. They were found guilty and sentenced to three years imprisonment, prior to being pardoned in November 2011.²⁷

On 4 December 2011, seven members of Al-Islah, referred to as the UAE 7, were stripped of their nationality, and their passports and IDs confiscated.

In their aftermath, a new wave of arrests targeted any activists demanding the release of the "UAE 7" including eleven people of Egyptian nationality who were detained and accused of supporting the Muslim Brotherhood in Egypt. Last year a group of people, known as the UAE 94, were tried by the Federal Supreme Court of Abu Dhabi with 56 of them being handed long prison sentences. Among them were prominent human rights lawyers Mohammed al-Roken and the chairman of al-Islah, Sheikh Dr. Sultan Bin Kayed al-Qasimi.²⁸

b) Domestic Law

Article (16) of the Naturalisation Law no 17 of 1972 and its amended law stipulates the withdrawal of citizenship from the naturalised person "if he commits or attempts to commit an act that poses a threat to the security and safety of the State".²⁹

Further, to strip a person of his citizenship, the Interior Ministry is first required to set out the intention and reasoning in a letter to the Council of Ministers. If the latter approves the reasoning, the letter is passed to the UAE president. If he approves, he issues a decree setting out the measures taken, which are then formalised by publication in the official Gazette.

Although the law does not provide for an automatic right to appeal, the decisions may be challenged in court. The government has not provided any evidence that it has followed the legally required steps to revoke the citizenship of the UAE 7. The men's lawyers have said that the seven men received no formal notification that their citizenship had been revoked. Also, no notices have ever appeared in the official Gazette.³⁰

c) Cases

On 9 April 2012, the authorities detained six leading figures of the Islah movement on the grounds of national security. Their names are: Dr. Ali Hussain al-Hammadi, Dr. Shahin Abdullah al-Hosni, Hussein Munif al-Jabri and his brother Hassan Munif al-Jabri, Ibrahim Hassan al-Marzouqi, and Sheikh Mohammad Abdul Razak al-Sediq.

They responded to a summons to appear at an Abu Dhabi office of the Interior Ministry where they were asked to formally sign a pledge to seek another nationality. After refusing they were taken to the al-Shihama deportation centre in Abu Dhabi. None of the men are known to have been charged with any criminal offences in the past. The UAE authorities also confiscated their IDs, passports and health insurance cards.³¹

Earlier in 2011, the authorities had also confiscated the identity papers of three more activists: Ahmed Ghaith al-Suwaidi, (in detention since 26 March 2014), Dr. Ahmed al-Zaabi, a former judge who was also detained on the same date, and Ahmed Abdul Khaleq, one of the UAE 5. With regards to the latter, in July 2011, the UAE authorities decided to deport him to Thailand in violation of international law.³²

The nine men had all acquired UAE citizenship as children, and have never had any other nationality. By having their UAE nationality revoked, they have been left stateless and no longer enjoy rights to work or reside legally in the country as UAE nationals.

During a hearing before a Federal Court of First Instance in Abu Dhabi on April 18, the government submitted a memorandum arguing that the interior minister's decision was consistent with the law.

4. The Case of Kuwait

Kuwaiti authorities have stripped five critics of their citizenship as part of a wider crackdown on people seeking reform.

a) Background

On 21 June 2014 the official Kuwait News Agency announced that the citizenship of five people had been revoked. A week earlier, Kuwait's Cabinet called for the relevant authorities to crack down on people carrying out "acts aiming to undermine the country's security and stability, bringing harm to its institutions."³³

a) Domestic Law

Kuwait's Law of Nationality, 15/1959, empowers the government to revoke a person's citizenship and deport them under certain circumstances (article 13), including:³⁴

- a) obtaining citizenship through fraud,
- b) being convicted of a crime related to honour or dishonesty within 15 years of obtaining citizenship,
- c) being fired from a government job within 10 years of getting citizenship for reasons related to honour or dishonesty,
- d) if it is in the best interests of the state or its external security,
- e) if there is evidence that the individual has promoted principles that undermine the wellbeing of the country.

The decision must be taken by parliamentary decree.

a) Cases

On 21 June 2014, the Kuwait news agency announced that the decision to deprive five people of their nationality was taken under parliamentary decree 185, following a call by the Kuwaiti cabinet for repressive actions against those who “undermine the country’s security and stability”. The government justified the decision by accusing the five of falsifying records when applying for citizenship.³⁵

Ahmed Jabr al-Shammari, owner of the independent Alam Al-Yom newspaper and the Al-Yom television station and one of the five, said that none of them had citizenship elsewhere, so the action resulted in rendering them stateless. The courts also ordered the closure of his media outlets temporarily three times in May and June for defying a prosecutor’s order pressing for a media blackout on an investigation about an alleged plot by senior officials to overthrow the government.

