

Universal Periodic Review (Third Cycle)
Kuwait 2020
Submission July 2019

البدون End
Statelessness
(Australia)

Annexes

Kuwait's humanitarian disaster Inter-generational erasure, ethnic cleansing and genocide of the Bedoon

*"There is no one in the House of Islam
With the consensus of the jurists
Without a nationality and a category
That is not defined by nationality*

*These unjust laws, which deprive them of their rights
Clash with the texts of the peremptory law
Its ruling is the rule of ignorance and the rule of tyranny"*

Dr Hakeem al Mutairi

Author:
Dr Susan Kennedy Nour al Deen
B.Hlth Sc., M.Ed., PhD.
Specialist on Kuwait and the stateless Bedoon

Contents

Note on new information
Introduction to the Annexes

Regressive actions since the previous Periodic Review of Kuwait 2015

1. The Contract of Silence
2. Erasure - Systematic removal of identity - indigenous, national, ethnic family
3. Erasure - Replacement of identity with implausible 'proofs' of nationality
4. 'Proofs' of nationality presented by GOK 2019
5. Number of Bedoun GOK has claimed are 'eligible' for Kuwaiti citizenship.
6. Pressuring others states to accept mass population transfer
7. Prospect of dumping population in Kuwait desert near Saudi Arabia
8. Gaps in population numbers after fraudulent 'nationality' applied
9. Reduction of population by prohibiting reproduction
10. Suicide by hanging, self-immolation

11. Communications with the United Nations Human Rights Council

List of reports submitted to the HRC 2019

12. Misconceptions of the Bedoon case in the work of the Human Rights Council

- ICCPR Periodic Review 2016
- CERD Periodic Review Kuwait 2017

13. Request for Genocide intervention February 2019

- Summary of the Special Procedures request for intervention of Special Rapportuer on Genocide
- Special Procedures request for intervention of Special Rapportuer on Genocide

14. Indigenous Rights

Note on new Information

The Annexe contains new information, contextualised in light of accumulative policies and procedures used to deprive the Bedoun of citizenship and human rights. For this reason, some of the data may appear at first glance to be old and/or out of date, but we assure you that the information and concepts provided herein is presented to the Universal Periodic Review for the first time since the previous review of Kuwait, though the same topics may also be copied by other NGOs and contributors. The main purpose of the Annexe is to provide supplementary information about the erasure (identity theft) of the Bedoun, and the context in which it occurs, as well as indicator of state-sanctioned terror and genocide of the Bedoun, which other parties are unlikely to discuss, or unable to discuss in much detail, in their submissions (see *The Contract of Silence*, below).

An extended summary of the Comoros Plan is provided, as the state policy of *mass deportation* to the Comoros Islands does not appear to have been presented before.

Introduction to the Annexes

In Fig. 1 above, the Bedoun who designed this graphic refers to the fact that 'registration' with the Ministry of Interior's Central Apparatus, which in Kuwait is called 'security registration,' was recommended in the previous Universal Periodic Review (UPR) Kuwait 2015, and that the act of 'registration' has involved the Apparatus committing crimes of coercion and enforcement of fraud across the whole Bedoun population of over 110,000. Since 1983, the Bedoun have been forced to sign documents they 'admit' to a national identity that does not belong to them, and the Apparatus has required that they furnish it with fraudulent identity documents, principally repeat fraudulent passports, to the Apparatus. Additionally, they refer to the outcome of the process, which is also fraudulent, whereby the State of Kuwait then claims such documents prove the Bedoun have nationality in other states, while legal, plausible proof of such nationality has never been shown to the public by the Apparatus. The US Embassy in Kuwait has been aware that the State of Kuwait has been trying to offload the whole population onto other States since 2003, and it has known about the program of erasure and the state's enforcement of a system to fraudulent passports trafficked in Kuwait related to 'registration' of Bedoun identity by the state, since 2006. Fundamentally, the system of 'registration' for citizenship was skilfully transformed by the state into a policy and system of erasure (administrative ethnic cleansing), so that its attempts to 'resolve statelessness' have actually been an attempt to eradicate the whole population from the state of Kuwait, while the state has become a global hub for human trafficking of non-Kuwaiti migrants and the indigenous Bedoun, as it has attempted to dislodge the Bedoun from their homeland.

Regressive actions

Regressive actions occurring or *still* occurring after the previous Periodic Review of Kuwait 2015

**Forms of ethnic cleansing of the Bedoun carried out by
the state of Kuwait**

Historical:

Erasure, 1983 - (see below)

Administrative expulsion, 1986

Violent eradication of approx. 50% of Bedoun population (150,000), 1990-1995

At present

(in this report)

1. **The Contract of Silence**
2. **Erasure - Systematic removal of identity - indigenous, national, ethnic family names**
3. **Erasure - Replacement of identity with implausible 'proofs' of nationality**
4. **Pressuring others states to receive mass population transfer 2003, 2015**
5. **Prospect of dumping population in Kuwait desert near Saudi Arabia**
6. **Gaps in population numbers after fraudulent 'nationality' applied**
7. **Reduction of population by prohibiting reproduction**
8. **Suicide by hanging and self-immolation arising from inability to live as social beings**
9. **State-sanctioned terror - Psychological pressures and threats issued to the Bedoun population**

1. The Contract of Silence

A statement of obligation is presented in a contract-like document, which requires a Bedoun to sign 'agreement' he or she will not disclose or discuss any information about Central Apparatus business in general and transactions between the Apparatus and the signee in particular, or engage in any form of 'activism' that would draw attention to the same. The obligation prevents human rights activists and ordinary members of the community from speaking out about the erasure program. Punishment for breaches of the obligation include losing the identity card and access to any public services for the following five years, and the right to apply for Kuwaiti citizenship.

The Contract of Silence prevents human rights activists in Kuwait from speaking out about the true situation of the Bedoun. It can be expected that the same standards are expected of others who are not Bedouns. Within Kuwait, privileged people can get away with speaking out about the Bedoun situation through *wasta* payments (bribes). For those who are not part of this system, much the same standards apply to regular people as to the Bedoun. This explains why there are so few scholars willing to write about the Bedoun as a topic, and to write about their situation of erasure (administrative ethnic cleansing) in particular, but also why there are plenty of funds being poured into certain areas in the field. Stigmatisation, shunning, discrimination and death threats are commonplace for human rights activists and scholars who report openly about the Bedoun's situation, who exist outside of the elite, privileged sectors of society and the system of bribery and payoffs.

2. Erasure - Systematic removal of identity - indigenous, national, ethnic and family names

The main components for the Bedoun erasure program are:

1. Systematic removal of identity - indigenous, national, ethnic family
2. Replacement of identity with implausible 'proofs' of nationality

Both of these elements are forms of erasure, which is a form of administrative ethnic cleansing (Weissbrodt, 2008; Weissbrodt and Collins, 2006). The erasure program is also known as 'registration,' 'regularization' or 'status adjustment' (refer to Fig. 1, 'The Crime of Registration,' as discussed by Hakeem al Fadhli, Bedoun human rights activist).

In the Table 1 below, seven levels of identity are shown. *Each level of identity has been systematically removed from the Bedoun by the state*, with only the last level not applied to the whole population, though it was announced as an official national policy and partially implemented from 2012 ('Arab Times, 7 April, 2012). The types of identity are shown in sequence to illustrate the manner in which the identity was removed according to a theory of identity, undoubtedly with origins in the social sciences. Although the policies were not introduced in a sequential order, each level of the social and ethnic was carefully targeted so that no group social identity relating to indigenous, tribal or national identity would be left within across seven levels, wiping out reference to the Bedoun's identity in Kuwaiti law within exactly 30 years. That the policy as a whole was not rolled out in a hierarchical manner, made it easier for the state to conceal its implementation from experts.

The term 'stateless' in international law was also removed, according to a government of Kuwait (GOK) policy first described in 1986, when it accused the Bedoun of 'lying' about their identity (see the parliamentary inquiry into GOK's having failed to process citizenship applications for the Bedoun, 2 July 1986, in Human Rights Watch, 1995). The policy remains in place today, wherein the state still denies the concept of statelessness in international law as it pertains to the Bedoun after nearly 35 years (see Kennedy, 2016, Vol. 2).

The removal of the term 'nomads' indicates that those who designed the program were aware that the Bedoun were indigenous to Kuwait and the Arabian Gulf, and it seems probably they removed the term to deny the group their rights in the international law for indigenous people (Principally the International Convention on the Rights of Indigenous People, adopted by the General Assembly, 13 September, 2007, and its forerunners, The Indigenous and Tribal Peoples Convention, 1989 ((entry into force, 5 September 1997), and the Indigenous and Tribal Populations Convention, 1957 (No. 107) Entry into force: 02 Jun 1959. The social structure described in the column on the left below, conforms remarkably well with the theory of Feliks Gross (1997, 1998), a sociology who worked in the area of political tribalism.

The last item was introduced to pre-empt attempts to gain citizenship by changing one's family name, a cynical ploy by the state as the Bedouin society is patriarchal and the father's name is significant and meaningful. In the author's view, it would be extremely unlikely for a Bedouin to remove his father's name such is its instrumentality in the culture, and in Islamic Family law. The state does not yet appear to have made a full attempt to remove this name from the Bedoun (sources showing examples of this policy in action, could not be found for this report). Despite this, the removal of identity from the Bedoun is an unusually complex and thorough, pointing to the intent to destroy both the living and ancestral culture of the Bedoun, which would disorientate the collective, invoke a sense of collective loss and mourning, and likely lead to 'social death' (Short, 2016, p.12).

Indeed, this is my experience with the collective, based on my fieldwork and ongoing contacts and observations with the community. Some scholars refer to 'social death' and believe that this condition makes

Type of identity in the social structure	Level of ethnic structure	Year
Identity pertaining to International Law	<p>'Stateless'</p> <p>Removal of the term from official and unofficial use (Article 82/58, 26/12/1982, Education, social and Municipal Committee meeting 82/14, Resolution 6/11. Council of Ministers, Correspondence to Ministry of External Affairs, 9.December, 82)</p>	1982
Indigenous-tribal identity	<p>'Nomads'</p> <p>Removal of the term from official and unofficial use (Article 82/58, 26/12/1982, Education, social and Municipal Committee meeting 82/14, Resolution 6/11. Council of Ministers, Correspondence to Ministry of External Affairs, 9.12.82)</p>	1982
National identity	<p>'Kuwaiti'</p> <p>Removal of whole Bedoun population in the National Census from the 'Kuwaiti' nationality group (backdated to 1985). Reallocation to 'other Arab nationals' of unspecified nationality (Stanton Russell and al Ramadhan, 1994, n32)</p>	1992
Ethnic-national	<p>'Kuwaiti Bedouin'</p> <p><i>Badiat al Kuwayt</i>, the Desert dwellers of Kuwait</p> <p>Removal of the term from official documents held by the Kuwaiti Bedouin in Emiri Decree 41/1987 (Group 29, 2012, p.6)</p>	1987
Sub-ethnic	<p>Tribal names</p> <p>Removal of tribal names required for citizenship and voter registration ('CSRSIR to remove tribe, family names from Bedoun records,' Arab Times, 7 April, 2012)</p>	2012
Micro-ethnic	<p>'Bedoun'</p> <p>Removal of the term from official identity documents and labelling with other nationalities (al Anezi, 1989, p.263, n132, Alhajeri, 2004, p.84)</p>	1983
Family unit	<p>Name of father, grandfather</p> <p>Removal of family names, on basis that Bedoun attempted to obtain citizenship by changing their family names ('CSRSIR to remove tribe, family names from Bedoun records,' Arab Times, 7 April, 2012) (There are exceptions to this policy, as many Bedouns still have their family names on the card.)</p>	2012

Table 1 Adapted from Kennedy (2016), *The Stateless Bedoun in Kuwait Society: A Study of Bedouin Identity, Culture and an Intellectual Ideal*, Table 20, Vol. 1, p.158.

genocidal (Abed, 2006 in Short, 2016, p.25). 'The destruction of cultural symbols is genocidal' (Lemkin, in Moses, 2008, p.12). To destroy the function of cultural symbols disturbs 'the existence of the social group exists by virtue of its common culture' (Lemkin, in Moses, 2008, p.12). Today, Bedouins refer to the negative sentiments and state policies they face as 'racism' and discrimination, but the concept of racism is interchangeable with ethnicity and tribe. Due to intergenerational deprivation of education, the group still lacks some of the intellectual capital and access to complex vocabulary that it requires to discover and examine the full range of destructive policies that have been designed and implemented against them.

Key methods of excluding the Bedouin from the state was to deprive them of citizenship (al Moosa, 1976 in Kennedy, 2016), and then to also deprive them of education, which was thought to be a linchpin in preventing the group developing collective tribal, political consciousness required for them to recover their citizenship and other human rights (described in anti-tribal policies by Arab nationalists Shamlan Alessa, 1981 and Khaldun al Naqeeb, 1990 in Kennedy, 2018, p.5-10).

In international law, the cultural element of genocide was largely omitted from the final text of the Genocide Convention (1948) due to the political opposition of colonial powers at the United Nations (Short, p.18), but it was present in the drafts prior to the final adoption of the Convention, and is included in Article 7 of the Declaration on the Rights of Indigenous Peoples (Adopted 13 September 2007) (p.25). Lemkin, the persons who first came up with the term and framework of 'genocide,' was very disappointed that the term 'cultural genocide' was not included in the final version of the Convention, as it removed a key method of genocidal practice. Lemkin's notes contained 'methods and techniques of genocide,'

Physical [methods] - massacre and mutilation, deprivation of livelihood (starvation, exposure... deportation), slavery - exposure to death; biological - separation of families...; cultural - description and destruction of cultural symbols... destruction of cultural leadership, destruction of cultural centres, prohibition of cultural activities or codes of behaviour... demoralisation (Mc Donnell and Moses, 2005 in Short, 2016, p.20).

Another genocide theorist, Patrick Wolfe, explored the 'logic of elimination' exercised by colonial settlers to remove indigenous, tribal people. He has asserts, 'So far as Indigenous people are concerned, where they are is who they are... Whatever settlers have to say - the primary motive for elimination is not race... but access to territory. Territoriality is settler colonialism's specific, irreducible element (Wolfe, 2006, p.388). This aspect is illustrated in the consolidation of the Bedouin in desert camps around Kuwait City, where they first organised in tribal groups around traditional water well shared communally according to tribal customary law, but were later directed by the state to move to just three sites around natural water sources. Those Bedouins included the Bedouin, who became so-called as reference to their 'being without' citizenship (Kennedy, 2018).

Despite Indigenous international law having been introduced at the time through the ILO Conventions (C107, entry into force 2 June, 1959), intellectuals then carefully re-labelled the Bedouin 'squatters,' 'slum dwellers' and 'migrants,' to remove reference to the group's tribal and indigenous identities so that outsiders would not realize they were tribal Bedouin (Kennedy, 2018, p.9). Being settled quite some distance from Kuwait City, they would go unnoticed, but some intellectuals, nervous about their presence in such desert camps from which it could be deduced that the Bedouin were a tribal group, called for their eradication (al Khatib, 1978, in Kennedy, 2016, Vol. 1, p.61). This way, the Bedouin could be 'lost' in migrant statistics in the National Census. This is exactly what evolved in the decades following al Moosa's (1976) introduction of his policy to expel the group from the National Census, which discriminated against the Bedouin on the basis of their tribal, indigenous and national identities (in Kennedy, 2016).

In order to carry this out, the identity of the Bedouin was shifted discursively (Kennedy, 2016). Bedouin 'squatters' became labelled as migrant 'slum dwellers' who lived in 'slums' (in Alawadi 1980, p.339, in Kennedy, 2016, Vol. 1, p .61). Al Moosa's (1976) policy to expel the Bedouin from the National Census was expulsion

policy was implemented in 1992, but backdated to 1985 to signify 'Kuwaitization' (al Anezi, 1989, and Stanton and al Ramadhan, 1995, in Kennedy, 2016). Initially, the policy moved the Bedoun, who were at the time counted among the 'Kuwaiti Bedouin,' to the classification of 'other Arab.' Later, the group began to be distributed among other (fraudulent and state-imposed) nationalities across the different Arab and African countries listed on the Census (see Stanton Russell, 1989 and Stanton Russell and al Ramadhan, 1994 in Kennedy, 2016). The erasure, being the removal of the Bedoun's existing identity, began in 1983 (Kennedy, 2016). Today, the Central Apparatus records the national identity *it has chosen* for each member of the Bedoun population, of around 110,000 persons, on a range of documents is claims are equivalent to 'original nationality' and on their identity card (Council @ al Majillis, 10 December, 2018).

