

URGENT ACTION

KUWAITI BIDUN ACTIVIST SENTENCED ON APPEAL

On January 31, 2024, a Kuwaiti Court of Appeal convicted and sentenced Mohammad al-Barghash, a defender of the rights of the stateless Bidun community in Kuwait, to three years in prison on charges that include “spreading false news” after he conducted an interview with a foreign broadcasting channel discussing the Bidun situation. A court of first instance had acquitted him on October 25, 2023, but the prosecution appealed the verdict.

TAKE ACTION:

- Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
- [Click here](#) to let us know the actions you took on **Urgent Action 7.24**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

Minister of Justice

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Your Excellency,

I am alarmed by the news that on January 31, 2024, an Appeals Court convicted and sentenced to three years **Mohammad al-Barghash**, 52, the Head of the National Bloc of Kuwaiti Bidun, solely for speaking out about the plight of the stateless Bidun community in Kuwait during an interview he gave on August 12, 2023 [to Nabaa TV](#), a Saudi opposition channel broadcasting from Lebanon.

Mohammad was ordered to turn himself in.

On September 3, 2023, plain clothed officers from the State Security Agency detained Mohammad al-Barghash at his workplace, an electronics shop in al-Sulaibiya in Jahra Governorate, without an arrest warrant. He was held in pre-trial detention in contravention of article 69 of the Kuwaiti Code of Criminal Procedures, which stipulates that “in all cases, provisions of pretrial detention do not apply to anyone who exercises his right to express and publish his opinion verbally, in writing, drawing, or otherwise, including if the expression of opinion is via the media or social media”.

On October 25, 2023, a criminal court acquitted Mohammad al-Barghash, and he was released after spending over seven weeks in detention. However, the prosecution appealed the decision.

I urge you to immediately and unconditionally drop the charges against Mohammad al-Barghash, as they are based solely on his expression of his opinion and quash his conviction and sentence.

Yours sincerely,

ADDITIONAL INFORMATION

Mohammad al-Barghash is a human rights defender from the community of Bidun (stateless) people in Kuwait. He posts regularly about the plight of the Bidun on social media platforms, organizes online forums for discussion among Bidun and their supporters, and participates in peaceful demonstrations for Bidun rights. In May 2022, he founded the National Bloc of Kuwaiti Bidun, grouping activists to collectively defend the rights of the Bidun in Kuwait.

Mohammad al-Barghash was one of the organizers of a Bidun protest on August 26, 2022, and was among a group of 21 men arrested and prosecuted in the aftermath for taking part in the peaceful demonstration. He was released on September 15, 2022, and sentenced to pay a 200-dinar fine (approximately \$650 USD) and given a suspended one-year prison sentence.

State security forces arrested Mohammad al-Barghash on September 3, 2023, after he criticized on social media and in an August 12, 2023 television interview the arbitrary arrest of Fadhel Farhan Saket (also known as Abu Turki), another Bidun activist and member of the National Bloc of Kuwaiti Bidun. Abu Turki was arrested on August 10, 2023 in relation to his social media posts. He was released on bail on August 31, but is still facing a number of cases related to his online activism, under the cybercrime law.

The Bidun are a long-term stateless population in Kuwait, who have been present in the country since it gained independence in 1961. Children of this original generation of stateless people are also born stateless. The Bidun population is estimated to be about 100,000 people, around 10% of the recognized national population. Their statelessness has been perpetuated by Kuwait's nationality law, which does not recognize the children of stateless parents born in Kuwait or children of Kuwaiti mothers and non-Kuwaiti fathers as nationals. Judicial decisions have further blocked Bidun residents from seeking to redress their statelessness and acquire Kuwaiti nationality.

Children born stateless face a heightened level of legal uncertainty and risk of human rights violations. Those born to Bidun families without legal residence status are given a hospital report of the birth, but not a finalized, formal birth certificate from the Ministry of Health. The birth certificate is needed to obtain a Civil Identity Number from the Public Authority for Civil Information, which is essential for access to most services, including public healthcare and education.

In April 2021, the Government approved amendments to the Kuwaiti Code of Criminal Procedure, adding a paragraph to Article 69 of the Law, stating that "in all cases, provisions of pretrial detention do not apply to anyone who exercises his right to express and publish his opinion verbally, in writing, drawing, or otherwise, including if the expression of opinion is via the media or social media".

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Arabic, or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: March 29, 2024

NAME AND PREFERRED PRONOUN: Mohammad al-Barghash (he/him)