

URGENT ACTION

BIDUN DEFENDER RELEASED, AWAITING VERDICT

Bidun human rights defender ‘Abdulahkim al-Fadhli was released from Kuwait Central prison on 2 August after serving the remainder of a three month prison sentence for “misusing his phone”. He is now awaiting the verdict of the Misdemeanours Court of Cassation on 22 September on the separate charge of “illegal gathering”.

Prisoner of conscience ‘Abdulahkim al-Fadhli was released from Kuwait Central prison on 2 August at night after serving the remainder of a three month prison sentence. Instead of being taken to a building near the prison where detainees are processed prior to release, he was taken blindfolded and shackled to a State Security facility in South Surra, south of the capital Kuwait City, and interrogated for two hours by two officers about his intended activities following his release. A court of First Instance had sentenced him to three months in prison on 15 March, in his absence, for “misuse of his phone” in relation to social media applications. The time he had served during previous arrests was taken into consideration.

On 22 September the Misdemeanours Court of Cassation is due to issue its verdict in another case against ‘Abdulahkim al-Fadhli, this time on the charge of “illegal gathering”. The charge relates solely to his peaceful participation at an “illegal gathering” on 10 December 2012 in Taima, west of Kuwait City, for which he was originally sentenced to one year in prison to be followed by expulsion. The Cassation Court ruled on the matter as a criminal case at the time. However, following an appeal to the Technical Committee of the Supreme Judicial Council, the matter has been converted to a misdemeanour case and the conviction and sentence are being reviewed by the Misdemeanours Court of Cassation. On 14 June, as ‘Abdulahkim al-Fadhli was awaiting transfer from the Cassation Court to the Central Prison, he was severely beaten by three policemen in charge of the transfer of prisoners and was injured on the left side of his forehead. He complained to the prison authorities and was seen the next day by a doctor. No investigation into his complaint has yet taken place.

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

- Calling on Kuwaiti authorities to drop the charge of “illegal gathering” against ‘Abdulahkim al-Fadhli as it stems solely from the peaceful exercise of his rights to freedom of expression and association;
- 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 suspected of responsibility in proceedings that meet international fair trial standards.

PLEASE SEND APPEALS BEFORE 16 SEPTEMBER 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 third update of UA 102/16. Further information:

<https://www.amnesty.org/en/documents/mde17/4330/2016/en/>

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ADDITIONAL INFORMATION

Bidun human rights defender '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. He was detained in Bloc 4 of Kuwait's Central Prison, a high security section. From the day of his arrest, he went on a hunger strike which lasted 59 days, in protest at his sentence and detention. During this time he was examined three times per day by a doctor and was allowed regular phone calls. 'Abdulahkim al-Fadhli was previously 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 people 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* (www.amnesty.org/en/documents/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.

Name: 'Abdulahkim al-Fadhli

Gender m/f: m

Further information on UA: 102/16 Index: MDE 17/4611/2016 Issue Date: 5 August 2016