Below One of the types of forms the Ministry of Interior's Central Apparatus forces Bedouns to sign, as a document of false confession, 'admitting' they have a nationality that they do not have. The signature on the document is interpreted by the Apparatus as the actual proof of 'original nationality.' The document is a tool of the erasure program that has been implemented since 1983 (Kennedy, 2016). Erasure is a form of ethnic cleansing.

الجهاز المركزي
لمتابعة اوضاع المقيمين
بصورة غير قانونية

التاريخ: [REDACTED]

سند استلام بطاقات مراجعة

رقم الهوية	الاسم بالكامل	تاريخ الميلاد	تاريخ الاصدار	تاريخ الانتهاء	مكان التخزين
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

طوابع

اقرار

اقر أنا الموقع أدناه، أنا بكامل أهليتي القانونية ويمحض إرادتي ودون ضغط أو إكراه أن كافة المعلومات المثبتة ببطاقة المراجعة المحدد بياناتها أعلاه إنما هي صحيحة ومطابقة للواقع والحقيقة ولها أصل ثابت مع التزامي باعادة البطاقة فور انتهاء مدتها أو الإلتهاء من إجراءات تعديل وضعي.

References

Arab Times (7 April, 2012). CSRSIR to remove tribe, family names from Bedoun records.

Gross, F. (1998). *Civic and the tribal state: State, ethnicity and the multi-ethnic state*. Westport: Greenwood Press.

Gross, F. (1978). *Ethnics in a borderland: An inquiry into the nature of ethnicity and reduction of ethnic tensions in a One-time genocide area*. Westport: Greenwood Press

Kennedy, S. (2016). Kennedy, S. 2016. '*The Stateless Bedoun in Kuwaiti Society: A Study of Bedouin Identity, Culture and the Growth of an Intellectual Ideal*'. PhD dissertation, The University of Adelaide, South Australia.

Kennedy Nour al Deen, S. (2018). The Bedoun Archive: A Public Archive Created for the Northern Tribes Bedouin of Kuwait, *Education as Change*, 2(22).

Moses, D. (2008). Empire, colony and genocide: Keywords and the philosophy of history, in D. Moses (ed.), *Empire, Colony Genocide: Conquest, Occupation and Subaltern Resistance in World History*. Oxford: Berghahn Books, p.3-54.

Short, D. (2016). *Redefining genocide: Settler colonialism, social death and ecocide*. London: Zed Books. p.12.

Stanton Russell, S. (1989). Politics and ideology in migration policy formulation: The case of Kuwait. *International Migration Review*, 23(1), p.24-47.

Stanton Russell, S. and al Ramadhan, M. A. (1994). Kuwait's migration policy since the Gulf Crisis. *International Journal of Middle East Studies*, 26, p. 569-587.

The Declaration on the Rights of Indigenous Peoples (adopted by the General Assembly 13 September, 2007) (UNDRIP).

The Genocide Convention (1948) General Assembly, also known as the Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277.

The Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169) (entry into force, 5 September 1997) (C169).

The Indigenous and Tribal Populations Convention, 1957 (ILO Convention No. 107), also known as the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (Entry into force: 02 Jun 1959) (C107).

Weissbrodt, D. (2008). *The human rights of non-citizens*. Oxford: Oxford University Press.

Weissbrodt, D. and Collins, C. (2006). The human rights of stateless persons. *Human Rights Quarterly*, 28(1), 245.

Wolfe, P. (2006). *Settler colonialism and the elimination of the Native*. *Journal of Genocide Research*, 8(4), p.387-409.

3. Replacement of identity with implausible 'proofs' of nationality

Central Apparatus 'study' of 'original nationality' 2010-2019

Before considering the identity replacement element of the erasure program run by the state across a range of different Ministries but controlled overall by the Central Apparatus, we wish to highlight the methods the state has claimed to use to 'study' the Bedoun's 'original nationality' before allocating it to the group, after removing Kuwaiti nationality, indigenous identity and several layers of ethnic identity. The methods were described by the government of Kuwait in its response to a letter from Human Rights Watch (2011), asking a range of questions about the state's treatment of the group. The question was asked, 'On what basis does the government determine the true nationalities of this class? With the state referring to the Bedoun as 'this class.' The following answer was provided:

Under Article 2 of the decree establishing the Central System, this agency may take all executive measures to resolve the status of this class. In turn, the agency is in constant, active contact with all government bodies, agencies, public institutions, and competent security bodies, which provide the Central System with the data and information it needs, derived from these bodies' records and official files. These files indicate the true nationality of the person claiming to belong to this class.

Kuwait Government response to Human Rights Watch 2011, letter in *Prisoners of the Past Kuwait's Bidun and the Burden of Statelessness*, p.6

We wish to highlight these methods for the purpose of emphasising their contrast with the range of methods described below, to enforce fraudulent national identity. It may not be immediately obvious to laypersons that the nationality is fraudulent. However, once one begins to learn the methods and products used to create and/or to confirm the nationality, it becomes quite obvious that the nationality is merely a name of a country, and not a plausible form of identity or a legally effective nationality. For these reasons, it does seem quite remarkable that other researchers have not been able to sufficiently understand the processes and nature of the nationality claimed by Kuwait. We assert that the program described by the state was never a 'study' to discover 'original nationality' but was actually a program of erasure used to enforce a false nationality label to withhold Kuwaiti citizenship, which much of the Bedoun population is qualified to receive under Kuwaiti law, and to facilitate further violence, such as mass deportation, disappearances and deaths.

Replacement of identity - Programs enforced on the Bedoun

The identities of the Bedoun described in Table 1, above, were replaced with the term 'illegal residents' in 1987 (see also Beaugrand, 2011 and Longva 1997 in Kennedy 2016, volume 2). But prior to that, from 1983, GOK began to print 'original nationality' on official state documents and Bedoun identity documents it provided to the group (al Anezi, 1989, p.263, p.266, n150, 267, n152 in Kennedy, 2016). GOK faced the problem of having to prove the Bedoun had an 'original nationality' elsewhere. Borrowing from the concept of the tribal *dirah*, it then proceeded to enforce fraudulent nationalities upon the Bedoun by assuming that any of the traditional land (*dirah*) a tribe had held in ancestral times, was equivalent to the name of the modern state that had since been formed, containing that land.

Because some tribal *dirah* were so large as to be spread over multiple modern states, GOK seemed to assume that an 'original nationality' could be one of multiple nationalities. This is why some Bedouns report that different members of their families have been assigned to more than one different type of nationality (see Participants 10 and 11 in Kennedy, 2016). Because legitimate proof of nationality in other states could

not be found during GOKs 'investigations' which it claimed, involved correspondence with other states, it then adopted the creative strategy of assigning false identity labels to the population. Historically, GOK developed a number of different methods of ascribing 'original nationality' to the Bedoun, under a policy of secrecy that characterised the introduction of the program (al Anezi, 1989, in Kennedy, 2016). Bizarrely, the Apparatus developed the practice of forcing Bedouns to sign the same kinds of documents and/or provide fraudulent passports over and over again, which it found was an efficient method of controlling the whole population, via oppression. This part of the program had a negative psychological impact on the whole population, of the likes that the group may never recover. The group were humiliated and defeated prior to the beginning of the protest movement, which commenced around 2006 ('Bedoon' blog by Q8bd, one of the first activist blogs). It is worth remembering that the group were administratively expelled and experienced a sharp decline into poverty in 1986, just a few years after the erasure program had commenced in 1983. The expulsion left police and military servicemen in place so they could control the Bedouns who were expelled, to protect the state and the citizen population (al Talea, 'The Study,' 2003). The plan was to expel this latter group some years later when the policy planners deemed it safe enough to do, and this did indeed occur, after the invasion of Kuwait by Iraq.

Probably the best known of nationality allocation methods is the fraud passports program, which has fuelled an industry of document traffickers in Kuwait, impacting global security in negative terms (see Abrahamian, 2014). Initially the Bedoun were sent letters by their employers across a range of government Ministries, and instructed they must buy supply it with a passport from a 'foreign' country (al Anezi, 1989, in Kennedy, as described in Table 3 below). The Bedoun could not obtain genuine passports from other states because they were not citizens of other states. As fraudulent passports from weak states were cheaper to buy than passports of wealthy nations, the Bedouns bought those. The Central Apparatus provided the details of fraudulent passport sellers who would supply the documents (WikiLeaks US Embassy Cable 4614, 26 November 2006). Once GOK realised the approach might draw attention to its own criminal actions promoting the document traffickers, it adopted new and more rigorous systems, such as the 'confession,' which forced Bedouns to sign they were aware they were no longer eligible for Kuwaiti citizenship once they 'admitted' to having a non-Kuwaiti nationality, and a second 'Pledge' document that stated the signee was aware he would give up his or her rights to Kuwaiti nationality if discovered discussing the Central Apparatus' business. These documents

<p style="text-align: center;">The fraudulent passports program (see table below)</p> <p>Group 1: 'Any' nationality but not Kuwaiti group</p> <ul style="list-style-type: none">• Yemen• Somalia• Eritrea• Liberia• The Dominican Republic <p>Group 2: Politically significant associations</p> <ul style="list-style-type: none">• Iranian• Iraqi• Syrian• Saudi Arabian• <p>Group 3: Recent labelling by the Central Apparatus</p> <ul style="list-style-type: none">• Jordan• Oman
--

emotionally blackmailed the group to the extent that the state managed to lock them down in a self-perpetuating state of severe despondency and oppression.

Table 2 Methods of erasure - countries used in the fraudulent passports program

When human rights activists first began to discuss the problem with international agencies, misconceptions arose, delaying knowledge about the program reaching the outside world. This was because the group had already been shamed for decades not only by the state, but its citizens, making the collective perceive they were so unworthy that no one would believe their story. Bedouins were ashamed of having been subjected to the identity theft, and furthermore, they did not yet fully understand the consequences of the erasure, other than living lives of misery and oppression (i.e. the state's plans to deport them again en masse, after violent ethnic cleansing had already occurred in the 1990s). Additionally, most of the first Bedouin activists had only received very piecemeal education while they were growing up, so they were unable to perceive the whole system that was undermining their identity. Thus they referred only to GOK not providing *any* identity documents to the Bedouin - this line of argument was pushed by BedoonRights.org in particular, run by a small group of activists who would end up dominating the human rights activism scene during the Arab Spring. For some time, this problem of unclear communications held up progress on development of knowledge about the program, as researchers and advocates were aware that contrary to the activists' verbal reports, some documents were being issued by GOK to the Bedouin.

While some Bedouins were not able to acquire any personal identity documents at all, the largest portion of the population faced the replacement of their nationality with a false nationality label, because they had been 'documented' and had registered with the state and applied for citizenship in the 1960s or 1970s. Thus, from 1983 GOK did produce identity documents for some Bedouins, but they were fraudulent and stated nationalities on them that did not belong to the group because they were stateless. In time, activists began to develop better ways of describing their troubles and the nature of the program as a whole, especially after the Arab Spring when the author of this report began working with Hakeem al Fadhli toward describing the program in mutual terms that the international community would better understand. The fraudulent nature of the nationality labelling was discovered not via activists but through the writings al Anezi (1989 in Kennedy, 2016) and MP discussions in the National Assembly (see page 11 for an example of recent descriptions by MPs sympathetic to the Bedouin, Mohammed Hayef and Yousef Zalzal).

The approach deteriorated from 2010 under the leadership of Saleh al Fadalah of the Central Apparatus, as GOK personnel became desperate to accumulate documents of proof of 'original nationality' prior to the end of the Central Apparatus' 5 year term. After the Arab Spring, the Central Apparatus became more aggressive as to the enforcement of the program. After the program was questioned by Members of Parliament such as Hassan Jawhar (*The Arab Times*, 6 October, 2014) and Faisal al Duwaisan (*Kuwait Times*, 5 November, 2014), the Ministry of Interior employed an intensive public relations approach to convince Kuwaiti citizens of why the state depended upon approach. This led to the Apparatus publishing more information than ever before about the program, in the Arab Spring and post-Arab Spring years up to 2017. Accordingly, the author of this report was the first academic researcher to analyse the program in depth, in Kennedy (2016, volume 2).

After the introduction of Decree 409/2011 'human rights reforms,' the erasure program was skilfully linked across multiple GOK departments, so that almost every interaction Bedouins had with the state, involved pressure and coercion to sign away their 'nationality' and the right to obtain Kuwaiti citizenship. Relinquishment of the legal right to obtain citizenship occurred when an individual signed a document enforced on him/her, cancelling their citizenship claims that had been submitted by their families in the 1960s and 1970s. This was despite GOK stating publicly that the easiest and fastest way for Bedouins to obtain Kuwaiti citizenship was to sign the documents to 'admit' (i.e. falsely confess) their 'original nationality.' Essentially, this also meant that GOK had stolen the legitimate identity documents previously held by the Bedouin which qualified them to receive Kuwaiti citizenship, when they submitted their citizenship claims to the Ministry of Interior (see page 21, below).

Previously, the Ministry of Interior had provided them Bedouns with receipts for these documents, but today, GOK no longer makes reference to these. It is felt that as a result, elderly people in the community gave up supporting social activist efforts, realising they would never be able to prove their citizenship claims with just the receipt (personal communications, Q8bd, 12 February, 2019). They had trusted the Emir al Sabah and his government, and had lost their hope after the state had taken from them, the only genuine identity documents they had ever possessed in the previous decades. Table 2 below shows 15 different methods used by the Apparatus to coerce or force the Bedoun into complying with methods to replace the ethnic and national identity of individuals with a fraudulent nationality label, that does not really exist. GOK policy enabled the Central Apparatus to choose the nationality in advance of signing. The document is called 'the pledge.' From late 2018-2019, GOK sought to tidy up and finish off the program by enforcing signatures on confessional documents that did not have the nationality pre-printed on it. Bedouns refer to this as 'blind' documents, referring to blind signing. In some cases, blank pieces of paper were used to capture the signature of the person targeted.

This practice led to Saleh al Fadal, Head of the Central Apparatus, claiming it holds 'five million' documents of 'proof' of 'original nationality' (al Majillis, 11 December, 2018; Aljazeera, 1 December 2018) and Kuwaiti female MP Safa al Hashem appearing on a media program trying to persuade the last 10% of Bedouns who have refused to submit to GOK's policy of eradication, that they should sign the documents for the Apparatus by providing their legitimacy. Thus, al Hashem showed and described the samples of the type of proofs of nationality held (see below, '4. 'Proofs' of nationality presented by GOK). At the time of preparing this report, GOK claimed that all but 90% of Bedouns received free public services across all sectors, because they had provided the 'necessary documents' to renew their ID cards. In reality, the services are subsidised in part or in whole, and sometimes not at all, while the last 10% who had not complied have refused to submit to erasure in principle, because they do not want their identity, nor their legal right to obtain Kuwaiti citizenship, to be stolen from them by the state. In early 2019, Saleh al Fadal of the Central Apparatus ordered the non-compliant individual's bank accounts and funds to be frozen as a punitive measure, to force the group into signing the 'confession' documents submitting to erasure.

Bedoun activist Hakeem al Fadhli requested embassies in Kuwait to confirm if they were aware that any Bedouns in Kuwait were nationals of their states, but none were willing to respond to the inquiries. Historical information on the development of the program is relevant as to its scope and the longevity of this form of ethnic cleansing by the state of Kuwait. Therefore, a summary of methods by which GOK enforced 'original nationality' on the Bedoun is provided in Table 3 below. After this section, a selection of 'proofs' of nationality of the Bedoun shown recently by female MP Safa al Hashem, is discussed, which outlines GOK's perceptions of what proof of nationality looks like at present, derived from the programs in Table 3 and an additional standard taken straight from the 'original identity' ideology, which assumes any stateless Bedoun with no genuine identity documents is 'lying' about their identity, and is a national of another state, which is to be determined by GOK. The standards do not pass the 'common sense' test, and seek to involve the Bedoun in illegal activities to fulfil Ministry of Interior requirements, in order to 'legalise' their status.

Programs replacing the Bedoun's identity with fraudulent nationality labels are shown from the following page. The most recent example of coercion is not so much a program but a punitive response to persuade the last 10% of the population who are resisting erasure. The data is adapted from Kennedy (2016), *The Stateless Bedoun in Kuwait Society: A Study of Bedouin Identity, Culture and an Intellectual Ideal*, Table E5, vol. 2, p.151-2.* *Proposals for whole or part population transfer (mass deportation) as a method of ethnic cleansing, are at: 5, 10, 11 and 12.*

1. Affidavit program – forced ‘confessions’ with nationality cited

Target population: Initially, Bedoun public service employees; later, all Bedouns

Thousands of military servicemen were targeted and forced to commit affidavit fraud. From the Arab Spring, such documents shown by Bedouns indicated they were photocopied forms on Apparatus letter head, rather than legal affidavit proformas. Deportation committees were run concurrently to expel those who would not submit (Human Rights Watch, 2000, 2001; Kennedy, 2016).

