

URGENT ACTION

ONE MORE BIDUN MAN RELEASED, TWO DETAINED

Another of the seven men from Kuwait's Bidun ("stateless") community arrested in February was released on 31 March. The two still detained will be facing trial. They may be prisoners of conscience.

A General Court ordered the release of **'Abdulnasser al Fadhli** on 31 March and his case was transferred to a misdemeanours court on charges as yet to be specified. The court also extended **'Abdullah 'Atallah** and **'Abdulhakim al-Fadhli's** detention for a fifth time. During previous sessions neither their families nor human rights activists were allowed to be present in court. Their first trial sessions have been scheduled for 6 and 8 April respectively. They are held in the Central Prison in Kuwait City where their families were granted visits a week after their arrest; there have been no reports of them being tortured or otherwise ill-treated in this facility.

The three men had issued a joint statement on 17 March announcing that they had begun a hunger strike in protest at their continued detention, and would continue it until they were released. The prison's medical facility has been monitoring them closely.

'Abdullah 'Atallah was arrested on 19 February. He is accused of "insulting the Amir", "illegal gathering" and damaging police property (car)". 'Abdulhakim al-Fadhli and his brother 'Abdulnasser al-Fadhli were arrested on 24 February. 'Abdulhakim al-Fadhli is facing charges including "damaging police patrol cars", "assaulting security officers" and "inciting rebellion". He said that during the four hours after his arrest he was beaten and threatened with rape.

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

- Calling on the authorities to release 'Abdullah 'Atallah and 'Abdulhakim al-Fadhli immediately and unconditionally, if they are held solely for peacefully exercising their rights to freedom of expression, assembly and association;
- Calling on them to order an impartial and independent investigation into the reported torture of 'Abdulhakim al-Fadhli and bring those responsible to justice.

PLEASE SEND APPEALS BEFORE 13 MAY 2014 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 - Safat –
13001, State of Kuwait.
Fax: +965 22430559
Email: amirsoffice@da.gov.kw
Salutation: Your Highness

Minister of Justice
His Excellency Dr. Nayef Mohammed Al-
Ajmi Ministry of Justice
PO Box 6, al-Safat 1300, Kuwait
Email: info@moj.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 22436331
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 47/14. Further information:

<http://amnesty.org/en/library/info/MDE17/002/2014/en>

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ADDITIONAL INFORMATION

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 have used force to disperse demonstrations and arrest protesters, some of whom are still on trial 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. Kuwait's parliament passed a bill in March 2013 to grant citizenship to up to 4,000 "foreigners" by the end of 2013. However no Bidun have yet been naturalized.

In 2011 Kuwait reached both the 50th anniversary of its independence and the 50th year of statelessness for the country's Bidun community. They have been protesting against their continuing statelessness and demanding Kuwaiti nationality, which would allow them access to free education, free healthcare and employment opportunities on the same basis as Kuwaiti citizens.

There are more than 100,000 Bidun in Kuwait. Many are descendants of migrant, Bedouin tribes that roamed freely across the borders of the Gulf region, but because their ancestors did not understand the importance of citizenship, or with their centuries-old way of life did not want to belong to any one country, and still others were illiterate, they did not apply for nationality. A great many Bidun assert that the majority are in possession of legal documents that prove their longstanding and continuous settlement in Kuwait.

The Nationality Law came into effect in 1959: it defined Kuwaiti nationals as persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the publication of the law. Many were therefore recognized as Kuwaiti citizens; others were naturalized and granted partial rights, and the remaining group were identified as Bidun.

Many were included in the 1965 census, a key step towards gaining recognition as Kuwaiti citizens. Others served in the army and the police forces. During the 1980s, the security situation in Kuwait deteriorated, and the attitude towards the Bidun changed: they no longer had access to government schools, free healthcare or certain government jobs. Government officials stated that most Bidun were nationals of neighbouring countries and that they had destroyed their documents in order to claim the benefits granted to Kuwaiti nationals, and that they were therefore "illegal residents." Following the 1991 Iraqi invasion and the subsequent liberation of Kuwait, large numbers of Bidun were suspected of collaboration with the enemy and were therefore no longer considered part of Kuwaiti society. Many lost their jobs in the country's army and police forces and other jobs in the public sector.

For further information, 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>.

Names: 'Abdullah 'Atallah, 'Abdulhakim al-Fadhli
Gender m/f: m