The other four who lost their citizenship are Abdullah al-Barghash, a former opposition leader, and three of his siblings: Sa’d, Nasr and Nura al-Barghash.³⁷⁶

III. CONCLUSION AND RECOMMENDATIONS:

Although international human rights law stipulates fundamental human rights based on our shared humanity, in reality the legal bond of citizenship to a state is critical in accessing many rights.

Whilst it is legitimately a sovereign right of any state to withdraw nationality from their citizens, this can only be undertaken in extreme circumstances and must be done in adherence to both domestic and international regulations. Without such restrictions, it can be done at the discretion of any ruling political power to implement a redefinition of its citizenry, by denationalising, for instance, a section of society perceived as antagonistic, or whose religious beliefs differ from the national norm.

Regrettably, what all the above examples show is that this loyalty has not been based on credible evidence but on shifting political imperatives according to criteria such as ethnicity, religion or political views.

In this regard, CDE firmly believes that such extensive unchecked powers are both legally and ethically dubious. Vesting these powers in an individual, as in the UK, rules out the possibility of requisite judicial scrutiny along with the right to due process, and is a disproportionate response to any threats to national security.

CDE intends to express its well-grounded concerns about the consequences that statelessness can cause if not confronted. First of all, we might witness the stretching of the national interest narrative to the detriment of citizenship rights.³⁷

Secondly, we might run the risk of seeing expanded targeted withdrawal of nationality under vague accusations of threatening state security. Thirdly, the marginalisation of particular groups of individuals and targeted communities runs the risk of further fuelling national, regional or sectarian tensions considering these persons and communities do not consider themselves to belong anywhere. Fourthly, such approaches, which have become key planks of the “War on Terror”, are counter-productive.³⁸

For all these reasons, the Campaign for Democratisation and Empowerment in Bahrain, Bangladesh, Egypt and Saudi Arabia (CDE) recommends the following:

At the international level

CDE believes that to deprive someone of their citizenship is draconian, discriminatory and a clear violation of a state's international human rights obligations. Citizenship is a fundamental right and introducing the power to remove citizenship has grave consequences for society and the individual. A person without citizenship has none of the protections of citizenship and is stateless.

CDE also believes that allowing dual nationals/naturalised citizens to be deprived of their citizenship leads to a two tiered system that allows states to discriminate against citizens based on their ethnicity, race, religion.

CDE recommends that Bahrain, United Arab Emirates, Kuwait should ratify the UN Convention on the Reduction of Statelessness 1961, and be subject to the conventional monitoring mechanisms.

CDE also recommends that the UN Convention on the Reduction of Statelessness 1961 should be amended so that deprivation of citizenship is made illegal under the Treaty, and that no derogations from this duty be allowed.

CDE believes that all states should reaffirm their duty to serve and protect their citizens by agreeing to stop deprivation of citizenship. States should enact legislation so that this right is legally binding upon the State.

Annex I ³⁹

A) People deprived of their citizenship in Bahrain

- 1- Saeed Abdalnabi Mohammed Al-Shehabi
- 2- Ibrahim Ghuloom Hussain Karimi
- 3- Jaafar Ahmed Jassim Al-Hisabi
- 4- Ali Hassan Mushaima
- 5- Abdulrauf Abdullah Ahmed Alshayib
- 6- Musa Abdali Ali Mohammed
- 7- Abbas Abdulaziz Nassir Omran
- 8- Mohammed Mahmood Jaafar Al-khazar
- 9- Qassim Badr Mohammed Hashim
- 10- Hassan Amir Akbar Sadiq
- 11- Sayed Mohammed Ali Abdulridha Al-Musawi
- 12- Abdulhadi Abdulrasool Khalaf
- 13- Alawi Saeed Sayed Ali Sharaf
- 14- Hussain Abdulshaheed Abbas Hubail
- 15- Hussain Mirza Abdulbaqi
- 16- Khalid Hameed Mansoor Sanad
- 17- Kamaal Ahmed Ali Kamaal
- 18- Ghulaam Khairallah Mohammed Mohammedi
- 19- Mohammed Ibrahim Hussain Ali Fathi
- 20- Sayed Abdalnabi Abdulridha Al-Musawi
- 21- Taymoor Abdullah Juma Karimi
- 22- Mohammed Ridha Murtadha Ali Abid
- 23- Habib Darwish Musa Ghuloom
- 24- Ibrahim Ghuloom Abdulwahab Abbas
- 25- Maryam Alsayed Ibrahim Hussain Ridha
- 26- Abdulamir Abdulridha Ibrahim Al-Musawi
- 27- Ibrahim Khalil Darwish Ghuloom
- 28- Ismail Khalil Darwush Ghuloom
- 29- Adnan Ahmed Ali Kamaal
- 30- Jawad Fairouz Ghuloom Fairouz
- 31- Jalal Fairouz Ghuloom Fairouz