2. Government issued ID cards

Target population: Military, police and national guard servicemen

Government ID cards (al Anezi, 1989, p.263 in Kennedy, 2016). Bedouns carried green cards until the Arab Spring. They were then changed to four colour categories, sorted into criminal types, citing ‘non-Kuwaiti’ or other nationalities, depending on progress of erasure. Recently new cards were introduced in 2019, all will have ‘original nationality’ according to Saleh al Fadal, Head of Central Apparatus.

3. Drivers’ licences

Target population: All adult, Bedoun males

Drivers licences issued with false nationalities or ‘non-Kuwaiti’ (al Anezi, 1989, p.263, p.266, n150, 267, n152 in Kennedy, 2016). Bedouns did not drive with driving licenses for decades, for this reason.

4. Letters program – orders to obtain foreign passports

Target Population: All Bedoun government service employees, other than those in the military, police or national guard

Government employees issued letters with notes by the Undersecretary of the Ministry in which they were employed, asking them to submit a ‘valid passport.’ The note requested the individual submit a ‘foreign’ passport from their country’s embassy and send it to the Ministry of Interior in return for a 5 year residence permit; the country was not named (al Anezi, 1989, p.266-267, n151, in Kennedy, 2016).

5. Mass, bi-lateral population transferReferences

Target Population: Bedoun military servicemen

Multiple bi-lateral, international agreements enabling identity transfers to other states suggested by Beaugrand (2011 in Kennedy, 2016). Also discussed in WikiLeaks US Embassy Cable 3950 (2003), where the state wanted Western states to take the Bedoun, on the proviso that those states were not as densely populated as Kuwait, such as Canada and Australia.

6. The fraudulent passports program

Target population: Initially, Bedoun public service employees; later, all Bedouns

The major program prior to ‘confession’ documents, connected to the letter program (above). Contact details of passport traffickers provided by Ministry of Interior, Central Apparatus offices by staff and on posters (al Waqayan, 2009 in Kennedy, 2016; WikiLeaks US Embassy Cable Kuwait 4514, 2006, November 26). U.S. Matt Tueller (now Ambassador to Iraq) observed in the cable, ‘the situation is ridiculous.’

Shk. Mazen al Jarral al Sabah indicated Bedouins were required to continually acquire fake passports, every five years, to remain 'valid' for legal residency. *Kuwait Times*, 30 November, 2015). GOK representative al Nasser referred to as 'original' and 'valid' passports,' lying to the United Nations in *Kuwait Times*, 1 February, 2015).

Confirmed 'legal residence' status in Kuwait means for Bedouins, illegal passports must be supplied. The passport is main document relied upon for nationality to be assumed. MP Safah al Hashem recently confirmed the state still regarded the (fraudulent) Eritrean passport as proof of Bedouin nationality (see below).

7. Marriage and divorce certificates

Target Population: Newly married couples; divorcing couples

'Other nationality' required to be declared on marriage certificate documentation, with supply of fraudulent identity documents to support the application (Kuwait Government Response to Human Rights Watch, 2011, p.7).

8. Birth and death certificates

Target Population: Newborn babies and young children; the deceased (rationale to change their children's nationality)

Failure to provide legitimate birth certificates to the Bedouin as a breach of international law (Weissbrodt, 2009). Humiliation imposed by this process (see al Waqayan, 2009) as to marriage (p.30-32, 44) and birth, (p.30-31). 'Other nationality' required to be declared for the acquisition of a birth certificate and subsequently, school enrolment. One-year temporary birth certificates, requiring annual replacement, were not phased out with Decree 409/2011.

9. Statements of obligation and contracts issued by the Central Apparatus

Target Population: Parents of children at school. Possibly older students and/or the whole population attempting to access Decree 409/2011 reforms.

The letters program - letters were sent by the Education Fund setting out their obligation to submit children to the 'status adjustment' or they will be issued debts for children's schooling (Group 29 2012, in Kennedy, 2016; *Kuwait Times*, 14 October, 2014).

The Contract of Silence - see the beginning of this Annexe.

10. The Comoros Plan

Target Population: All Bedouins

Kuwaiti newspapers and the National Assembly discussed openly, MPs travelling to the Comoros and reciting Comorian officials in Kuwait to develop the plan, including holding 'workshops' for MPs for that purpose. Mark Manly UNHCR statelessness unit described the program as acceptable 'if voluntary,' aware coercion and force was used against the Bedouin. Sh. Mazen al Jarrah al Sabah that Kuwait was in negotiations with an Arab state in order to deport the whole of the Bedouin population there after they receive the said country's citizenship (*Kuwait Times*, May 20, 2014).

11. Those who resist 'status adjustment': The encampment , Saudi Arabian border

Target Population: Those who engage in public expression about the Bedouin (intellectuals, social leaders, activists), and those who refused to submit to erasure.

The whole Bedoun population are now targeted with erasure, whereas up until around 2015 it still appeared that the 1965 National Census group would not be erased (see Kennedy, 2016, Vol.2, p.170-171; *Gulf News*, April 17 2014; *Kuwait Times*, April 22, 2014).

12. Deportations of population to other states, in whole or in part

Target Population: All Bedouns

Discussion in National Assembly and national media. State suggested: The Sudan, Egypt (*Kuwait Times*, 5 April, 2016; *Gulf News*, 17 April 17, 2014, *al Jazeera*, 11 March, 2018).

13. Affidavit - forced 'confessions' with no nationality cited

Target Population: From 2018, the whole Bedoun population

Central Apparatus accelerates implementation of erasure to complete program over 100% population, under Salah al Fadalah, who requires 2 additional years on top of the original 5 year period to 'study' the Bedoun problem (as other Committees referred to the implementation of erasure). Merely forms of blank pieces of paper, signed. Bedoun increasingly resist compliance, post Arab Spring. (MP Safa al Hashem (in favour) below; MP Yousef al Zalzal (against); MP Mohammed Hayef (against), see p.11.

14. Bedouns offered to be accepted back into the military forces

Target Population: Young men 18 years +

Law passed to allow Bedouns to enlist in the military forces, 6 March 2018, due to a lack of Kuwaiti citizens joining the services. Priority in military recruitment would be provided to Bedoun sons of Kuwaiti women, then Bedoun from the 1965 census or those who could prove they had origins in Kuwait prior to 1965, then Bedouns who are sons of former soldiers. *Kuwait News Agency (KUNA)*, 3 March, 2018.

* A condition of entrance was 'regularising status,' that is, signing the document prepared by the Apparatus. It is unclear whether the Apparatus' chosen nationality would be on the document before the military applicant signed or not.

15. Fines and closure of bank accounts

Target Population: The last 10% of Bedouns resisting erasure.

In April 2019, Saleh al Fadalah, Head of the Central Apparatus, ordered Kuwaiti banks to freeze the accounts and funds of Bedouns who were still listed on government records as 'non-Kuwaiti,' who the Apparatus had been unable to force to sign documents submitting to erasure. Families of those who worked were left without their salaries indefinitely. They were unable to open new bank accounts under the ruling, until they signed documents to 'confess' their nationality was that chosen by the Apparatus. The same individuals were sent fines charging them for not submitting to erasure. The Apparatus described the measure as the failure of the those effected 'to provide the necessary documents' to renew their ID cards (*Kuwait Times*, April 15, 2019). This stage is not a widescale program as it is the final step in erasure of the population.

Abrahamian, A. A. (2015). *Cosmopolites: The Coming of the Global Citizen*. New York: Columbia Global Reports.

Al Jazeera, 11 March, 2018. Are Sudanese passports the Bidoon's solution?

Al Jazeera, 13 December 2018. The Bedoons of Kuwait.

Al Majilis, 11 December, 2018. Salah al Fadaleh. 80% of the Bidun is now walking with an identity that says his 'original nationality.'

Al Talea (30 August, 2003). The study of the country's problem of the category of the 'stateless.'

Al Waqayan, A. M. (2009). Stateless in Kuwait: The crisis and consequences. *Journal of Asseyasah Addawlah*, 175, January 2009.

Gulf News (April 17, 2014). Kuwaiti MP wants stateless sent to desert camp.

Kuwait Times. (5 November, 2015). Government to offer Bedoons Comoros citizenship. MP Slams Move Says Lawmakers Misled.

Human Rights Watch (2000). *Promises betrayed: Denial of rights of Bidun, women and freedom of expression*. Retrieved from: <http://www.refworld.org/docid/3ae6a87e0.html>

Human Rights Watch (2001), *World Report*, Kuwait. (2000).

Human Rights Watch (2011). *Prisoners of the past: Kuwait Bidun and the Burden of Statelessness*. (June 13, 2011).

Kennedy, S. (2016). Kennedy, S. 2016. '*The Stateless Bedoun in Kuwaiti Society: A Study of Bedouin Identity, Culture and the Growth of an Intellectual Ideal*. PhD dissertation, The University of Adelaide, South Australia.

Kuwait government's response to Human Rights Watch (2011). Translated by Human Rights Watch. Human Rights Watch, New York.

Kuwait News Agency (KUNA), 3 March, 2018. *Kuwait allows stateless Bidoons to serve in army*.

Kuwait Times (18 May, 2014). No Plans to deport bedoons – Citizenship for deserving people.

Kuwait Times (14 October, 2014). 600 Bedoon children denied admission to local schools - Kids without birth certificates crammed in makeshift classrooms.

Kuwait Times (April 22, 2014). Two racist proposals.

Kuwait Times (1 February, 2015). Kuwait showcases its human rights record illegal residents 'enjoy' basic rights.

Kuwait Times (30 November, 2015). Bedoons to get Comoros citizenship soon: Jarrah.

Kuwait Times (5 April, 2016). 80,000 Bedoons have no hope for naturalization: Sheikh Mazen.

Kuwait Times (April 15, 2019). Uproar over suspension of Bedoon bank accounts.

Sarmad media (28 April, 2019), Interview with female Kuwaiti MP, Safa al Hashem.
<https://twitter.com/QaMnDa/status/1122257485186895872>).

The Arab Times (6 October, 2014). Tough Requirements of Bedoun Students to be Cancelled: MOE. Record of Birth to be Made Sufficient to Guarantee Enrolment.

Weissbrodt, D. (2008). *The human rights of non-citizens*. Oxford: Oxford University Press.

Weissbrodt, D. and Collins, C. (2006). The human rights of stateless persons. *Human Rights Quarterly*, 28(1), 245.

WikiLeaks US Embassy Cable 3950 (26 August, 2003). 'Scientific Salafis' Press for Bidoon Rights.

WikiLeaks US Embassy Cable 4614 (26 November 2006. Kuwait's Bidoon (Stateless Residents) - Background and Update

التاريخ: _____

سند استلام بطاقات مراجعة

رقم الهوية	الاسم بالكامل	تاريخ الميلاد	تاريخ الاصدار	تاريخ الانتهاء	مكان التخزين خ/د/ح
_____	_____	_____	_____	_____	_____

طابع

اقرار

أقر أنا الموقع أدناه، بما يكامل أهليتي القانونية وبمحض إرادتي وذون ضغط أو إكراه أن كافة المعلومات المنبئة ببطاقة المراجعة المحدد بياناتها أعلاه إنما هي صحيحة ومطابقة للواقع والحقيقة ولها أصل ثابت مع إتراسي بإعادة البطاقة فور إنتهاء مدتها أو الإنهاء من إجراءات تعديل وضعي.

وهذا اقرار مني بذلك

المقر بما جاء فيه المستلم

اسم المستلم / _____
التوقيع / _____
التاريخ / _____
رقم الهاتف / _____
البصمة / _____

ضعت بواسطة

نموذج الأقرار الذي يتم تبصيم الكوئيتيين البدون عليه في الجهاز المركزي قبل ان يشاهد المراجع ما هو مكتوب على البطاقة وهذا الاجراء يعد مخالفة صريحة للقانون وجريمة ترتكب في حق هذه الفئة ويرعية حكومية



وزارة الداخلية
الإدارة العامة للجنسية والجوازات

رقم التسجيل _____
رقم التسجيل (بالتأسيس) _____
التاريخ _____
الاسم الكامل _____
عدد الزوجات _____
عدد الأبناء _____
ناقصو الأهلية _____

ملاحظة: هذا الإيصال لا يعتبر مستندا لإثبات الجنسية الكويتية

وزارة الداخلية
الإدارة العامة للجنسية والجوازات

رقم التسجيل _____
التاريخ _____
الاسم الكامل _____
عدد الزوجات _____
عدد الأبناء _____
ناقصو الأهلية _____

ملاحظة: هذا الإيصال لا يعتبر مستندا لإثبات الجنسية الكويتية

Figure 3 The documents on the upper and lower right are copies of two different types of receipts the Bedoun were given by the Ministry of Interior, in return for submitting their personal identity documents with their citizenship applications. The document on the left is one of the versions of the Central Apparatus 'pledge; stating the Bedoun signee is a national of another state, determined by the Central Apparatus.

‘Proofs’ of nationality presented by GOK 2019

The replacement of identity involves regression in the normative international standards of normative proof of identity. GOK personnel do not understand or pretend not to understand, what normative standards of identification are. That is, that the signature must be accompanied by a valid documentary proof. Signed ‘confessions’ of nationality are not proof of nationality.

Type of ‘Proof’	Description
Children of Kuwaiti citizen mothers, Bedoun fathers	Blood connection.
Passport, has signature	Fraudulent, provided by document traffickers in Kuwait. Poor states to whom Kuwait Fund donates are cheaper, the Eritrean passport is shown as the example - obviously not a nationality of a Bedoun. The fraudulent passport is shown as the first and preferred option of the state.
Deportation order	<p>Safaa al Hashem referred to ‘exile’ to another state. The state is unknown and depends on each case. It is not clear if a new nationality is obtained by the state on behalf of the detainee; it seems unlikely.</p> <p>(Bedouns were left indefinitely in Talha Deportation Centre in the 1990s. Recently an inspection of the facility showed inmates are kept over the detention period for months, or year (See ‘Global Detention Project’).</p> <p>Kuwait usually cannot deport and stateless Bedoun because no state can be found to take the applicant, further verifying the fraudulent nature of the nationality imposed. The best example is Hakeem al Fadhli, human rights activist, who in 2017, was freed after his deportation order could not be carried out.</p>
New resident card (fraudulent nationality)	Transition to ‘legal resident’ status 5 years only, stating the fraudulent nationality imposed, reflected on passport or ‘confessional’ documents.
Contract-like documents Nationality listed	Proforma documents issued by Central Apparatus, with nationality named on the paper. Signed by the individual. Assumed to be a ‘confession’ of nationality.
Samples’ Informal or ‘blind’ signing	Proforma documents issued by Central Apparatus, with nationality not listed on the paper. Signed by the individual without knowledge of the nationality imposed by Apparatus. Assumed to be a ‘confession’ of nationality.
“Reservation”	Failing to disclose proof of national identity that is not Kuwaiti, assumed to be nationality of another state. * No assumption of statelessness is permissible.

Table 4 Criteria functioning as ‘proofs’ of Bedoun nationality used to replace Bedoun national and ethnic identity, as at 2019 (presented for government in interview by Safa al Hashem, 28 April 2019)

GOK approved ‘proofs’ of nationality were explained on national media in an interview with MP Safa al Hashem, for *Sarmad Media* (28 April, 2019). In the interview, al Hashem referred to signatures as ‘ID.’ She

then went on discuss proofs sufficient for the 'validation' of other national identity (i.e. validation of signatures) by GOK. Validation of 'other nationality' is thus claimed by GOK as the basis for issuing the identity card, and the card becomes representative of 'original nationality' with the 'proof' held in the

Apparatus security file of each Bedoun. Prior to December 2018 the identity card functioned only as (an arbitrary) link to access to public resources. After that, it functioned as a substitute proof of other nationality, with the 'proof' held in the Apparatus security file of each Bedoun, as well as providing arbitrary access to public resources.

Validity of the 'proof' of other nationality identity as at 2019

Referring only to the material shown by MP Safa al Hashem, above, the 'proof' is either:

Implied but never established, where GOK has arranged with impoverished states to accept an individual for resettlement on criminal deportation

Illegal, as the 'ID' represents a signed fraudulent passport of a foreign state, that GOK has specifically requested to be supplied to it. GOK provides details of the traffickers of these documents (WikiLeaks US Embassy Cable Kuwait 4514, 2006, November 26). The process enables human trafficking of the Bedoun, and facilitates their disappearance and wrongful deportation by GOK and/or its agents

Implausible, as individuals are made to sign a sheets of paper perceived as confessions of nationality in other states. Some pieces of paper have a typed statement of nationality that is seen by the signee. In some cases, the typed statement of nationality is added after the signature is obtained on a blank piece of paper. (See also examples on

Non-binding, as the signatures are procured by GOK under duress (explicit coerced and forced confessions) (see p. 12, 21 for receipt of genuine identity documents submitted by Bedouns for evaluation as citizenship applications, and documents Bedouns have had to sign as false confessions of nationalities they do not possess, in the erasure).

