

URGENT ACTION

BIDUN HUMAN RIGHTS DEFENDER'S SENTENCE UPHELD

Human rights defender and member of the stateless Bidun community 'Abdulahkim al-Fadhli had his one-year imprisonment sentence followed by deportation upheld by the Court of Cassation on 16 May. He has been on hunger strike since his arrest on 18 April.

On 16 May the Kuwait Court of Cassation upheld the one-year imprisonment sentence followed by deportation of Bidun human rights defender '**Abdulahkim al-Fadhli**. On 29 January 2015 a Court of First Instance had convicted him of public order offences arising from his participation in a peaceful gathering on 19 February 2014 in Taima, west of Kuwait City. This gathering marked the anniversary of peaceful demonstrations held in February 2011, calling on the Kuwaiti government to extend citizenship rights to the stateless Bidun community living in Kuwait. The Court did not address his allegations that he was tortured during interrogation. On 20 February 2016, the Appeal Court upheld 'Abdulahkim al-Fadhli's sentence.

'Abdulahkim al-Fadhli was arrested on 18 April 2016 as he participated in a peaceful private gathering at the residence of Musallam al-Barrak, a prisoner of conscience and former Kuwaiti parliamentarian. 'Abdulahkim al-Fadhli is detained in Bloc 4 of Kuwait's Central Prison, a high security section. He has been on hunger strike in protest at his sentence and detention since his arrest. He is checked three times per day by a doctor and is allowed regular phone calls. However, his family is unable to request prison visits as their national identification cards were previously confiscated by the Central System to Resolve Illegal Residents' Status – a government body.

Please write immediately in Arabic, English or your own language:

- Calling on Kuwaiti authorities to release immediately and unconditionally 'Abdulahkim al-Fadhli and quash his conviction and sentence as he is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression and assembly;
- Ensure that he is protected from torture and other ill-treatment and given prompt and regular access to his family and any medical attention he may require;
- Urging the authorities to open a prompt, impartial and independent investigation into his allegations of torture and other ill-treatment, and, if there is sufficient admissible evidence, prosecute those responsible in fair proceedings.

PLEASE SEND APPEALS BEFORE 30 JUNE 2016 TO:

Amir of the State of Kuwait
His Highness Sheikh Sabah al-Ahmad
al-Jaber Al Sabah
Al Diwan Al Amiri, P.O. Box: 1,
al-Safat 13001, Kuwait
Fax: +965 2243 0559
Email: amirsoffice@da.gov.kw
Salutation: Your Highness

First Deputy Prime Minister
His Excellency Sheikh Mohammed
Khaled Al-Hamad Al-Sabah
Ministry of the Interior
P.O. Box 12500, Shamiya 71655
Kuwait
Fax: +965 2249 6570
E-mail: info@moi.gov.kw
Salutation: Your Excellency

And copies to:
Chairperson
Parliamentary Human Rights Committee
National Assembly
P.O. Box 716, al-Safat 13008, Kuwait
Fax: +965 2243 6331
Email: ipu-grp@kna.kw (In subject line:
FAO Chairperson of the Parliamentary
Human Rights Commit

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

MR KHALED AL-DUWAISAN GCVO, Embassy of the State of Kuwait, 2 Albert Gate, SW1X 7JU, Fax: 020 7590 3400/3406/3407 Email
Salutation: HIS EXCELLENCY

Please check with your section office if sending appeals after the above date. This is the first update of UA 102/16. Further information:

<https://www.amnesty.org/en/documents/mde17/3940/2016/en/>

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ADDITIONAL INFORMATION

'Abdulhakim al-Fadhli was detained on 24 February 2014 and held in Kuwait's Central Prison for three months. He told Amnesty International that for four hours immediately after his arrest he was beaten and threatened with rape. He added that he was interrogated without a lawyer present and had complained to an investigating prosecutor that he was tortured by the police to force him to sign a "confession". He said that he faced other forms of physical and verbal abuse during this time, including having his head covered with plastic bags.

More than 100,000 stateless Bidun people live in Kuwait. Many were born there and belong to families who have lived there for generations. Despite reforms announced by the government in 2015, the stateless Bidun community face severe restrictions on their access to employment, health care, education and the state support enjoyed by Kuwaiti citizens. When Bidun have protested to demand their rights, they have often faced violence and repression. See the September 2013 publication: *The 'Withouts' of Kuwait: Nationality for stateless Bidun now* (<http://amnesty.org/en/library/info/MDE17/001/2013/en/>).

Until 1986, the Bidun enjoyed a status similar to that of Kuwaiti citizens. Since then, however, many thousands of Bidun have not been able to access government services that require national IDs because they possess only temporary documents whose renewal is at the discretion of the state. Thousands more have no documents at all and often rely on charity to survive. The naturalization process, administered by a government body – the Central System to Resolve Illegal Residents' Status – is opaque and based on shifting criteria. The Central System assesses cases and makes recommendations to the Higher Committee of Citizenship, a government body that decides whether nationality will be granted.

Because of the discrimination they face, Bidun who are able to work in the public sector accept lower wages and poorer terms of employment than Kuwaiti citizens. The Bidun often pay higher fees for essential medical care they cannot obtain at state facilities. Bidun parents sometimes have to send their children to fee-paying schools as they are largely excluded from free, state schools, and although there is a state-sponsored fund for education that they can access, this fund is inadequate. In April 2011, the government promised to improve the rights of Bidun, including some new benefits, such as birth, marriage, and death certificates, free health care, and improved access to jobs, but have yet to turn their words into deeds. As a result, tens of thousands of Bidun continue to be denied their right to nationality, as recognized by international human rights law.

Inspired by protests which broke out in 2011 in the wider Middle East and North Africa region, the Bidun community began protesting peacefully in February 2011, demanding to be recognized as citizens of Kuwait. The security forces used force to disperse demonstrations and arrest protesters, some of whom were charged for taking part in the demonstrations.

The Kuwaiti Prime Minister told Amnesty International on 18 October 2012 that the government would extend Kuwaiti nationality to 34,000 Bidun and resolve the remaining cases within five years.

In November 2014 Kuwait announced that tens of thousands of Bidun might be able to obtain "economic citizenship" of the Union of the Comoros, an archipelago off eastern Africa. According to this proposal, the Bidun would then be allowed to remain in Kuwait as foreign nationals (see also: www.amnesty.org/en/latest/news/2014/11/kuwait-playing-games-lives-more-bidun-residents/). On 16 May 2016, the Comoros authorities stated that they were ready to consider taking thousands of Bidun from Kuwait if the issue was officially raised.