

URGENT ACTION

APPEAL COURT ISSUES VERDICT IN 'ABDALI CELL' CASE

A Kuwaiti appeal court issued its verdict on 21 July in the "Abdali Cell" case. It upheld a life sentence, a five-year prison sentence and a death sentence against individuals convicted of charges including "spying for Iran and Hizbullah". Nine defendants were acquitted and other sentences were reduced to shorter prison terms and fines.

On 21 July, a Kuwaiti appeal court issued its verdict in the "**Abdali Cell**" case. Charges against the defendants included "spying for Iran and Hizbullah to carry out aggressive acts against the State of Kuwait" by smuggling in and assembling explosives, as well as firearms and ammunition. The court upheld the death sentence against Kuwaiti national **Hassan Abdulhadi Ali al-Hajjiya**, one life sentence and one five-year sentence. It acquitted nine men who had been sentenced to 15 years in prison, and reduced three other 15-year sentences to between two and five years and one 10-year sentence to five years. It also reduced two 15-year sentences and two five-year sentences to fines of 5,000 Kuwaiti dinars (around US\$16,530). The Court did not examine the case of **Abdulredha Haydar Dahqani**, an Iranian national sentenced to death, or that of a Kuwaiti man sentenced to 15 years in prison, as they had been tried in their absence and had not lodged appeals. The acquittals of three other defendants and a fine given to another defendant were also confirmed on appeal. The court disregarded allegations of torture and other ill-treatment made by a large number of defendants. The sentences will now go to the Court of Cassation for confirmation. All those who were acquitted or fined on appeal have now been released.

The appeal court also returned the cases of 17 defendants back to a court of first instance for retrial on the charge of receiving training in the use of explosives, weapons and ammunition by members of Hizbullah outside the country. The trial date has yet to be set.

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 was unfair as "confessions" or other statements obtained by torture and other ill-treatment or coercion were used as evidence in court and calling for those convicted and imprisoned to be retried in line with internationally recognized standards for fair trials, in proceedings that exclude torture-tainted evidence and without recourse to the death penalty;
- Calling on the authorities to order an impartial and independent investigation, including forensic medical examinations that are in line with international standards, into all the allegations of torture in this case, and bring those responsible to justice.

PLEASE SEND APPEALS BEFORE 9 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 second update of UA 199/15. Further information:

<https://www.amnesty.org/en/documents/mde17/3194/2016/en/>

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ADDITIONAL INFORMATION

The Kuwaiti authorities seized a cache of arms, ammunition and explosives on 13 August 2015, 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 two 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 Hizbullah 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 24 defendants took place towards the end of September. The 24 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 al-Hussaini, 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 Muhammad) 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, with 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\$16,530). On 21 July Mohammad al-Hussaini's five-year prison sentence was reduced to a fine of 5,000 Kuwaiti dinars and he was released.

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.

For further information please see: *Kuwait: Submission to the UN Committee Against Torture, 59th session* (<https://www.amnesty.org/en/documents/mde17/4395/2016/en/>).

Names: Mohammad al-Hussaini, Hassan Abdulhadi Ali al-Hajiya, Abdulredha Haydar Dahqani, Abdullah al-Hussaini, 22 others
Gender m/f: m

Further information on UA: 199/15 Index: MDE 17/4561/2016 Issue Date: 29 July 2016