Illogical, as the 'ID' assumed to be 'proof' of nationality of another state is the signature itself. The signature is repeatedly referred to as the object of nationality proof in the example publicised by GOK MP al Hashem.

In breach of international law, as failing to disclose proof of national identity that is not Kuwaiti, leads to the state enforcing decision another nationality is held. The 'reservations' provision demonstrates the state holds genuine statelessness as not a permissible status. It affirms the policy of not recognising statelessness as a concept, in international law. This last aspect confirms the state's attitude was never to resolve the Bedoun's statelessness though it has caused it, as at 2019, explaining the intent to ignore all recommendations made by state parties at the previous UPR Kuwait 2014.

References

Interview with female Kuwaiti MP, Safa al Hashem, for Sarmad media (available 28 April, 2019) <https://twitter.com/QaMnDa/status/1122257485186895872>).

8. (C/NF) Among the main functions of the ECIR is to track "security restrictions." If a Bidoon has committed a crime or is suspected of posing a threat to national security, he is given a security restriction, which prevents him from getting citizenship. Human rights advocates are especially troubled because these security restrictions are often used to restrict family members: so if a man commits a crime, it could taint the record of all of his siblings and his children. As Faisal Al-Sunin, head of the ECIR, stressed to PolOff, Kuwait is not legally obligated to grant citizenship to anyone. The state has the prerogative to grant citizenship or not, and it does so not for people who merely existed in Kuwait but who have provided "significant service" to the state of Kuwait. Therefore, it is Al-Sunin's job to

This page, WikiLeaks cable US Embassy Kuwait 4614 (2006) describes the function of the ECIR (Central Apparatus) is to track 'security restrictions,' where Bedouns are prevented from receiving citizenship if they are suspected of posing a threat to national security. After the Arab Spring, over 20,000 Bedouns were issued with security restrictions. By 2016, all but a few thousand out of over 110,000 Bedouns had been issued security restrictions by the Apparatus.

Faisal al Sunin, Head of the Apparatus at the time, explained to US authorities that the Bedoun had not performed 'significant service' for the state of Kuwait. Yet it is common knowledge the Bedoun performed service in all three wars the Kuwait military service has been involved in, and that the majority of the state's military and police forces comprised Bedouns. Al Aenzi (1989) explained that the Nationality Law (1959) Kuwaiti article 4, clause 4, pertaining to service for the state, was accompanied by an Explanatory Note. The Note specifically advised that the type of service for the state that warranted priority grant of Kuwaiti citizenship, was service in the military and police services. The Explanatory Note is attached to the legislation (al Anezi, 1989, p.193 in Kennedy 2016, vol 1, p.182).

7. (SBU) The GOK created the Executive Committee for Illegal Residents (ECIR) in 1993 to deal with the everyday affairs of the Bidoon. Bidoon must go to the committee for any sort of public transaction they want to complete, such as obtaining official documents. For instance, if a Bidoon has a child, the hospital will ask for the nationality of the parents. Since they have no nationality, they need to get a "to whom it may concern" letter from the ECIR instructing the Ministry of Health that it can issue a birth certificate without the nationality of the parents. The ECIR rarely issues such letters. Instead they reportedly try to convince Bidoon that if they declare a nationality, they will find it much easier to proceed with this transaction as well as future transactions. Once a Bidoon declares a nationality, however, he has for all intents and purposes permanently given up his chance to get Kuwaiti citizenship. The situation has become ridiculous, with many Bidoon holding counterfeit passports from places such as the Dominican Republic, Bolivia, Liberia and Nigeria just so they can get the papers necessary to go about their lives. The Human Rights Society accuses the GOK of actually posting ads in ECIR headquarters for shops that provide fake passports. Bidoon also frequently complain of humiliating treatment at the ECIR.

Above, WikiLeaks US Embassy Cable Kuwait 4514, 2006, November 26, the US Embassy notes in WikiLeaks cable US Embassy Kuwait 4614 (2006) that the Bedoun are advised that once they declare an 'original nationality' that they lose all chance of obtaining Kuwaiti citizenship. Bedouns complained of humiliating treatment by the Central Apparatus, and were forced to obtain the fraudulent documents simply to function in their everyday lives, due to the restrictions placed by the Apparatus on the population, that meant they could not access basic levels of participation in everyday social life, without obtaining a fraudulent passports that the Apparatus directed them to. But moreover, the state has always claimed that some 35,000 Bedouns were 'deserving' of citizenship and were still eligible to be granted it.

Since 2016, however, the Apparatus forced even this group to obtain fraudulent passports or sign 'the pledge,' the 'confession' original nationality was held in another state. The idea is to ensure that not one single Bedoun will be 'eligible' for the grant of Kuwaiti citizenship, according to GOK criteria (Kennedy, 2016). After the Arab Spring, the group most frequently targeted with 'security restrictions' (see above) were Arab Spring activists who were in the category of those whose families were in the military, police, and/or participated in the 1965 census. GOK targeted them to ensure those few able to qualify for citizenship would receive security restrictions, thus cancelling out their prospect for citizenship, according to the Apparatus logic.

The number of Bedouns that GOK has claimed are 'eligible' for citizenship has been notoriously unreliable. Data from 3001 to 2015 shows that the Apparatus was always headed towards cancelling eligibility for all Bedouns as part of its general strategy, additional to identity theft (erasure).

5. Number of Bedouns GOK has claimed are 'eligible' for Kuwaiti citizenship

Year of report	Approximate number	Source
2001	37,000	Human Rights Watch (2001)
2001	11,000	U.S. Committee for Refugees in Doebbler (2002, p.543, para. 2 at n120)
2009	43, 231	Al Waqayan (2009, p. 49).
2013	16,000	<i>Kuwait Times</i> (2013, March 27).
2014	36,000	<i>Kuwait Times</i> (2014, February 9).
2014	15,000 * after 21,000 'security restrictions' issued by Apparatus 2012 and 2014	<i>Kuwait Times</i> (2014, February 9).
2015	34,000	<i>Kuwait Times</i> (30 November, 2015).
2015	8,000 *'clean files' i.e. without security restrictions	<i>Kuwait Times</i> (30 November, 2015).
2016	32,000	<i>Kuwait Times</i> (5 April, 2016).
2015	NIL - under the Comoros Plan * articles implied the whole population would be re administratively re-allocated to the government of the Islands.	<i>Kuwait Times</i> (2016, May 17).

Table 5 Data on the number of Bedouns GOK claims are 'eligible' for Kuwaiti citizenship, 2001-2015, adapted from Kennedy (2016), *The Stateless Bedoun in Kuwait Society: A Study of Bedouin Identity, Culture and an Intellectual Ideal*, Table D5, Vo2. 1, p.117-118.

We will allow the data above to speak for itself, as to the inconsistent accounting for the Bedoun population, who were excluded from reporting as Kuwaiti nationals and as a separate group after their administrative expulsion by the state in 1986 (Kennedy, 2016). The reports draw on government sources of data. The United Nations does not require the Bedoun to be accounted for as a population group, Kuwaiti or otherwise. They and they are excluded from national and international development measures generally speaking, UNDP, UNESCO and Sustainable Development Goals in particular.

It is vital that the Human Rights Council allow the group to be accounted for as a separate and 'at risk' population group, comprising ethnic tribal and non-tribal Bedouns, and to enable them to participate in all

United Nations development measures and goals, via inclusion in Kuwait's national budget and Vision 2035. The Bedoun assert their indigenous rights in international law, and their right to development. Since their

administrative expulsion, Kuwait has not spent any resources whatsoever on the group's cultural development, while the Bedoun's population has experienced a reduction in size of genocidal proportions (Kennedy, 2016).

References

Al Waqayan, A. M. (2009). Stateless in Kuwait: The crisis and consequences. *Journal of Asseyasah Addawliah*, 175, January 2009.

Doebbler, C. F. (2002). A human rights approach to statelessness in the Middle East. *Leiden Journal of International Law*, 15, 527-552.

Human Rights Watch (2001), *World Report*, Kuwait.

Kuwait Times (27 March, 2013). Rights group praises Kuwait Bedoon move.

Kuwait Times (9 February 2014). Bedoon Draft law upsets state-body work plan.

Kuwait Times (30 November, 2015). Bedoons to get Comoros citizenship soon: Jarrah.

Kuwait Times (5 April, 2016). 80,000 Bedoons have no hope for naturalization: Sheikh Mazen.

Kuwait Times (17 May, 2016). Top court jails Bedoon activist for protesting; Comoros Ready to Take Kuwait's stateless people.

6. Pressuring others states to accept mass population transfer

We believe that the Bedoun are 'at risk' of a mass human rights atrocity and remain at risk of mass population transfer ongoing, until the state of Kuwait grants the group citizenship and takes genuine, convincing actions ceasing measures that exclude and segregate the group from the state. This assessment is based on historical factors, and factors at present. Historical facts include the state having left the group perpetually stateless despite recruiting those who were not already historically attached to the homeland through the tribal social structure, for the purpose of permanent settlement and citizenship in the state of Kuwait, and providing the state with its national and local security needs. Additionally, the repeated promised the Bedoun citizenship would be forthcoming to them, even after organising state violence against them (Kennedy, 2016, vol 2, Appendix Biii). The state of Kuwait has never been held responsible for its administrative expulsion of the group (1986), violent ethnic cleansing (1990-1995) or the erasure program from 1983.

Contemporaneous factors endangering the group as to the potential of mass population transfer include the state's erasure program from 1983 until until today, despite recommendations by state parties at the previous UPR Kuwait 2015, requesting the state comply with international law to grant the Bedoun citizenship and voting rights as soon as possible. Rather than respect the wishes of the international community articulated at the UPR, the state has instead accelerated the erasure program in an attempt to push the group onto other states. The state has been unable to produce evidence the Bedoun are 'illegal residents' because they are nationals of others states, and as we have explained in this report, it has been willing to not only to fabricate evidence to try to convince others the group have 'lied' about their nationality, the state has demonised the group to the extent it has chosen to refute normative standards of international law as to the concepts of statelessness and nationality, and how these ideas are measured and validated.

As the group have been erased, they are extremely vulnerable to death, disappearance and deportation in association with the erasure program itself, but also due to past state violence. No government, third party or international investigations of Bedoun population losses that have occurred as a result of known state violence, has ever been conducted. This is an indicator that the state may attempt the same at any time, because in the past it has been able to pursue such actions without consequences. The fact that the Bedoun have been oppressed for some thirty years after violence ethnic cleansing ordered by the state violence last occurred, and the Bedoun are now exhausted from their longterm oppression and lack of success in pushing back state oppression and violence, only increases the group's vulnerability. The state's campaign to remove 'illegal residents' from its territory, which appears to be a campaign focused on expatriate labour, provides an ideal backdrop for the pursuit of large-event and incremental population transfers of Bedouns under the guise of expatriate deportations, especially now that nearly the whole group's national identity has been changed on official government documents, to a nationality that does not exist. Kuwait's tampering with its own National Census, distribution the group across other national populations on the Census, provides a second set of ideal conditions for mass population transfer, which may now occur quite easily, undetected.

The state has shown nothing but impunity toward human rights activists who might attempt to raise the alarm should such events occur. It is our experience that international humanitarian organisations, scholars working in the area of international law, human rights, statelessness and Middle East studies, as well as foreign governments, coordinate to ignore the Bedoun crisis. Thus, there would likely be very little response from the national or international community if human rights violations began to occur even more frequently or to an even more greater extent than they already do at present. The same can be said if a large-scale atrocity or atrocities were to occur. And finally, before we go into greater detail about Kuwait's overtures to others states to take the Bedoun problem away for the convenience of GOK, there is the problem wherein the Special Rapporteur on Genocide has to date, failed to act on our request for Special Procedures to investigate the

Bedoun's situation that was sent 14 February 2019 (Susan Kennedy Nour al Deen and Hakeem Fadhli). A copy of the request is attached to the Annexe

In the following discussion, we will look more closely at one of the WikiLeaks cables on the Bedoun and pressures the state of Kuwait has put on both strong and weak states, to enable it to expel the Bedoun physically from Kuwaiti territory. But first, it is worth remembering the group has claimed their rights in international law, and are likely eligible for compensation for their losses as to their suffering due to deprivation of citizenship and state violence since the 1960s, and due to loss of access to public resources, including oil-based income.

Causes for attempts at mass population transfer

The state has attempted to transfer the group to Western states in the past, principally Australia and Canada, under the purported rationale that these countries have more physical space in which it could accommodate the Bedoun population, than Kuwait. Kuwait has long had a problem with its demographic balance, which is exacerbated by state corruption, which has made the increasingly more difficult to solve as time goes on. Nevertheless, this problem is not for other states to solve; Kuwait must learn to manage its resources effectively. As the Bedoun are indigenous to Kuwait, they should not be disadvantaged because government does not want to out-phase and eventually remove the *kefala* system of employer sponsorship, or because the state's main method of contributing to the international community is not through good citizenship, but via enormous cash donations drawn from its sovereign funds.

In 2003, WikiLeaks cable 3950 (26 August, 2003) set out GOKs attempt to influence other states to take a mass population transfer of the Bedoun. While Kuwait does have issues with balancing its population compared to the country's size, this is the reason the state seeks to remove the Bedoun. If sheer land space was the problem, then the state would more effectively balance its migration intake. Additionally, it would cease naturalisation of several thousand nationals of other countries each year, in parliamentary citizenship grants. It is quite clear that the Bedoun issue is a reflection of ethnic conflict in the country.

The Bedoun problem is far more closely related to social discrimination, stigma and demonisation by the existing citizen population, especially the Hadar of Kuwait, who have become indoctrinated into extreme ideologies of Kuwaiti and Arab nationalism, *wataniya* and *qawmiyya*. Both conservative and liberal voters and members of parliament prefer to create pathways for migrants of other nationalities to share in the state's wealth, rather than the Bedoun. This attitude is reflected in writings on Kuwaitisation, which demonise the Bedoun's culture well into the 2000s. In other words, the Bedoun population size in no way 'threatens' state security or 'demographic balance,' although some who are racist or otherwise discriminate against the Bedoun on the basis of their identity and cultural characteristics, would prefer us to believe this. Furthermore, it is erasure that holds the potential to threaten state security and international order, related to trafficking of fake personal identity documents and the spectre of the state's system of modern slavery.

The WikiLeaks cable poses the challenge wherein Kuwait seeks to push out the Bedoun onto other countries. It is happy to remove the group to rich, Western states or poor, developing states, as long as Kuwait does not have to integrate the Bedoun itself. As indigenous tribespeople, the Bedoun have no intention of leaving their homeland, particularly in consideration of the suffering they have endured to date to prevent becoming displaced or killed off, like around half of their population has been already. In WikiLeaks cable REF, GOK had distinguished itself by pressuring Western countries Canada and Australia to accept mass transfer of the Bedoun. That Kuwait has set its sights on these states because it perceives them to have greater free land-space, has no bearing on Kuwait's responsibilities to the Bedoun in international law.

Preoccupation with nationality transfer to weak states

The Comoros plan proposes that Comorian passports issued by government would provide 'legal residents' status for 5 years, including access to a package of benefits, which comprise basic public services. This 'sells' Decree 409/2011 human rights reforms to the Bedoun in return for 'status adjustment' and a Comorian

passport. Recipients are classed as having voluntarily relinquished any rights in law to Kuwaiti citizenship. The passport has to be renewed every 5 years. Government has offered to give out the residents permit for free. Essentially, this is the same system as all the programs which rely on fake passports of any nationality, but it forces the whole population to submit to erasure with one nationality. The key difference is the endorsement by the government of the Comoros Islands. It is the second-generation version of the mass, bi-lateral population transfer that was taken up by the United Arab Emirates government around 2008, to deport a few hundred stateless Emiratis (see Beaugrand, in Kennedy, 2016).

On May 19, 2014, an announcement was made that officials in the Central Apparatus and the Citizenship and Passports Department of the Ministry of Interior of Kuwait had met three weeks earlier with representatives of the Comorian government to discuss the Comoros plan for 'economic citizenship' in Kuwait (*Kuwait Times*, 19 May, 2014). According to a Central Apparatus official, the plan stipulated that the Comorian government must recognize the Bedoun as their own nationals, and agree to accept all Bedouns deported from Kuwait who had committed crimes. Additionally, the project would commence with a mass transfer of 1,900 individuals on its database, to Comorian nationality. In response to criticism, Sheikh Mazen al Jarrah al Sabah, the Undersecretary for Citizenship and Passports Affairs, announced that there were no plans to deport all Bedouns (*Kuwait Times*, 18 May, 2014). A 'high level diplomatic source' told al Rai in May 18, 2014, that Kuwait 'will not hesitate to take any route that leads to ending this dilemma for once and for all.' The stipulation that the government of the Comoros would have 'receive' transfer (deportation) of individuals deemed to be 'criminals' by Kuwait (*Kuwait Times*, 19 May, 2014), implied the Comoros Islands Plan was to be transformed into Kuwaiti penal colony.

