

URGENT ACTION

KUWAITI BIDUN ACTIVIST SENTENCED ON APPEAL

On 31 January 2024, a Kuwaiti Court of Appeal convicted and sentenced Mohammad al-Barghash, a defender of the rights of the stateless Bidun community in Kuwait, to three years in prison on charges that include “spreading false news” after he conducted an interview with a foreign broadcasting channel discussing the Bidun situation. A court of first instance had acquitted him on 25 October 2023, but the prosecution appealed the verdict. If the authorities do carry out the prison sentence, he would be a prisoner of conscience.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Justice

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Your Excellency,

I am alarmed by the news that on 31 January 2024, an Appeals Court convicted Mohammad al-Barghash, 52, the Head of the National Bloc of Kuwaiti Bidun, solely for speaking out about the plight of the stateless Bidun community in Kuwait including the arrest of another Bidun activist during an interview he gave on 12 August 2023 [to Naba TV](#), a Saudi opposition channel broadcasting from Lebanon. The court sentenced him to three years imprisonment and ordered him to turn himself in.

On 3 September 2023 in the evening, plain clothed officers from the State Security Agency detained Mohammad al-Barghash at his workplace, an electronics shop in al-Sulaibiya in Jahra Governorate, without an arrest warrant. He was held in pre-trial detention in contravention of article 69 of the Kuwaiti Code of Criminal Procedures (Law No.17 of 1960, amended in April 2021), which stipulates that “in all cases, provisions of pretrial detention do not apply to anyone who exercises his right to express and publish his opinion verbally, in writing, drawing, or otherwise, including if the expression of opinion is via the media or social media”.

On 25 October 2023, a criminal court acquitted Mohammad al-Barghash, and he was released after spending over seven weeks in detention. However, the prosecution appealed the decision.

According to prosecution documents Amnesty International received, the Public Prosecution accused him of “spreading false news and rumours abroad about the internal situation of the country, aiming at weakening its prestige and reputation, during an interview he gave to a foreign channel, and posting statements on his X (formerly Twitter) account falsely stating that the group illegally residing in the country [the stateless Bidun] faced injustice under the control of an arbitrary government that denies human rights.”

I urge you to immediately and unconditionally drop the charges against Mohammad al-Barghash, as they are based solely on his expression of his opinion and quash his conviction and sentence.

Yours sincerely,

ADDITIONAL INFORMATION

Mohammad al-Barghash is a human rights defender from the community of Bidun (stateless) people in Kuwait. He posts regularly about the plight of the Bidun on social media platforms, organizes online forums for discussion among Bidun and their supporters, and participates in peaceful demonstrations for Bidun rights. In May 2022, he founded the National Bloc of Kuwaiti Bidun, grouping activists to collectively defend the rights of the Bidun in Kuwait.

Mohammad al-Barghash was one of the organizers of a Bidun protest on 26 August 2022 and was among a group of 21 men [arrested](#) and prosecuted in the aftermath for taking part in the peaceful demonstration. He was released on 15 September 2022 and sentenced to pay a 200-dinar fine (approximately \$650 USD) and given a suspended one-year prison sentence.

State security forces arrested Mohammad al-Barghash on 3 September 2023 after he criticised on social media and in a 12 August 2023 television interview the arbitrary arrest of Fadhel Farhan Saket (also known as Abu Turki), another Bidun activist and member of the National Bloc of Kuwaiti Bidun. Abu Turki was arrested on 10 August 2023 in relation to his social media posts. He was released on bail on 31 August but is still facing a number of cases related to his online activism, under the cybercrime law.

Kuwait has a long-term stateless population, the Bidun, who have been present in the country since it gained independence in 1961. Children of this original generation of stateless people are also born stateless.

The Bidun population is estimated to be about 100,000 people, around 10% of the recognized national population. Their statelessness has been perpetuated by Kuwait's nationality law, which does not recognize as nationals the children of stateless parents born in Kuwait or children of Kuwaiti mothers and non-Kuwaiti fathers, and by official decisions barring a path to naturalization. Judicial decisions have further blocked Bidun residents from seeking to redress their statelessness and acquire Kuwaiti nationality. The Bidun today fall into many different categories with differing levels of officially recognized documentation and legal status.

Children born stateless face a heightened level of legal uncertainty and risk of human rights violations. Those born to Bidun families without legal residence status are given a hospital report of the birth, but not a finalized, formal birth certificate from the Ministry of Health. The birth certificate is needed to obtain a Civil Identity Number from the Public Authority for Civil Information, which is essential for access to most services, including public healthcare and education.

In April 2021, the Government approved amendments to the Kuwaiti Code of Criminal Procedure, adding a paragraph to Article 69 of the Law, stating that "in all cases, provisions of pretrial detention do not apply to anyone who exercises his right to express and publish his opinion verbally, in writing, drawing, or otherwise, including if the expression of opinion is via the media or social media".

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Kuwait is a state party, guarantees to everyone the right to hold opinions without interference and the right to freedom of expression, specifying that this right includes the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.

PREFERRED LANGUAGE TO ADDRESS TARGET: English/Arabic

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 29 March 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Mohammad al-Barghash (he/him)