

URGENT ACTION

DETAINED BIDUN HUMAN RIGHTS DEFENDER AT RISK

Member of the stateless Bidun community and human rights defender 'Abdulahkim al-Fadhli has been held at Kuwait's Central Prison since 18 April. Arrested for alleged public order offences, he has been on hunger strike since his arrest. He may be at risk of ill-treatment.

Kuwaiti security forces arrested 'Abdulahkim al-Fadhli in the evening of 18 April while he was participating in a peaceful private gathering at the residence of former Kuwaiti parliamentarian, Musallam Al Barrak, a prisoner of conscience. On 19 April, officials transferred 'Abdulahkim al-Fadhli to Kuwait's Central Prison where he has remained in detention since. Immediately following his arrest, he began a hunger strike in protest.

On 20 February, a Kuwaiti appeal court had upheld a January 2015 conviction against him of one year's imprisonment followed by deportation, handed down for alleged public order offences arising from his participation in a peaceful gathering on 19 February 2014 in Taima, west of Kuwait City. This gathering marked the anniversary of peaceful demonstrations held in February 2011, calling on the Kuwaiti government to extend citizenship rights to the stateless Bidun community living in Kuwait.

'Abdulahkim al-Fadhli was not detained after his conviction was upheld as he did not take part in the court hearing and was 'at large' until his arrest on 18 April 2016.

'Abdulahkim al-Fadhli was detained between February and May 2014 and stated that he was beaten and threatened in detention.

Please write immediately in Arabic or your own language:

- Calling on Kuwaiti authorities to ensure that 'Abdulahkim al-Fadhli is protected from torture and other ill-treatment and given prompt access to a lawyer of his choice, his family and any medical attention he may require;
- Urging the authorities to open a prompt, impartial and independent investigation into his allegations of torture and other ill-treatment, with a view to bringing to justice anyone suspected of a recognizably criminal offense through trials that meet international standards of fairness;
- Calling on them to drop any charges against him that arise solely from the exercise of his rights to freedom of expression and peaceful assembly and to ensure that any trial he faces is in accordance with international fair trial standards.

PLEASE SEND APPEALS BEFORE 10 JUNE 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 Commit

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR KHALED AL-DUWAISAN GCVO
Embassy of the State of Kuwait, 2 Albert Gate SW1X 7JU, 020 7590 3400/3406/3407, <http://www.kcouk.org/contact-us>

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

'Abdulhakim Al-Fadhli was detained on 24 February 2014 and held for three months. 'Abdulhakim Al-Fadhli stated that for four hours after his arrest he was beaten and threatened with rape. He stated that he was interrogated without a lawyer present and 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 have protested to demand their rights, they have often faced violence and repression. See the September 2013 campaign digest: *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, although there is a state-sponsored fund for education that Bidun families can access. In April 2011, the government promised to improve the rights of Bidun, but have yet to turn their words into deeds. This continues to deny tens of thousands of Bidun 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.

Name: Abdulhakim Al-Fadhli
Gender m/f: m

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