In considering the concept of deportation of criminals to the island, the mass criminalisation of the Bedoun since the Arab Spring, particularly of those who are eligible for citizenship under the Nationality Law (1959) of Kuwait and the Constitution of Kuwait (the green identity type, discussed in Appendix D, iv), is salient. The whole population was deemed 'illegal' and having breached Kuwait's migration law in 1986, when the administrative expulsion was implemented. The colour-typing criminal labelling inherent to the 'new' identity types in the 'status adjustment' program as at 2012, left all but approximately 15,000 criminally labelled (*Kuwait Times*, April 7, 2014), progressively reduced to 8,000 (according to al Jarrah in *Kuwait Times*, 30 November, 2015).

Additionally, between 2012 and 2016, the vast majority of Bedoun eligible to receive citizenship had been issued 'security restrictions' (21,000), regarded as equivalent to criminal offences by the government of Kuwait (*Kuwait Times*, 17 September, 2013; *Al Abna*, 12 March, 2012; Colonel Mohammed al Wuhaib, in *Kuwait Times*, 9 February 2014), 'security restrictions' were applied on multiple occasions to the target's security file, or to any family member of the target. Thus, the Bedoun are subject to multiple layers of criminalisation (see discussion about the targeting this group with citizenship deprivation, criminalisation and potential deportation, in Appendix G, iii). But if we consider the 1986 expulsion measures (Al Talea, 30 August, 2003), the whole population of Bedoun are regarded as 'illegal residents' as a matter of public policy. Therefore, it appears that government may find it well within their means to interpret the provision for the deportation of criminals as applying to the vast majority, if not the whole of the population, if it desired to do so.

The scheme was again widely publicised just a few weeks after the community had been affected by bans on children without birth certificates commencing school (BBC News Middle East, 10 November, 2014; *Kuwait Times*, 14 October, 2014). Government officials spoke to journalists on and off the record about the scheme (*The Arab Times*, November 9, 2014; *The Arab Times*, 10 November, 2014). In the local media, questions were raised about the level of commitment to this plan, and its plausibility.

On November 5, 2014, MP Faisal al Duwaisan openly discussed that government had now itself proved the implausibility of their claim that the Bedoun had ever had other 'original' nationalities and that it had misled members of parliament for decades (*Kuwait Times*, 5 November, 2015). He reminded the government that it had never been able to prove the group had the alternative nationalities it had claimed since the 1980s, and nor had the government been able to acquire the associated deportation permissions from those countries, to return its nationals. He accused government of misleading National Assembly over the past decades, and challenged it to deport any Bedoun individual to the nations it had claimed they held nationality. Al Duwaisan also declared that he would file a motion to question the Prime Minister directly if he attempted to implement the Comoros Plan (in Kuwait, this is known as a 'grilling' session, where members of government or parliament are held to account for corruption in public) (*Kuwait Times*, 5 November, 2015). The Comoros Plan has been linked to business deals among some of Kuwait's most senior government officials, including the Prime Minister (Abrahamian, 2015) and it is quite clear that mass deportation of the Bedoun to the country, could inevitably become personally profitable for those officials. The business incentive of mass deportation of the Bedoun's involvement in the Comoros Plan (Middle East Monitor, November 11, 2014) warrants further exploration from the human rights perspective, as a form of human trafficking.

On March 28, 2016, The Kuwait Times reported that two MPs had given conflicting accounts of whether or not the transfer of the Bedouns to Comorian nationality had been discussed during a Kuwaiti parliamentary delegations' visit to the islands one week earlier (*Kuwait Times*, 28 March, 2016). The Head of the delegation, Saud al Huraiji, denied the issue was discussed, but prior to the visit, MP Hamdan al Azmi had claimed that the delegation had planned to discuss the mass identity transfer of the Bedoun in 'workshops,' and that specifically, 'the settlement of bedoons in the Comoros' was planned to be discussed in those meetings. He stated that a previous delegation had discussed the issue and that as a result, the negotiations had been ongoing for over one year. Al Azmi had reported that Comorian officials had 'agreed in principle' to the plan (*Kuwait Times*, 28 March, 2016).

On April 5, 2016, al Jarrah announced that the government had held negotiations with two other countries for the sale of the Bedouns' collective national identity in return for citizenship documents, similar to the Comoros plan. Egypt was one of the countries (*Kuwait Times*, 5 April, 2016). 2016). The announcement confirmed an earlier report that the Egyptian government had devised such a plan (*Gulf News*, July 11, 2014). Al Jarrah had claimed that the Comoros plan did not mean that the total population would be deported to the islands. But another report from 2014, published around the time that the Egyptian proposal was first slated, had stated that:

Sh. Mazen Al-Jarrah Al-Sabah, the General Director of the Department for Citizenship and Passport Affairs, said during a televised interview the previous night that Kuwait was in negotiations with an Arab state he did not name in order to deport the state's 'bedoon' population there after they receive the said country's citizenship. (*Kuwait Times*, 18 May, 2014).

He reiterated all that those not in the green identity category, who had already proved their 'eligibility' for citizenship with 1965 National Census documents, must submit to 'status adjustment' or they would be 'confronted' and regarded as residency law violators – adding another layer of criminalisation to their status (*Kuwait Times*, 18 May, 2014). On 16 May, 2016 in The Kuwait Times, Comoros government authorities confirmed the plan had already been agreed to 'in principle.' In a carefully worded statement by Comorian minister of external affairs, Abdulkarim Mohamed, stated that the Comoros was ready to 'receive' the Bedoun (*Kuwait Times*, May 17, 2016), implying the whole populations' identity would be transferred, including those who were eligible for citizenship under the Nationality Law (1959) who had been provided additional assurances by government for decades, that citizenship would be granted to them as a group (see Appendix B, iii, and D, iv). On June 20, 2016, the Kuwaiti minister of foreign affairs Sheikh Sabah Khalid al Sabah announced in al Qabas, that he had not yet completed the necessary procedures to enable the Comoros plan to become constitutionally valid (*Kuwait Times*, 20 June, 2016).

The report also indicated that local media discussions in Kuwait had suggested that the Comorian citizenship program had already been activated, with 'scams involving large sums charged for assistance' ('Kuwait FM, 2016), implying that the plan was already linked to corruption because the Bedoun remained desperate to access basic public services in Kuwait after the failure of Decree 409/2011 reforms. Nevertheless, this appeared to be a ruse – implying the population were lining up for identity erasure, in contrast to the known facts (the monthly 'adjustment' figures issued by the Central Apparatus) that the vast majority of the population has resisted the erasure for decades and continues to attempt to do so.

Clearly, the Comoros Plan has involved discussion and plans for the deportation of the whole Bedoun population. Those who were not in the green identity category (those 'eligible' for citizenship) would be forced to adjust their status for potential deportation to the Comoros Islands. The vast majority of those in the green identity group had been issued 'security restrictions' equivalent to criminal offences. Due to their criminal status, were also be qualified for deportation. Analysis of the rapid, progressive nature of the labelling program indicated that by the end of 2017, all members of the green identity group who had not yet been criminalised with the 'security restriction' in 2014, would have been issued at least one restriction. This latter group would also be qualified for deportation under the stated criteria set out by Major General Mazen al Jarrah al Sabah. In other words, since the issue of the identification system in 2012, all members of the population had been targeted for deportation via 'status adjustment' and the 'security restriction' that formed part of that program. Countries identified as potential mass population sites (here I refer to identity erasure and/or deportation) included the Comoros Islands and Egypt. One other country is apparently yet to be named; it is quite possibly Saudi Arabia, or the encampment option (an artificial refugee or concentration camp), which is adjacent the Saudi Arabian border (*Gulf News*, 17 April, 2014).

There are two concerns remaining regarding the Comoros Plan. One is the manner in which the proposal was somehow resolved without transparency, including no steps put in place to prevent such as scheme from arising again. The second is that Kuwait remains obsessed with the Bedoun obtaining fraudulent passports or having bulk purchase arranged by government, for developing and weak states that the state is more able to coerce due to its financial power. In Safa al Hashem's presentation of 'proof' of 'original nationality' for GOK (above), she presented an Eritrean passport as the example of the 'other nationality' passport the state wanted to see the Bedoun purchase to satisfy the Apparatus's concept of nationality. Additionally, Sh. Mazen al Jarrah al Sabah also made reference to the passports of weak and poor states when he reminded Bedouns they must repeatedly furnish the Apparatus with such fraudulent passports to retain their 'legal' resident status in Kuwait.

Even if we given the state the excuse of confusing the meaning of original nationality with the Bedouin tribal *dirah*, we still see the state prefers to push the Bedoun population into transfer to poor states. Given the influence of the Kuwait Fund and the state's other large donations to other states, as Bedoun activist Hakeem al Fadhli has explained (al Jazeera, 13 December, 2018) it is clear the state is attempting to push the population into territories over which GOK still retains financial interests, which is will like seek to exercise influence over after population transfers, incremental or large in scale, are forcefully deported from Kuwait. The risk remains that Kuwait will continue to attempt to make these arrangements behind closed doors, until the state is prosecuted for its actions, which are mass atrocity crimes in international human rights law. Ongoing threats and intimidation of the Bedoun population must be viewed in the context of threats to deport the whole population, from Sh. Mazen al Jarrah al Sabah, who is a member of the ruling family, and the investment schemes of members of the ruling family in other states, as described in Abrahamian (2015), which intend to destroy the Bedoun population in Kuwait and their culture. Deportation can be written off as the cause of population disappearances and deaths by the state under the guise of the deportation of 'illegal residents' and hence the Bedoun remain extraordinarily vulnerable to state violence and state terror under this strategy, whether it is implemented in practice, or used to create fear. For more on state threats and terrorisation, see ;10. Psychological pressures and verbal threats to population;, below.

This section is adapted from Kennedy, S. (2016). Kennedy, S. 2016. *The Stateless Bedoun in Kuwaiti Society: A Study of Bedouin Identity, Culture and the Growth of an Intellectual Ideal*, vol. 2, Appendix E vi, Main Methods of Ascribing 'Other Nationality' to the Bedoun.

References

Abrahamian, A. A. (2015). *Cosmopolites: The Coming of the Global Citizen*. New York: Columbia Global Reports.

Al Jazeera (13 December 2018). The Bedoons of Kuwait.

Al Farna (24, November, 2014). Kuwait's stateless residents struggle for education.

Al Talea (30 August, 2003). The study of the country's problem of the category of the 'stateless.'

BBC News Middle East (10 November, 2014). Kuwait's Stateless Bidoon Offered Comoros Citizenship

Al Abna (12 March, 2012). Magnetic cards without distinction eligible for naturalisation 3.

Gulf News (17 April, 2014), Kuwaiti MP Wants Stateless Sent to Desert Camp.

Gulf News (11 July, 2014). Egypt 'may grant citizenship to Gulf's stateless.'

Kuwait Times (17 September, 2013). Kuwait plans to naturalize 4,000 Bedoons this year.

Kuwait Times (9 February 2014). 'Bedoon Draft law upsets state-body work plan.'

Kuwait Times (6 April, 2014). Who wants to prolong their problem?

Kuwait Times (18 May, 2014). No Plans to deport bedoons – Citizenship for deserving people.

Kuwait Times (19 May, 2014). Kuwait, Comoros negotiate to 'naturalize' bedoons? – No plans for deportation.

Kuwait Times (14 October, 2014). 600 Bedoon children denied admission to local schools - Kids without birth certificates crammed in makeshift classrooms.

Kuwait Times (5 November, 2015). Government to offer Bedoons Comoros citizenship. MP Slams Move Says Lawmakers Misled.

Kuwait Times (30 November, 2015). 'Bedoons to get Comoros citizenship soon: Jarrah.'

Kuwait Times (28 March, 2016). MPs conflicted over whether bedoons were discussed during Comoros visit.

Kuwait Times (5 April, 2016). 80,000 Bedoons have no hope for naturalization: Sheikh Mazen.

Arab Times. Few takers seen for costly Comoros citizenship scheme: Al Proposal. (2014, November 10).

Kuwait Times (17 May, 2016). 'Top court jails Bedoon activist for protesting; Comoros Ready to Take Kuwait's stateless people.'

Kuwait Times (20, June 2016). Kuwait FM denies Comoros-bedoon 'nationality deal.'

Sloan, A. (2014, November 11). Kuwait is Failing its Most Loyal Residents. *Middle East Monitor*.

The Arab Times (9 November, 2014). MPs Hit 'Comoros' Bid to Paper-Over Bedoun Issue.

The Arab Times (10 November, 2014). Few Takers Seen for Costly Comoros Citizenship Scheme: Al Slams Proposal.

WikiLeaks US Embassy Cable 3950 (26 August, 2003). 'Scientific Salafis' Press for Bidoon Rights.

7. Prospect of dumping the Bedoun population in Kuwait desert near Saudi Arabia

A proposal to move the stateless population to a desert camp, akin to an artificial refugee camp or a concentration camp, was reported in *Gulf News* (17 April, 2014), *Kuwaiti MP Wants Stateless Sent to Desert Camp*; *Kuwait Times* (22 April, 2014), *Two Racist proposals*; and *The Arab Times* (30 September, 2014), *Bedoun Panel Chief Should Quite if He is Unable to Solve Problems*.

The association of desert camps near the Saudi Arabian border has not yet been adopted as an option by GOK, but a similar idea was forced on the Bedoun after the invasion by Iraq, when the state attempted to push those who fled Kuwait City due to violence, over the border into Iraq. Most mature Bedouns would have recognised the suggestion as reminiscent to the Bedoun refugee camps at Abdali. International humanitarian agencies only reported one refugee camp at Abdali, but Gasperini (August 20, 1991) discovered three different camps, holding a peak population of around 15,000 Bedouns. Around 10,000 Bedouns had not been observed in the camps (see Cushman, June 30, 1991, July 16, 1991; Gasperini, August 20, 1991).

These camps were called refugee camps in the media and by government, but technically, they were not refugee camps at all, because the Bedoun were not refugees and all but a few thousand were denied the opportunity to seek refugee status by Kuwait, even though tens of thousands of other non-Kuwaiti citizens were enabled to do so at the time, by the UNHCR, facilitated by the UNHCR and other agencies (see Human Rights Watch, 1991, 1992). The camps were predominantly filled with Bedoun, and Bedoun babies died en masse in at least one of the camps (Gasperini, August 20, 1991).

Government 'dumped' masses of Bedouns into Iraq while these camps were operating (Human Rights Watch, 1991, 1992 and others). Busloads of Bedouns, presumably located in Kuwait City in the Central Prison, al Talha deportation centre and other sites, were transported to the border to be expelled from the state. Observers working for international humanitarian agencies reported the victims appeared to be beaten. The prisoners including women and children were pushed over the border at night, without provisions, sometimes in scorching heat and exposed to wild animals including dogs. Kuwaiti authorities prevented observers from helping the victims. Government authorities threatened the Bedoun, telling them they would be killed, leading to thousands of them fleeing the camps. They ran into the territory of Iraq, and disappeared. Bedoun women who gave birth in the camps were told by Kuwaiti authorities they would be hanged if they attempted to return to their homes in Kuwait City, which led to their infants dying from failure to thrive, after their mothers went into emotional shock (see Kennedy, 2016, vol 2, Appendices E and F).

The notion of segregated complexes akin to encampment can also be associated with the housing compounds of Taima and Sulabiya, which were first supposed to be designed as housing for military and police personnel, although the size and facilities of the housing raises some questions about how the dwellings came to be designed especially for Bedouns. GOK has never conducted maintenance activities in the compound areas, reflecting its attitude toward Bedoun housing areas, which is one of neglect, and wanting the areas to be emptied via population reduction and/or deportation to other states, as has been discussed herein.

The Saudi Arabian encampment option suggested by anti-Bedoun MPs in the National Assembly followed two lines of argument. The proposal sought to target those Bedoun who engaged in public expression about the Bedoun issue, and, those Bedoun who refused to submit to erasure by complying with government policy by purchasing fraudulent passports, and signing Apparataus 'pledge' documents 'confessing' so-called 'original nationality.' Since the beginning of 2019, Saleh al Fadaleh, Head of the Central Apparatus, has been focused on these two groups, sending State Security Police to raid homes of Bedoun human rights activists and ordering banks to close the accounts and freeze funds of Bedouns who refused to sign away their identity, while the United Nations was accepting contributions from NGOs for the UPR Kuwait 2020 process in June and July 2019.

