

URGENT ACTION

MOTHER OF ACTIVIST AT RISK OF DEPORTATION

Long-term Kuwait resident and Egyptian national, Leyla al-Darmalalli, is at risk of deportation from Kuwait to Egypt. She was detained on 2 September although her residency permit is still valid.

Leyla Mohammad Ali al-Darmalalli, 66, who has been living in Kuwait for the past 40 years, is at risk of being deported to Egypt. Her children are Kuwaiti nationals. She is the mother of Abdullah Fairouz, a human rights activist who was unfairly convicted of having insulted the Amir of Kuwait, and initially sentenced to five years' imprisonment. It is not clear if two years added later to his sentence are to be served concurrently or sequentially.

Leyla al-Darmalalli was detained on 2 September while on her way to visit Abdullah Fairouz in Kuwait's Central Prison. Leyla al-Darmalalli's residency permit is valid. However, the authorities are reportedly planning to deport her on grounds of "public interest". She is not known to have committed any internationally recognizable criminal offence. She is detained at Talha Deportation Centre in Farwaniya, Kuwait's deportation centre.

A member of her family told Amnesty International that Leyla al-Darmalalli, a diabetic and a wheelchair user, collapsed after learning that the authorities were taking her to Kuwait's deportation centre. The authorities took her to Farwaniya Hospital, where family members visited her on 3 September and she was later returned to the deportation centre.

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

- Urging the Kuwaiti authorities to release Leyla Mohammad Ali al-Darmalalli from detention;
- Urging them not to proceed with her deportation;
- Reminding them that Article 13 of the International Covenant on Civil and Political Rights, to which Kuwait is a state party, ensures that a person lawfully on a territory not be arbitrarily expelled but be given the right to challenge an expulsion order.

PLEASE SEND APPEALS BEFORE 17 OCTOBER 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
Kuwait
Fax: +965 22430559
Email: amirsoffice@da.gov.kw

Salutation: Your Highness

Minister of Interior

His Excellency Sheikh Mohammed
Khaled Al-Hamad Al-Sabah
Ministry of the Interior
P.O. Box 12500
Shamiya 71655
Kuwait
Email: 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 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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Abdullah Fairouz is a human rights activist and a member of the Bidun Committee of the Kuwait Society for Human Rights. He has spoken out for the human rights of the stateless Bidun community in Kuwait. He is also a blogger and has previously been an active user of Twitter.

He had previously won a court ruling over his right to Kuwaiti citizenship (as his father is a citizen) but he has not yet obtained a national identification card as proof of his citizenship.

Abdullah Fairouz was arrested on 4 November 2013 in connection with several tweets he had posted, which were deemed to be insulting the Amir of Kuwait Sheikh Sabah al-Ahmad al-Jaber Al Sabah. On 9 January 2014, a court of First Instance unfairly sentenced him to five years' imprisonment, followed by deportation. He was unfairly convicted on the basis of Article 25 of Kuwait's Penal Code which provides for up to five years' imprisonment for publicly objecting "to the rights and authority of the Amir [of Kuwait]" and for finding "fault" with the Amir.

On 5 March a Misdemeanours Court sentenced him to a further two years' imprisonment for 'insulting the judiciary'. It is not clear if Abdullah Fairouz is to serve the two years' sentence at the same time as his current sentence, in line with international practice.

On 5 June the Appeal Court upheld the five-year sentence against Abdullah Fairouz. Although the Appeal Court acknowledged that he had won a court ruling over his right to Kuwaiti citizenship, it still considered him to be a foreigner and upheld his deportation order. The court justified the deportation order on the grounds that at the time of the trial, Abdullah Fairouz did not possess proof of citizenship. The decision to deport Abdullah Fairouz is in contravention of Article 12 of the International Covenant on Civil and Political Rights, to which Kuwait is a state party. It states that no one shall be deprived of the right to enter his own country. Moreover, the Universal Declaration of Human Rights affirms at Article 9 that "No one shall be subjected to arbitrary arrest, detention or exile."

Amnesty International considers Abdullah Fairouz to be a prisoner of conscience who should be immediately and unconditionally released, and whose deportation order should be quashed. The organization believes that there is no internationally recognizable criminal offense that can justify his arrest and subsequent conviction.

Name: Leyla Mohammad Ali al-Daramalli

Gender m/f: f

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