B) People deprived of their citizenship in Kuwait

- 1-Mr-Ahmed Jabr Kadem Alshomari
- 2 - Dr Abdla Hashr Al-Barghas
- 3 - Mr Saad Hashr Al-Barghas
- 4 - MrNasr Hashr Al-Barghas
- 5 - Ms Nora Hashr Al-Barghas
- 6 - Mr Nabil Al-Awadi
- 7 - Mr.Mashe Shaoof Eid Al-Motairi
- 8 - Mr.Ali Mohmd Akbar Asknani
- 9 - Mr Abdala Hasanbatl Al-Dobiri
- 10 - Mr.Ali abdulqader Ahmd Matar
- 11- Mr Ahmd Abdula Al-Balhan
- 12 - Mr Naef Ghati Sharyan Al-Motairi
- 13 - Mr Ebrahim Basher Al-Enzi
- 14 - Mr Ahmd Awad Al-Shumari
- 15 - Mr Hadi Abdla Dohaish Al-Otaibi

C) People deprived of their citizenship in United Arab Emirates

- 1- Mr. Hussein Munif al-Jabri
- 2 – Mr. Hassan Munif al-Jabri
- 2 – Shahin Abdullah al-Hosni
- 3 - Mr. Mohmad Abdulrazaq Mohmd Al-Obaidly
- 4 - Mr. Ibrahim Hassan Ali Al-Marzouqi
- 5 - Mr. Ali Al-Hamadi
- 6 – Mr. Mohammad Abdul Razak al-Sediq

Notes:

- ¹ In September 2014 IHRC and Citizens International launched the Campaign for Democratization and Empowerment in Bahrain, Bangladesh, Egypt and Saudi Arabia as part of the work of the Universal Justice Network (www.ujnweb.com).
- ² Arendt H., *The Origin of Totalitarianism*, London: Andre Deutsch 1986, p. 302
- ³ The Bureau of Investigative Journalism report, available at <http://www.thebureauinvestigates.com/2013/02/26/medieval-exile-the-21-britons-stripped-of-their-citizenship/>
- ⁴ Tucker J., “*Citizenship as Political Tool: The Recent Turmoil in the MENA and the Creation and Resolution of Statelessness*”, Tilburg University, Netherlands, p. 3
- ⁵ IHRC’s Briefing “*On the amendments to section 40 of the British Nationality Act 1981 in the Immigration Bill 2013-2014*”, published in London in 2014, p. 16
- ⁶ See generally, IHRC Report, *op. cit.*, and the BIJ report, *op. cit.*
- ⁷ *Ibid.*, p. 20
- ⁸ Bahrain Salam for Human Rights (SALAM) report, “البحرين إسقاط الجنسية سلاح للقمع السياسي”, p. 22
- ⁹ Human Rights Committee, General Comment 27, Freedom of movement (Art.12), U.N. Doc CCPR/C/21/Rev.1/Add.9 (1999).
- ¹⁰ Salam Report, *op.cit.*, 19
- ¹¹ Salam Report, *op.cit.*, p. 6
- ¹² *Ibid.*, pp. 4-7
- ¹³ Gulf news article, available at <http://gulfnews.com/news/gulf/bahrain/bahrain-strips-9-men-of-nationality-1.1368054>
- ¹⁴ Salam Report., p. 2
- ¹⁵ Salam report, Bahrain: Stripping of Nationality a Weapon for Political Suppression
- ¹⁶ *Ibid*
- ¹⁷ <http://bahrainsalam.org/?p=168>
- ¹⁸ IHRC Report, *op. cit.*, p. 10
- ¹⁹ <http://monitor.icef.com/2014/06/uk-immigration-debate-continues-as-new-legislation-passes-into-law/>
- ²⁰ 1 Sept 2014
- ²¹ Parliamentary report, *Deprivation of British citizenship and withdrawal of passport facilities*, Standard Note: SN/HA/6820
- ²² <http://www.thebureauinvestigates.com/category/projects/deprivation-citizenship/>
- ²³ See generally, IHRC report, *op. cit.*
- ²⁴ <http://www.bbc.co.uk/news/world-middle-east-20768205>
- ²⁵ See generally FIDH Report: *UAE denies international legal observer access to verdict in show trial of UAE94 and United Arab Emirates: Criminalizing Dissent*
- ²⁶ <http://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists>
- ²⁷ *Ibid*
- ²⁸ FIDH Report, *op. cit.*

²⁹ The law is available here: <http://www.refworld.org/pdfid/3fba182d0.pdf>

³⁰ <http://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists>

³¹ Ibid

³² Ibid

³³ <http://www.aljazeera.com/news/middleeast/2014/07/five-kuwait-politicians-citizenship-revoked-201472119593875901.html>

³⁴ <http://www.hrw.org/news/2014/08/10/kuwait-5-critics-stripped-citizenship>

³⁵ Ibid

³⁶ Ibid

³⁷ Tucker J., *op. cit.*, p. 7

³⁸ See generally IHRC report, *op. cit.*

³⁹ Annex I will contain the names of those who have been stripped of their nationalities, as for Bahrain, UAE and Kuwait. As to the UK cases, the names of the citizens stripped of their nationalities have not been publicly recorded and included in the annexes.



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