Not all of the community but those Bedouins who are intellectuals, social leaders and those who are employed, have been most frequently targeted by the Apparatus since the Arab Spring, such as via the application of 'security restrictions' and through violent policies of social control, like this one. This group are more likely than other Bedouins to come from families who participated in the 1965 National Census, and whose fathers and grandfathers were first enrolled in the military and police services, as these Bedouins were the most wealthy in the population, and able to access education more readily prior to their expulsion from schools in the 1980s and 1990s, which then led them to become interested in social activism, human rights and anti-discrimination law. Encampment did not appear to be promoted as a method for the standard enforcement of 'status adjustment' for the whole Bedouin population, but it was put forward as an option for those who refused to submit - those more likely to be educated enough to understand the consequences of the policy. In other words, the encampment option was introduced as an especially punitive option, designed to segregate those who refused to submit to erasure and retained a stronger sense of identity, and those who could think for themselves, from others in the population. This aspect reinforces the notion of the encampment option as a *concentration camp* option.

The policy of Bedouin social segregation is a longstanding and historical policy approach developed from the first permanent settlement of the Bedouin in Kuwait, until the Bedouin were separated from their citizen family members and tribal affiliates, moved into Taima and Sulabiya and abandoned there after the administrative expulsion (1986) and postwar violent ethnic cleansing (1990-1995). It was part of the Kuwaiti and Arab nationalist policy to deprive as many Kuwaiti Bedouins as possible of Kuwaiti citizenship (al Mdaires, 2010) and this was accompanied by a strong desire to physically separate the group from the Hadar in Kuwait City, expressed in development policy (see Kennedy, 2018, for a summary of how this policy developed from the 1960s). This developmental approach was designed and facilitated by academics, many of whom were unashamedly, politically motivated and held deep prejudices against the Bedouin because they were tribal Bedouin, and/or from different places and cultures than themselves.

The dividing line between policy of social segregation and the establishment of concentration camps in world history, has always been a rather thin one. It is rooted in ethnic hatred and, intellectuals and experts are usually responsible for creating and justifying these ideas and introducing them to governments and important social institutions, whereupon they become ideologies adopted by the masses (Zaniecki, 1952). Certainly this is how the policy to segregate the Bedouin, to make them stateless, deprive them of citizenship, education and other human rights was developed (Kennedy, 2016; Kennedy, 2018). For this reason, such policy ideas should be carefully assessed within a human rights context taking into account both 'seed' ideas and historical policies, when considering the increased risks and vulnerabilities the Bedouin are exposed to within GOK and Kuwaiti society. Additionally, the state's reluctance to follow the suggestions of other state policies to assist GOK to manage its problem with the Bedouin, should also be accounted for. Kuwait has implemented *none* of the recommendations describing Bedouin policy reform and citizenship entitlements since the UPR 2015.

UPR Kuwait 2014 - Recommendation or Area of Law 17

Rights related to name, identity, nationality

157.236, 157.240, 157.241, 157.242, 157.243, 157.244, 157.245,
157.247, 157.248, 157.249, 157.250, 157.251, 157.252, 157.253, 157.254

Level of implementation: NIL

Note on the five-year period of 'Benefits'

I mentioned the repetitive nature of offers of 'benefits' for five year periods in relation to the Comoros Plan above, called 'economic citizenship.' The government offer of five years access to a 'package' of 'privileges' (Kuwait Government Response to Human Rights Watch, 2011) and 'benefits' (Kuwait Showcases, 2015) appears to have been first mentioned in government propaganda in 1983, when the 'status adjustment' program was first introduced. It had involved government using false nationality labels on the Bedouns' identification cards and drivers' licences (al Anezi, 1989, p.263, n132), when the Bedoun were first re-labelled as 'non-Kuwaiti national' (al Anezi, 1989, p.263) as if the Bedoun were in possession of a nationality rather than stateless. This was the beginning of ascription of a whole range of other nationalities to the Bedoun. The provisions of the five-year package of benefits and services merely comprised a conditional grace period of five years' access to basic public services. In the case of primary school education, for example, the state is required to provide such services to all those in its territory under international law, in any case (Human Rights Watch, 2011).

Much poorer states provide such services as a normative aspect of civil society. Language is deployed to make the program appear to be a) voluntary, b) generous and c) efficient. The concept has been repeated and reintroduced for nearly thirty-five years. Note that the 'package' is the same length of time that an average passport is valid before expiry. Al Jarrah reminded the Bedoun that they must engage in passport fraud over consecutive time periods to keep the passports continuously 'valid' for the purpose of 'legal residency' (*Kuwait Times*, 30 November, 2015), which included in theory, access to the five year 'package.' Nevertheless, Bedoun interview respondents denied this off-the-record. Their experience is that some individuals may access the 'benefits' while others cannot, because the Apparatus is always endeavouring to invent reasons and 'restrictions' to their prevent access.

GOK also refers to the five-year package of benefits as the Bedouns 'human rights' granted in Decree 409/2011. Thus, the Bedouns human rights are an object are to be exchanged as a reward for submission to 'status adjustment' erasure. This exchange bargain has been openly flaunted at the United Nations Human Rights Committee (see Appendix G, i).

References

Cushman, J. H. (1991, June 30). 1,200 Kuwaiti refugees, fearing collaborator charges, flee to Iraq. *The New York Times*.

Cushman, J. H. (1991, July 16). The babies who won't blossom: New anguish in a Kuwaiti refugee camp. *The New York Times*.

Gasperini, W. (1991, August 20). Stateless Bedoons are shut out of Kuwait: Thousands trapped in bleak desert camp, as Iraq and Kuwait trade charges. *Christian Science Monitor*.

Gulf News (17 April, 2014), Kuwaiti MP Wants Stateless Sent to Desert Camp.

Human Rights Watch (1991a). A victory turned sour: Human rights in Kuwait since liberation, (September 1, 1991).

Human Rights Watch (1992). *World Report 1992: Human rights developments since liberation*. (January 1, 1992).

Kennedy, S. (2016). Kennedy, S. 2016. 'The Stateless Bedoun in Kuwaiti Society: A Study of Bedouin Identity, Culture and the Growth of an Intellectual Ideal. PhD dissertation, The University of Adelaide, South Australia.

Kennedy Nour al Deen, S. (2018). *The Bedoun Archive: A Public Archive Created for the Northern Tribes Bedouin of Kuwait, Education as Change*, 2(22).

Kuwait Times (22 April, 2014), Two Racist proposals.

The Arab Times (30 September, 2014), Bedoun Panel Chief Should Quit if He is Unable to Solve Problems.

8. Gaps in population numbers after 'original nationality' applied

The following analysis is adapted from Kennedy (2016), *The Stateless Bedoun in Kuwait Society: A Study of Bedouin Identity, Culture and the Intellectual Ideal*. Official GOK sources were quoted in reliable sources, giving the total number of registered Bedouns, and total number of Bedoun as 'illegal residents,' from official GOK data sources, 2010 and 2014, as below:

Source of 2010 data: 'Study' of Bedoun population released by the Ministry of Interior in '34 Thousand Candidates for Naturalization from 106 Thousand,' *al-Qabas*, November 5, 2010, reprinted in Human Rights Watch, 2011, p.21.

Source of 2014 data: Col. M. Al Wuhaib, Manager of the Nationality Department, Central Apparatus, Ministry of Interior, Kuwait in official interview with Yalena Nacheva, *Kuwait Times*, April 6, 2014.

This data is set out in the table below. Note gaps in the data for Iraq and Saudi Arabian 'nationality' of Bedouns, as well as 'other' known nationality origins:

Iraqi 'nationality' in the 2010 source 42000

Iraqi 'nationality' in the 2014 source 11957

Saudi Arabian 'nationality' in the 2010 source NIL

Saudi Arabian 'nationality' in the 2014 source 58770

'Unknown' nationality in the 2010 source 26000 but registered as Bedoun 'illegal residents'

'Unknown' nationality in the 2014 source 87279 but registered as Bedoun 'illegal residents'

These figures were quoted in the sources, and double-checked in author calculations.

Undetermined - i.e. unaccounted for in GOK data supplied in the data sources:

Data source, 2010 = 4,000

Data source, 2014 = 23987

In 2014, GOK had a massive shortfall 'nationality' recorded for Bedoun illegal residents, based to data stored in the Bedoun's 'security files.' However, the number of Bedouns with confirmed, unknown nationality, was greater than had been recorded in the 2010 Bedoun 'study' by GOK's Supreme Planning Council (SPC) (Human Rights Watch, 2001, p.20). This appears to have been because the study did not actually analyse the different country subtotals for 'known origins.' Later in 2014, the Central Apparatus had a huge shortfall in the number of unknown origins of the Bedoun, of almost 20,000 Bedouns (see below, under 'undetermined' identity status).

But as we can see, GOK had also decided it would claim that nearly 30,000 of Bedouns it had claimed held 'Iraq nationality' 2010, would be **reduced** to just under 12,000 (number stated in source: 11,958). We will assume this is because all of the 'Iraqi' files had been checked in 2014, when it was found that there were 'proofs' of nationality held in the security files, noting that the proofs were not necessarily plausible legal proof, but proof based on the Minister of Interior's conception of it (as we established above, in the analysis of MP Safa al Hashem's 'proof of nationality' given to her, by the Central Apparatus).

The shortfall appears to have then been distributed across the 2014 statistics in the 'other' nationality column, and a new, Saudi Arabian data set. This led GOK to radically alter its claims from 2010 to 2014, when it allocated nearly 60,000 Bedouns to 'Saudi Arabian' nationality, as 'illegal residents' (stated in source: 57,770). This new number claimed by GOK also helped to balance out the total number of registered Bedouns that

cited in their official sources, in 2010 and 2014, with 106,000 in 2010 and 111,266 in 2014 (the latter figure quoted in the interview between Nacheva and al Wuhaib). Here, it appears the Apparatus conceded a larger number of Bedouins were counted for in 2010 compared to 2014, because they knew they did not hold sufficient data.

Additionally, it appears they were especially aware they did not hold sufficient data to make the claim so many Bedouins were 'Iraqi' and therefore, they dropped some 30,000 Iraqis to make their claims in 2014. However, this strategy also left a glaring **decrease** in data on 'Iraqi' Bedouins and an even more glaring **increase** in 'Saudi Arabian' Bedouins. We will suggest possible reasons shortly, below.

This problem helps to explain the post-Arab Spring security 'crackdown' on the Bedouin (Amnesty International, 2015, 2015b) and the allowance for and massive increase in the activity of document traffickers (who supplied the fraudulent passports).

It also helps to explain the incredible oppression the Bedouin have been subjected to since the Arab Spring, as GoK had to create a massive increase in the methods of forcing Bedouins submit to erasure, either by purchasing fraudulent passports, or signing forms provided by the Apparatus. The forms pre-filled used by the Apparatus confirmed Bedouin 'nationality,' on forms *with* a country name printed on them, and confirms *without* a country name printed on it.

A substantial increase in work was required by the Apparatus after 2010 to 2019, to ensure enough evidence could be provided by the state, in the case the material would be checked, and also to complete the Apparatus 'study' of the Bedouin by 2015, the scheduled due-date for the Apparatus to complete the study. This explains the forms with no country name appearing on them, which could be allocated later after staff checked on other 'evidence' of nationality in the person's security file, and fill in a country consistent with those evidences. In the meantime, the Apparatus received an extension until it completed its work.

Now that the total of Bedouins were accounted for in the total numbers, within an acceptable range between 2010 and 2014 (an increase of less than 6,000 over the four year periods), the gap in Bedouins with 'known' nationality were allocated to Saudi Arabia.

There may be two reasons for the **substantial increase** in the number of Bedouins specified as Saudi Arabia between 2010 and 2014 (over 58,000). It also meant that GOK would have to create a significant portion of new data for the Bedouins it would record as 'unknown' in 2016.

One reason for the increase in those allocated to Saudi Arabia is that the number reflected nationalities the Bedouin were willing to sign documents for, as Saudi Arabia is a relatively more rich and peaceful country than Iraq. However, another reason is that the state, or influential people within the country, wanted to see the Bedouins driven out into Saudi Arabia. Accordingly, encampment of the population next to the Saudi Arabian border was announced in the National Assembly (*Gulf News*, 17 April, 2014). Third, it's possible the suggestion by the MP was made as a reflection of an arrangement already made or in the process of being made, between GOK and the government of Saudi Arabia.

GOK would have to create a great deal of *new* 'proofs' of nationality signed by Bedouins, to make up for the comparatively larger group of 'unknown' or undetermined nationality in 2014. The

Identity status claimed by GOK	2010	2014
Kuwaiti Bedoun who qualify as citizens (GOK data)	34,000 registered in 1965 National Census	All below are 'another nationality' in source stated
Iraq	42,000 ('Iraqi citizens')	11,958
Saudi Arabian	NIL	58,770
Other	26,000 other 'known origins'	7879 Syria 1856 Iran 520 Jordan 6296 Others (Author calculations: 7879+1856+520+6296 =16551 total known other states) (author calculations 11958+58770+16551 = 87279 (87279 confirmed total 'illegal residents' of 'known' other nationality accounted from 1986-2013 in the stated source)
Undetermined	4,000 unknown	23987 unknown (author caluculations 116226-87297 =23987)
TOTAL POPULATION (GOK)	106,000 (registered with GOK, total was given in same source as above) (author calculations 34000+42000+26000+4000 =106000)	111266 (registered with GOK, including those registered in the 1965 National Census of Kuwait, as at end of 2013, total given in same source as above) (author calculations 111266(total) -23987(unknown) =87279(known)

Table 5 The total number of registered Bedouns as 'illegal residents,' from official GOK data sources, 2010 and 2014. Data sources are listed in the discussion.

Apparatus then engaged in increasingly firmer approaches to rush its collection of 'proofs' of identity collected by it after the Arab Spring (the 2010 data was published in 2011, around the same time the Arab Spring commenced), remembering that an extensions to the study only went to 2017. As part of its firmer approach, monthly totals of numbers of Bedouns who had submitted to erasure (by signing fraudulent identity documents) were published in the state news agency KUNA, and by other national news agencies.

The same methods as those used up to 2014, principally the supply of fraudulent passports, and signing of forms stating another nationality on them, were used after 2014. But in order for the Apparatus to complete the erasure program within its timeframe, which was previously 2015, the new method was introduced, where the Bedoun were required to sign a document stating they held a non-Kuwaiti nationality to which the country name would be added later, by Central Apparatus staff.

In December 2018, some three years after the extension provided by the state, Saleh al Fadalh announced that the Apparatus had collected over **5 million 'proofs' of nationality** from the Bedoun, to complete the erasure program at a rate of 90% across the whole Bedoun population (al Majilis (*Al Jazeera*, 13 December 2018; *Al Majilis*, 11 December, 2018). Only 10% of the population, according to al Fadalh, were yet to sign 'proof' they had another nationality, their 'original' nationality.

Safa al Hashem then appeared on national media (*Sarmad media*, 28 April, 2019) to justify the methods used by the Apparatus to erase the Bedoun (see above, section 4. '*Proofs' of nationality presented by GOK*). Her presentation of 7 different types of 'proofs' including the form Bedouns have to sign 'admitting' a national identity that is not even listed, and the use of the reservation' to describe individuals who are assumed to be nationals of others states, because they have no forms of national identity to present to GOK (they are stateless) was designed to *normalise* the type of proofs collected by the Apparatus and to persuade the Bedoun to accept what GOK and individuals like al Hashem believes is their inevitable fate: submitting to identity theft by the state. It is not clear how may Bedouns are still to provide such 'proofs' since al Fadalh announced the shortfall of 10% in completion of erasure in December 2018, but as we have mentioned, bank accounts have been ordered closed to help persuade those remaining to cooperate with GOK.

Do these threats and their context show motive and instrumentality to qualify as part of a campaign of state terror?

This discussion has accounted for the substantive gaps in published data on the Bedoun population and the group's so-called 'original nationality' imposed by GOK between 2010 and 2014 in its program of erasure (administrative ethnic cleansing). These population gaps and the methods used by the Apparatus to justify its use of fraudulent and implausible 'proofs' of nationality of the Bedoun, forming different components of the erasure program overall, demonstrate **instrumentality** in state practices to eradicate the Bedoun via techniques of administrative ethnic cleansing.

The discussion demonstrates duplicity and manipulation has been inherent in the state's instrumentality, as to the exploitation of the claim the Bedoun have 'original nationality,' which our analysis herein has shown is but a policy construction. The **methods** used for substantiating this claim has involved GOK forcing the Bedouns to engage in illegal activities, while GOK has also openly engaged in illegal activities itself, by facilitating purchase of fraudulent passports, engaging in coercion, force, blackmail and so on, to satisfy the false claim the Bedoun are foreign nationals, and furnish the false claim with false evidence. Thus, instrumentality has been demonstrated.

