

URGENT ACTION

BIDUN DEFENDER BEATEN DURING PRISON TRANSFER

Bidun human rights defender ‘Abdulahkim al-Fadhli had his one-year prison sentence suspended on 14 June. The court will review his case on 22 September to issue its verdict. He remains in prison to serve a separate sentence of three months. He was beaten by policemen as he was transferred from the court to Kuwait’s Central Prison.

On 14 June the Misdemeanours’ Court of Cassation suspended ‘Abdulahkim al-Fadhli’s one year prison sentence which had been upheld on 16 May by the Cassation Court. On appeal, the Technical Committee of the Supreme Judicial Council had converted criminal charges against him to misdemeanour public order charges in relation to his participation in an “illegal gathering” on 10 December 2012 in Taima, west of Kuwait City. While ‘Abdulahkim al-Fadhli was awaiting transfer from the Cassation Court to the Central Prison on 14 June, 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. The court will review ‘Abdulahkim al-Fadhli’s case and has set 22 September to issue its verdict.

Although the court had suspended ‘Abdulahkim al-Fadhli’s one year prison sentence, it did not order his immediate release as he is currently serving a three month prison sentence issued by a court of First Instance in a separate case. He was sentenced in his absence on 15 March 2016 for misuse of his phone in relation to social media applications, with the court rejecting other charges which included participation in an illegal demonstration, incitement to take part in a demonstration and assaulting security men during a demonstration. It is not clear whether he will have to serve the full sentence or if the time he has served during previous arrests will be taken into consideration, in which case he would be eligible for release on 2 August.

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 convictions and sentences as he is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression and assembly;
- Urging them 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 fair proceedings; and
- Urging them to 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.

PLEASE SEND APPEALS BEFORE 12 AUGUST 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 second update of UA 102/16. Further information:

<https://www.amnesty.org/en/documents/mde17/4057/2016/en/>

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ADDITIONAL INFORMATION

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.

Name: 'Abdulhakim al-Fadhli
Gender m/f: m

Further information on UA: 102/16 Index: MDE 17/4330/2016 Issue Date: 1 July 2016