

URGENT ACTION

'ABDALI CELL' SENTENCED TO PRISON OR DEATH

The Kuwaiti Criminal Court issued its verdict on 12 January against 26 defendants on charges including "spying for Iran and Hezbollah". A Kuwaiti man and an Iranian national were sentenced to death, one man was sentenced to life in prison and 19 others to between five and 15 years. The trial did not meet international fair trial standards.

The trial of 26 men, known as the "Abdali Cell" case, before the Kuwaiti Criminal Court ended on 12 January. Charges against the defendants included "spying for Iran and Hezbollah to carry out aggressive acts against the State of Kuwait" by smuggling in and assembling explosives, as well as firearms and ammunition. Kuwaiti national Hassan Abdulhadi Ali al-Hajjiya, and Iranian national Abdulredha Haydar Dahqani, were sentenced to death, the latter in his absence, one man was sentenced to life in prison, 19 received prison terms of between five and 15 years, while three were acquitted and one fined. They have the right to appeal the verdict and sentences.

On 13 August, 23 men were arrested after Kuwaiti authorities seized a cache of arms, ammunition and explosives on a farm in Abdali, near the border with Iraq. The trial of the 26 men, three in their absence, had begun on 15 September. The defendants told the court that they had been tortured to make them "confess" and denied the charges against them. The court ordered an independent medical committee to examine them for marks of torture. When the medical examinations took place, it is understood that they were not thorough and too much time had elapsed for the marks to be seen. On 29 September during the second trial hearing the forensic medical report stated that the men had not been tortured.

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

- Calling on the Kuwaiti authorities to commute the death sentences imposed on Hassan Abdulhadi Ali al-Hajjiya and Abdulredha Haydar Dahqani immediately;
- Expressing concern that the trial of the 26 men may have been unfair and calling for them to be retried in line with internationally recognized standards for fair trials, without recourse to the death penalty;
- Calling on them to order an impartial and independent investigation into all the allegations of torture in this case and bring those responsible to justice;
- Acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences, but stressing that trials should be conducted in proceedings that meet international standards of fairness.

PLEASE SEND APPEALS BEFORE 25 FEBRUARY 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 Committee)

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

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 199/15. Further information:
<https://www.amnesty.org/en/documents/mde17/2453/2015/en/>

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ADDITIONAL INFORMATION

The Kuwaiti authorities seized a cache of arms, ammunition and explosives on 13 August, on a farm in Abdali, near the border with Iraq. In connection with this the Prosecution charged 26 people on 1 September, one of them an Iranian national and three of them in their absence, and referred them to the Criminal Court. The trial of 26 men, known as the “Abdali Cell” case, began on 15 September on charges including "spying for Iran and Hezbollah to carry out aggressive acts against the State of Kuwait" by smuggling in and assembling explosives, as well as firearms and ammunition. All the defendants present in court denied the charges. The court ordered an independent medical committee to examine them for marks of torture and for them to be allowed telephone contact with their lawyers from prison. From the start of the trial, the defendants said that they had been tortured to make them “confess”, and that they still had marks of torture on their bodies. One of them said that during interrogation he had been forced to remove his clothes. Another said he had been raped with a baton.

The medical examination of the 23 defendants took place towards the end of September. The 23 men are understood to have been blindfolded and handcuffed, and not told where they were being taken. They were examined by one doctor, with a member of the security forces present, in a room where there was no clinical or medical equipment. The examinations lasted about five minutes for each defendant and were superficial. They were all returned to their cells within two hours. On 29 September, during the second court session, the medical report stated that the men had not been tortured.

Mohammad al-Hussaini is an imam in al-Hussain Mosque and a religious teacher. He is married and has three children. His brother Abdullah, a father of two, travelled to Jordan in 2011 to study Physical Education to become a teacher, but had to stop when he injured his hand in an accident and returned to Kuwait.

Mohammad al-Hussaini told his family that he had been tortured and his family and religion insulted: his black turban (which signals that he is descended from the Prophet) was removed and urinated on and he was forced to put it back on. He said that during interrogation, his brother Abdullah al-Hussaini had been tortured in front of him, interrogators kicking and stepping on his back. As a result, Abdullah suffered severe back pain and urinary problems. He was denied access to the prison doctor. Their family visited them and saw that Abdullah could not stand up.

On 12 January Mohammad al-Hussaini was sentenced to five years in prison for “obtaining and possessing explosives prior to obtaining a licence” and “obtaining and possessing wireless communication devices prior to obtaining licences”. His brother Abdullah al-Hussaini was fined 5,000 Kuwaiti Dinars (about US\$16,450).

Mohammad al-Hussaini was arrested on 13 August in a raid by State Security forces on his family’s home in West Mishref, in Hawalli Governorate. His brother Abdullah al-Hussaini was arrested there on 16 August. The other men were arrested in similar circumstances. The security forces showed no arrest warrants and gave no reason for arresting the men. They seized computers, mobile phones and other electronic devices. No lawyers were allowed to attend the men’s interrogations. Relatives and their lawyers were only able to visit the men in prison after the Prosecution referred the case to a Criminal Court on 1 September. During these visits, the men told their families and lawyers that they had been tortured. They said this had included being beaten, suspended by one or both arms, or by one or both legs, and given electric shocks. Many said that the interrogators also threatened to bring in the men’s female family members and harm them unless they confessed. Some also said they had been forced to read prepared “confessions” on camera.

Names: Mohammad al-Hussaini, Hassan Abdulhadi Ali al-Hajjiya, Abdulredha Haydar Dahqani, Abdullah al-Hussaini, 19 others
Gender m/f: m

Further information on UA: 199/15 Index: MDE 17/3194/2016 Issue Date: 14 January 2016