The **motive** of the erasure has been for the state to continue eradicating the whole population since it first introduced *explicit* eradication policy in 1986, administratively expelling the group, and later violently ethnically cleansing them by approximately half their number (Kennedy, 2016). The **motive** has forced the Bedoun to live as stateless people with another identity in Kuwait. The motive explains why GOK implemented other

programs to deport the group as a whole, such as the establishment of committees for mass deportation simultaneous to committees to evaluate the Bedoun's citizenship applications in the 2000s (Human Rights Watch, 2000, Human Rights Watch, 2001) and the Comoros Plan, which involved threats to deport all 'criminals' to the Comoros Islands in the context all Bedouns are classified as 'illegal residents' (Sheikh Mazen al Jarrah in *Kuwait Times*, 18 May, 2014), and suggestions that human rights activists should be abandoned in camps in Saudi Arabia (*Gulf News*, 17 April, 2014).

Motive, method and instrumentality are all present. The elements for state-sponsored terrorism described in the work of Victoria Mason (2010) are satisfied not only as to the entirely flawed 'proofs' of nationality (except for the Kuwaiti citizen mother) but also in the context of GOK's manipulation of statistics for the Bedoun, collected by it and approved by the Supreme Planning Council, rather than by the National Office of statistics.

The fraudulent nationalities determined by the Apparatus have been printed on the identity cards of the Bedoun since 2018 and 2019. This change to the cards, which formerly stated 'non-Kuwaiti,' breaches the state's Decree 409/2011, explained in GOK's letter to Human Rights Watch in 2011 (Kuwait government response to Human Rights Watch, 2011). This final procedure, the issuing of the card, serves as the symbolic completion of erasure for each member of the Bedoun population as they are erased, which Saleh al Fadal highlighted as his cornerstone achievement (al Majlis, 11 December, 2018). GOK has turned 'registration' of the Bedoun with the state for the purpose of receiving what is called a 'security card' in Kuwait, into the 'crime of security registration'. The procedure has made a mockery of the recommendations of the previous UPR Kuwait 2015, after state parties recommended Kuwait grant the Bedoun Kuwaiti nationality without further delay at the previous UPR Kuwait 2015.

The incredible psychological pressure which the Apparatus has applied to the Bedoun population since the failure of its so-called 'human rights reforms' (Decree 409/2011) in the Arab Spring, since the data was published for the previous UPR Kuwait 2015, has been at least in part, explained via the GOK policy and procedures used to erase the bedoun. We assert that this pressure has been responsible for the suicides in the Bedoun community, cited in the data provided in this Annexe to our report for the UPR Kuwait 2020, newspaper notices of individual suicides posted by families in Kuwait, and the study by Alsaleh (2014) which analysed data from over 2500 Bedoun adolescents. The latter study concluded that the Bedoun's social context, imposed by the state, was correlated with suicidal behaviour (though we do not agree with Alsaleh's use of language in his study, which states the Bedoun's conditions have a 'positive, contextual effect' on youth suicide, see Alsalah, 2014, p.273).

Both the Emir of Qatar and the US Ambassador of the United States attended Bedoun funerals in 2019, but no state official of any other state has yet come forward to support the Bedoun's claims or to pledge their assistance to ensure the state of Kuwait will be held accountable for providing citizenship to the population, and stop its violent methods of oppression and enforcement of population eradication processes (policy and procedures).

Crucially, the analysis of types of 'proof' of nationality above, demonstrated that where individuals were unable to supply the state with proof of nationality **because they are stateless**, GOK enforced the punitive measure of allocating their nationality to a different state, further manipulating the statistics published by GOK. GOK has intentionally obscured Bedouns who have provided genuine proof of eligibility for Kuwaiti nationality, and those forced to sign for fraudulent 'proofs,' to make a retrospective grant of citizenship more difficult, should GOK policy toward the Bedoun ever change. Amidst massive deportation drives for 'illegal residents' since the previous UPR Kuwait 2015 (*Gulf Business*, 27 September, 2018; *The Arab Times*, 6 July, 2019), we can only assume those Bedouns who did provide genuine proof of other nationality have been already been deported from the country, using those documents. For this reason, we suggest that *all* of the Bedouns in the state of Kuwait at present, are genuinely stateless, and should be granted full Kuwaiti citizenship with voting rights. Those officially deported and those who are still seeking asylum should have the opportunity to rectify their identity and cases, and those who have left the state to seek protection (refugees) who have obtained

refuge status in other countries should be provided with processes for permanent or temporary repatriation to Kuwait.

We recommend that these processes, restoring the Bedoun's identity after the enforcement of erasure by the state since 1983, should be organised, conducted and closely supervised by the Human Rights Council, and also supervised by third party (non-Kuwaiti) governments and NGO agencies with expertise in restoration of identity after ethnic cleansing and the repatriation of refugees, along with members of the Bedoun community itself. We refer the Council to our reports on the Bedoun's indigenous rights and recommendations for reconciliation, repatriation and compensation (refer to our list of reports).

References

Al Jazeera (13 December 2018). The Bedoons of Kuwait.

Al Majilis (11 December, 2018). Salah al Fadaleh. 80% of the Bidun is now walking with an identity that says

Amnesty International (2015a). Kuwait: Clampdown on freedom of expression coincides with UN review of Kuwaiti human rights record.

Amnesty International (2015b). The 'iron fist' policy.' Criminalisation of peaceful dissent in Kuwait (MDE 17/2987/2015). London: Amnesty International.

Gulf News (17 April, 2014). Kuwaiti MP wants stateless sent to desert camp.

Gulf Business (27 September, 2018). Kuwait has deported 13,000 foreigners since January.

Human Rights Watch (2001), World Report, Kuwait. (2000).

Kuwait Times (April 6, 2014). Who wants to solve their problem?

Kuwait Times (22 April, 2014), Two Racist proposals.

Kuwait Times (18 May, 2014). 'No Plans to deport bedoons – Citizenship for deserving people.'

Sarmad media (28 April, 2019), Interview with female Kuwaiti MP, Safa al Hashem.
<https://twitter.com/QaMnDa/status/1122257485186895872>).

'Study' of Bedoun population released by the Ministry of Interior in '34 Thousand Candidates for Naturalization from 106 Thousand,' al-Qabas, November 5, 2010 , reprinted in Human Rights Watch, 2011, p.21.

The Arab Times (30 September, 2014), Bedoun Panel Chief Should Quit if He is Unable to Solve Problems.

The Arab Times (6 July 2019). 'Deportation a must' for expat who drives without a license.

9. Reduction of population by prohibiting and obstructing reproduction

There is no doubt that the origins of the ideology that was developed by the modern state of Kuwait emerged from colonialism and Orientalist ideas absorbed by intellectuals who developed ways of immersing their personal prejudices about the Bedouin of Arabia into scholarly texts and policy recommendations that were then adopted by government. However, prejudices held within the tribal community also go back hundreds of years, such that we cannot simply blame Hadar 'urbanites' for sentiments of ethnic hatred which have led to the ethnic targeting of the Bedouin, as ethnic conflict is also present in the tribal community. Nevertheless, the desire of the state to ensure that the Bedouin could not reproduce to continue their ancestral lines was clearly stated in the 1986 expulsion policy; the reason given was because Bedouins had 'big families' (*al Talea*, 30 August, 2003). One does not have to live in Kuwait for long to realise that this reason is often cited by Hadar ethnics as a 'problem' the state has to 'deal with' due to what they believe are inherent cultural characteristics exclusive to the Bedouin. Further study of Kuwait's history would reveal that the Bedouin only began to have large families during the first generations who settled, and this is not uncommon in colonial-nomadic societies.

When the Bedouin were moved from the desert camps where they were able to live in a low-density camp environment in tribal formation, the housing had been designed to be no larger than a concrete public toilet block (pictures photographed in 1974, in al Moosa, 1976, in Kennedy, 2016, vol. 2). Photographs from the era show that much of this housing had no windows or regular door fittings, so the homes did actually seem to be a toilet block design, such was the contempt for the Bedouin felt by the Hadar class. Researcher Farah Al Nakib (2016) blamed the bad housing design on chaotic bureaucrats at the Ministry of Planning (p.102, 113), but deeper research shows that Arab nationalist Kuwaitis were far more intimately involved because they wrote the national policies. Al Nakib's (2017) background as a Kuwaiti Hadar of Arab nationalist family background (niece of socialist Khaldun al Naqeeb), clouds her analysis on this point. In other words, the Bedouin were being targeted with ethnic-racist sentiment from the very first time they moved into urban housing that was concerned with trying to force them into having smaller families, by virtue of the housing design.

The Bedouin were never given the opportunity by the state to have smaller families after their modernisation because no sooner were the group allowed to move from desert settlement into concrete, semi-urban housing, they were administratively expelled in 1986. The policy stated that Bedouin marriage was to be prohibited due to family size being too large, and clearly the purpose of the policy was to reduce the population size overall. Prior to that, the Bedouin had married in traditional ceremonies within their own family and tribal communities, which included citizens of Kuwait. The prohibitions in this case were to prevent marriage between the Bedouin and citizens as well as between Bedouins and Bedouins. Marriage to a citizen across the legal divide would provide social support for the Bedouin, acting as a tribal net for tribal society, where the state did not provide that net via social welfare, for the Bedouin. When the state had first started granting citizenship to Hadar and Bedouin Kuwaitis, this type of marriage was normative, because it helped to distribute resources evenly across the Bedouin community, so that those who were left waiting for their citizenship applications to be processed would not be disadvantaged more than they already were, by the delay.

The ethnic and race-discrimination element of prohibitions on marriage was underscored in 1992, when after the violent ethnic cleansing of the Bedouin, the Bedouin citizens were prohibited from marrying Bedouins (Stanton Russell and al Ramadhan 1994). This goes to illustrate the insidious nature of Kuwait's Bedouin problem, which is not simply a problem with a few procedures, but is deeply imbedded in the attitudes of society, particularly the Kuwait Hadar and other Arab nationals of the Hadar class from other Arab states, who have been responsible for creating and introducing policies into government. The Kuwaiti Bedouin were so despised that policy makers and implementers made sure the ethnic group would be unable to marry across the legal divide from both sides. The Bedouin were not allowed to marry Bedouin citizens (from 1986) and Bedouin citizens were not allowed to marry the Bedouin (from 1992). Additionally from 1992, all Bedouins were no longer allowed to obtain citizenship by mass citizenship grant (Stanton Russell and al Ramadhan, 1994), the law discriminating against the one ethnic group in particular.

But there were other angles to this approach - many of which have been mentioned in human rights reports in the past. The state introduced more strict marriage regulations requiring applicants registering their marriages to show their birth certificates. The Bedoun had no birth certificates. The state also introduced more strict marriage regulations for parents registering their children after birth, requiring parents to show their birth certificates again. This meant that Bedouns who were married without their own birth certificate (either just one person in the couple, or both), would then be unable to register the birth of their child. Another problem related to the policy was implemented in the Ministry of Health, into hospitals. Parents who did not have birth certificates could not register their child; in turn, they could not leave the hospital after the child's birth. All of these factors were designed to accumulate to maximally impact the Bedoun, preventing them from participating in society like citizens - like 'normal people.'

This led to the Bedoun having great difficulties when the female spouse in a marriage gave birth in hospital. The husband was prevented by these regulations, from collecting his wife and new child, for discharge. The regulation forced the husband of the wife (and father of the child), to have to obtain permission from the director of the hospital, to take home his wife and baby. The procedure was only required for Bedouns, as all other Kuwait citizens and expatriate nationals of other states, did not have such problems. The procedure was humiliating for Bedoun families already deprived of the appropriate documentation from the state, to affirm their identity. Al Waqayan (2009) wrote that the policy was 'humiliating' for men in particular, robbing them of the joy they should have been free to experience, when going to collect their wife and new baby to take them home for the first time. Such procedures had contributed to a unique culture of suffering among the Bedoun (al Waqayan, 2009).

Decree 409/2011 'human rights reforms' introduced a similar regulation as to school attendance, requiring parents to provide a copy of their child's birth certificate to enrol in school. As we have mentioned, this left over 12,000 parents with children of school age without birth certificates by 2015, because their parents did not want to sign for the birth certificates because GOK had recorded a false nationality on the certificate, under the erasure program. While the state claims it is entitled to expect inhabitants to be able to show their birth and marriage certificates, which it makes available to the Bedoun, the rationale does not take into account the fact that the state never provided the documents to the Bedoun, and that additional policies were then designed and implemented with prejudice to increase the group's hardship. Additionally, the rationale does not take into account the erasure program, which has forced the Bedoun to accept such identity documents stating incorrect information, stealing their identity and replacing it with a false identity that can have dangerous consequences in the case of expulsion and deportation.

Hence, not only have the Bedoun been prohibited directly from marrying, the challenges they have faced multiple, indirect challenges to obtaining marriage and birth certificates, and other related life problems such as restrictions on housing and employment that have induced poverty and led them to be unable to live in housing of sufficient size, to found their own families. Through these many measures, GOK has not only tried to reduce family size directly and indirectly, but also to reduce the quality of family life, such that the Bedoun would be further impacted to reduce family size. This vicious circle is typical of erasure and genocide programs, where ethnic conflict, racism, or other fundamental forms of discrimination are responsible for the opposing ethnic group developing policies that force stop population growth and reduce population size incrementally, over generations.

This is a method that is very effective in ongoing ethnic cleansing and genocide because it has a slow and creeping effect, that can be written off as a symptom of development or modernisation, which is more likely to go unnoticed than one-time event atrocities. Analysis of discourse used by scholars who wrote academic literature and policy for government, including in the areas mentioned in this section, demonstrates that the Bedoun policy after their permanent settlement in Kuwait was not a 'natural' part of a development or modernisation plan, but was highly discriminatory, even demonising. There is no doubt that policy was specifically designed across a range of areas to eradicate the population, by expulsion from the state as well

as by modifying their culture to cause the population to diminish in size. Additionally, the policy was more often than not, connected to intellectual's concerns that the Bedoun should be prevented from receiving Kuwaiti citizenship at all costs. Such scholars were often Kuwaiti Arab nationalists, who formed the bulk of the intellectual class in Kuwait from the 1960s.

As long as the state of Kuwait does not provide full citizenship to the Bedoun, they will be harmed by these policies, and the discriminatory sentiment which lies behind them. This is why some Bedouns including human rights activists, do not trust the introduction of a civil rights law without citizenship. Government had claimed Decree 409/2011 was a 'human rights reform' law. Rather than assist the Bedoun, it was actually carefully devised to make the group struggle even more, because it was written to manipulate the group into signing off of fraudulent nationality on documents requested and/or issued by the Ministry of Interior's Central Apparatus. On the surface, the decree merely required the Bedoun to have a birth certificate to go about much of their lives - marriage certificates and other identity documents would be processed with ease, once the birth certificate was obtained. At the time the Decree was formulated, the Bedoun were still too humiliated to have spoken out about the erasure program.

The erasure program is complex because it is carefully buried in policy and procedure across multiple ministries of government, introduced incrementally over decades. When reforms are to happen in this area, they must be accompanied by citizenship in order to ensure the Bedoun are protected and capable of amending unhelpful, inappropriate or disadvantaging regulations like all other Kuwaitis, and no longer subject to the duplicity of the state, to which the group is by now, extremely sensitive. GOK has dealt with the Bedoun in bad faith, and these dealings have been all the more harmful due to their accumulative effect, which has steadily increased their suffering over time. The group should not have to continue to be expected to defend itself against these genocidal policies, where the motive to destroy the Bedoun is responsible for the state's lack of capability to introduce positive and meaningful reform.

References

Al Nakib, F. (2016). *Kuwait transformed: A history of oil and urban life*. Stanford: Stanford University Press.

Al Waqayan, A. M. (2009). Stateless in Kuwait: The crisis and consequences. *Journal of Asseyasah Addawlah*, 175, January 2009.

Stanton Russell, S. and al Ramadhan, M. A. (1994). Kuwait's migration policy since the Gulf Crisis. *International Journal of Middle East Studies*, 26, 569-587.

UPR Kuwait (28 January, 2015). Outcome of review - Matrice of recommendations.

Al Talea (30 August, 2003). The study of the country's problem of the category of the 'stateless.'

10. Premature deaths: Suicide by hanging and self-immolation

A number of Bedouins approached me prior to writing this report, asking me to be sure to include suicide as a human rights issue in the report, such is the frequency of suicide in the community in Kuwait. Unreported suicides are believed to be frequent in the Bedouin community but they tend to be covered up, due to Islam's teachings on the subject, which do not approve of suicide. Alsaleh (2014) reported that although Kuwaiti

newspapers often feature suicides of Kuwaiti citizens, because Islam does not approve of suicide, families tend to cover up the incidents. Al Ruhaimy (1998 in Saleh, 2014) found that the Bedoun have strong community ties and traditional values, but al Saleh (2014) later investigated the problem because suicide had 'plagued' (p.279) the communities where Bedouns live. My experience with the Bedoun community confirms this. Alsaleh (2014, p.283) found that structural instability in the Bedoun community impacted both suicidal ideation and attempts between 14 to 18 year olds.

Hanging is the most common method of suicide reported in Kuwait, occurring in 3 out of every 5 cases (al Waheeb and Khadary, 2015). Significantly, suicide occurs among non-citizens in 87% of all cases (i.e. citizens suicide 13% of the time). Most victims are male, but no significant difference has been found between married and single subjects or between Muslims and non-Muslims in the general population (al Waheeb and al Kadary, 2015). Hanging ropes are often depicted by Bedoun men who use art to represent the group's community. In 2006, a well known member of the activist community produced art showing men hanging. By 2019, activists had begun to collect better records of their experience, realising the Bedoun problem was simply part of their youth awakening during the Arab Spring, but that it was a life-time issue passed on generation after generation. An example of news articles in Arabic is shown below.

Self-immolation began to be popularised in 2017, associated with the Bedoun's suffering. A Kuwait Times report of 23 September, 2017 described a 36 year-old male had attempted suicide by self-immolation outside police station. He was taken to the Jahra hospital and survived with severe burns. MP Dr Humoud al Khodair explained that report the man had set himself alight to highlight the sufferings of stateless people ('Self-immolation reflects how desperate bedoons have become: Lawmaker,' *Kuwait Times*, 23 September, 2017). On the 1st of March, 2018, a Bedoun youth attempted to commit suicide by dowsing his body in petrol and setting himself alight in front of the Jahra court. A passerby who helped to put out the fire, disclosed that around 70% of the man's body was burned. Paramedics transferred him to Babtain hospital ('Bedoun attempts self-immolation near Jahra court,' *Arab Times*, 1 March, 2018).

In July 2019, a young man called Ayed hanged himself in his bedroom. A picture of his freshly dug grave is shown on the front of this report. His funeral was a large occasion, attended by hundreds of mourners in support of his family but also the Bedoun community, after the issue had become highlighted in the National Assembly for most of 2019, surrounding the introduction of a new Civil Rights Law, which ultimately failed to pass through the parliament, due to the lack of commitment of parliamentarians. The funeral was attended by U.S. Ambassador and another member of staff of the US Department of State, who was in Kuwait researching human rights for the compilation of the state's report for the UPR Kuwait 2020. Bedoun leader Hakeem al Fadhli introduced the visitors to the young man's father, who was grateful for their attendance.

However, many Bedouns online asked why the US Department of State was willing to attend the funeral, but willing to help the community stop the erasure by Saleh al Fadalh at the Central Apparatus, or to help the community obtain Kuwaiti citizenship, as recommended at the previous UPR Kuwait 2015. Most young Bedoun people who use social media are now quite aware of the US Embassy Cables published by WikiLeaks that refer to the Bedoun, and for this reason, they know the US has been aware of the erasure program since at

From Q8bd Blog

least 2006, as well as their general conditions. Others viewed the visit as a political response to the of Emir of Qatar at the funeral of a Bedoun man earlier in the year, in February. The Emir had attended the funeral of a well-known Bedoun entrepreneur and journalism Ahmad Khaled Misfer. Unlike the visit by US officials, the Emir was a tribal affiliate of the young man, and Ahmad had moved to Qatar, where he lived.

With so many in the community unable to found families, unable to study at school or university, unable to work, unable to gather in public with other Bedouins, and unable to travel overseas, and with their indigenous, national and ethnic identity (and in some cases, also family identity) erased, the suicide of Bedouins must be seen in the context of the Bedouin's statelessness, deprivation of citizenship and state resources, as well as their exposure to ongoing threats of violence, deportation, and state violence. It should also be appreciated within the context that the Bedouin live in an almost perpetual state of security lock-down under the Central Apparatus and State Security Police.

Finally, it is worth noting that the state's issue of documents with nationality labels on them does not make it easier for Bedouins to marry, because lack of documents is only one of many barriers that prevent the group from marrying. Because the Central Apparatus does not care what nationality labels it puts on birth certificates, children are often issued with birth certificates that do not match their parent's birth certificates. This is a very dangerous problem for these families as long as the group are constantly threatened with deportation due to their illegal status, and threatened with deportation to third states. It means that they could become permanently separated from their children (of any age, from infancy onwards) if deported. This is a reason that many Bedouins still fear marriage, and are unable to live meaningful lives or reach their potential in a culture and country where the family is the basic unit of society.

The author's research has found that suicidal ideation is often expressed by the community in personal conversations about wellbeing as well as expression of a broader community sentiment between larger groups of Bedouins engaging in social media. They express these thoughts associated with the Bedouin's culture, which has developed hypersensitivity to the most extreme forms of hardship and tragedy suffered by the group. Suicidal ideation is expressed in articulations of the behaviour of the state and GOK's actions against the society. Sadly, Bedouins express notions that they are being killed as a collective by the state, and additionally, killing them. Some Bedouins have expressed to me that they have become atheists as a result of their experience of being neglected by God, but also because it alleviates their sense of guilt in being preoccupied with suicide, which is against Islamic teachings. In order not to disappoint God, they find it easier to become atheist, than battle such ideas that seem logical in their circumstances. Unfortunately, due to the conservative public and private positions on suicide, in the rare and unusual circumstances where a Bedouin could afford to get medical help, they could not receive appropriate counselling or psychological help because stigmatisation of the Bedouin puts them at risk of having such disclosures exposed to the Apparatus by medical and allied health professionals. As a result, those who need help, cannot seek it.

Finally, it is worth noting the attitude of GOK towards Bedouin suicide. The state examines a suicide victim's record in an attempt to locate facts that might tarnish their reputation, and openly discusses the most negative aspects of the deceased person's life experience in the National Assembly and publishes the details in the national newspapers. This is done to shame and humiliate the dead and their families, as resistance against any public reaction that the suicide is related to the victim's status as a Bedouin. Recently the community stood in peaceful gatherings by the beach during Kuwait's extremely hot summer, to quietly remember Ayed, the young man whose funeral was attended by the US Ambassador and DOS staff. The Apparatus sent State Security Police to raid the homes of the mourners after one of the gatherings, arresting 15 attendees. The raids were conducted to cause maximum damage to homes and to spread fear among the community, to prevent them mourning in public after the next suicide. Such a reaction to an expression of collective solidarity and grief in a community illustrates the extent to which Kuwait functions as a Police State in so far as the Kuwaiti Bedouin are concerned. Bedouins of all ages are keenly aware their culture, as well as their physical population, is being intentionally destroyed by the state. During my fieldwork in early 2014, Bedouins expressed the perception that GOK 'are killing us.' The findings of my historical policy research demonstrates that this is an accurate perception, and that the physical, social and cultural death is being carried out by the state with full conscious awareness and resolute, genocidal intent.

References:

Al Waheeb, S. And Khadary, N. (2015). Patterns if Suicide in Kuwait: A retrospective descriptive study form 2003-2009. *BMC Public Health*, Issue 15, p.527.

Alsaleh, A. (2014). Impact of community structural instability on Bedoon and suicidal behaviour in Kuwait. *Journal of African and Asian Studies*, 13(3), p.272-290.

Arab Times (1 March, 2018). Bedoun attempts self-immolation near Jahra court.

Kuwaiti Times (23 September, 2017). Self-immolation reflects how desperate bedoons have become: Lawmaker.

Our communications with the United Nations Human Rights Council

List of reports submitted to the HRC 2019

Protocol for the prevention of Genocide

5 December 2019. Genocide warning alert. Kuwait Bedoun Genocide Risk – Atrocity Prevention – Groups At Risk. Kuwait Bedoun. Early warning – whole population is at risk. Government has announced population-wide administrative erasure is almost complete. Circular alert - email.

Second Special Procedure request - Special Rapporteur on Genocide

14 February, 2019. Urgent Appeal, Special Procedures, Human Rights - Special Rapporteur on Genocide. Urgent request for immediate cessation of the erasure (administrative ethnic cleansing) of the Bedoon of Kuwait. Additional request for investigation of the entire program of ethnic cleansing/genocide of the Bedoon, evolved from time of the Nationality Law (1959) to the present day

Rights of all Kuwaiti Bedouns to national development and population monitoring

16 January 2019. Written Submission to the Human Rights Council , Inter-sessional meeting for dialogue and cooperation on 'Human Rights and the 2030 Agenda for Sustainable Development' (HRC resolution 37/24), Geneva, Switzerland
THEME: 'Empowering people, ensuring inclusiveness and equality'

Rights of all Kuwaiti Bedouns as Indigenous Peoples

1 February, 2019. Report to the UN Expert Mechanism on the Rights of Indigenous Peoples - Annual Study . Bedoon Indigenous Rights in the Context of Borders, Migration and Displacement

28 February 2019. Written Submission to the Human Rights Council Expert Mechanism on Indigenous Rights EMRIPS efforts to achieve the ends of the Declaration on the Rights of Indigenous Peoples (UNDRIP) via its Annual Study on the Rights of Indigenous Peoples Worldwide Geneva, Switzerland

Special conditions of Kuwaiti Bedoun human rights NGOs

9 February 2018. Correspondence requesting Bedoon NGG/CSO participation in the upcoming Human Rights Council Universal Periodic Review Third Cycle NGO/CSO pre-sessions (UPR Working Group 35th Session, January-February 2020: Kuwait) and ongoing reporting to the United Nations in the capacity of EOSOC status organisations. Purpose - to gain exception to the 2 year rule on closer ties and reporting capacity to the HRC and UNESCO. Unsuccessful.

Rights of Disabled Kuwaiti Bedouns

13 February, 2019. Report to the Special Rapporteur on disabilities

Misconceptions of the Bedoon case in the work of the Human Rights Council

ICCPR Periodic Review 2016 CERD Periodic Review Kuwait 2017

Case example 1: ICCPR Periodic Review, August 2016

- i. The concept of ‘regularisation’ is equivalent to erasure of Bedoon identity in the eyes of the government of Kuwait
- ii. The failure to speak to the prevention of harmful government actions, or the consequences of those harmful actions when carried out
- iii. Deprivation of citizenship by states: Definition of erasure, or administrative ethnic cleansing, by David Weissbrodt

Case example 2: CERD Periodic Review Kuwait, September 2017

- i. Kuwait’s Central Apparatus or Central Agency is the government organisation that carries out Bedoon erasure
- ii. Asking government to ‘consider’ naturalisation does not reflect the fact that the Bedoon were intentionally deprived of citizenship from the beginning of state-formation in 1961
- iii. Recommendations to provide the Bedoon identity documents have failed to grasp that those identity documents issued have been fraudulent and pre-filled with false nationality labels
- iv. Recommendations have failed to account for the government’s history of punitive, retaliatory actions toward the population generally, and Bedoon human rights activists in particular
- v. HRC’s request for Kuwait to include the Bedoon in statistical monitoring comes some 30 years after the UNDP/UNESCO enabled Kuwait to omit the Bedoon from its development programs
- vi. The greatest obstacle to the Bedoon’s access to development is the grave threats to the whole population’s survival posed by government

Introduction

With respect to the role and efforts of the HRC, in order for the Bedoon to participate in its right to development and self-determination, we first need to identify issues at the level of HRC recommendations to Kuwait that have facilitated the state of Kuwait's ongoing refusal to resolve the Bedoon issue in genuine humanitarian terms. The government of Kuwait's recent announcement regarding the completion of erasure have refuted all previous recommendations on the Bedoon provided to it by the HRC UPR and Treaty body review processes. Instead of seeking to improve its country and to protect its society by adopting best practices or even good practices, Kuwait has ignored HRC recommendations and accelerated its erasure of the Bedoon following those recommendations. For this reason, the question arises as to how the Bedoon can participate in the state's development if it cannot receive basic acknowledgement of its historically known and self-ascribed identity, or acknowledgement that it is subject to ethnic cleansing and genocide through the HRC periodic Treaty review system, and receive appropriate supports to ensure these actions stop to prevent further harm?

A closer look at the HRC reports reveals gaps in knowledge that need to be filled, in order to promote the development of best practices, the resolution of the Bedoon's statelessness and the normalisation of relations between the Bedoon, the state and Kuwaiti society. The Bedoon's meaningful participation in the state's development would help to ensure its physical and cultural survival. We will briefly explore two examples of recent HRC reporting, one from the HRC periodic reviews of the ICCPR (2016) and CERD (2017), to make our point as to the inadequacies of the approach to date.

Case example 1: ICCPR Periodic Review, August 2016

In its third periodic report on the ICCPR for the state of Kuwait (2016), the HRC communicated concerns for the Bedoon as follows:

10. The Committee notes the steps taken to regularize the status of stateless Bedoon individuals, who are currently viewed by the State party as a category of "illegal residents", including by granting Kuwaiti nationality to some, registering others and providing access to social services for many. It is concerned, however: (a) that the process of granting Kuwaiti citizenship to Bedoon people is slow; (b) at the situation of stateless Bedoon who remain unregistered and are not able to obtain civil documentation and access to adequate social services; (c) that Bedoon people face restrictions to their rights to freedom of movement, peaceful assembly, opinion and expression; and (d) that

the State party is considering offering them the “economic citizenship” of another country in exchange for a permanent residence permit in Kuwait (arts. 2, 12, 23, 24, 26 and 27). (ICCPR Concluding observations on the third periodic report of Kuwait, 11 August 2016).

i. The concept of ‘regularisation’ is equivalent to erasure of Bedoon identity in the eyes of the government of Kuwait

It seems to be necessary to unpack some assumptions made by the HRC. The reference to identity “Regularisation” by the state of Kuwait is in fact, the very process that enforces erasure (administrative ethnic cleansing) on the Bedoon. Similar processes are typically seen in other ethnic cleansing regimes, for example, the Roma in Slovenia and elsewhere in the European Union, the Kurds in Iraq, Uyghurs and Tibetans in China, and the Rohingya in Myanmar. We believe the members of the HRC are aware of this, or should be aware of this, as part of their special role in the HRC.

The notion that so-called ‘documented’ or ‘regularized’ Bedoons are not subject to persecution by the state was introduced into UK Home Office policy and UK refugee caselaw in a collaboration between the Kuwait government and the UK Home Office in 2007. The so-called ‘documented Bedoon’ are targeted at least as substantively as the ‘non-documented’ Bedoon. The concept of ‘documentation’ and ‘non-documentation’ of the Bedoon is in itself flawed in the Kuwait context, because of the lack of integrity of government’s use of documentation. If the government of Kuwait regarded identity documentation as worthy of respect, we would not need to be discussing this topic. We reiterate, the process of government document fraud misrepresenting the Bedoon’s identity, has been in place since 1983. “Documented” Bedoon have not only been a part of the process of persecution, “documentation’ has been the key process of erasure, leading to consequences such as the Comoros Plan for “economic citizenship,” which was a thinly veiled plan for mass deportation, according to Ministry of Interior announcements in Kuwait. For example:

- Kuwaiti MP wants stateless sent to desert camp. (2014, April 17). *Gulf News*
- Kuwait, Comoros negotiate to ‘naturalize’ bedoons? – No plans for deportation. (2014, May 19) *Kuwait Times*
- MPs Hit ‘Comoros’ Bid to Paper-Over Bedoon Issue. (November 9, 2014). *The Arab Times*
- MPs conflicted over whether bedoons were discussed during Comoros visit. (2016, 28 March). *Kuwait Times*
- Izzak (2016, May 17). Top court jails Bedoon activist for protesting; Comoros Ready to Take Kuwaiti’s stateless people. *Kuwait Times*
- Kuwait FM denies Comoros-bedoon ‘nationality deal.’ (2016, June 20)

ii. The failure to speak to the prevention of harmful government actions, or the consequences of those harmful actions when carried out

While the HRC identified the inappropriateness of the Comoros Plan “economic citizenship,” it failed to acknowledge its potential consequences, with a view toward preventing those consequences from occurring. The consequences were mass identity transfer (achieved) and mass deportation to the Comoros Islands or other locations (threatened). Such physical transfer of the population would see the Bedoon population ‘lost’ just like their statistical presence in the National Census had been ‘lost’ since 1992. Additionally, both Ministry of Interior departments, the Central Apparatus and Department of Passport Affairs, and some MPs in the National Assembly, threaten the Bedoon openly with mass deportation. This information has been available in the public domain in Kuwait since around 2014-2016, as shown in the news articles listed above.

The HRC evaluation of Kuwait state practice regarding the Bedoon featured a glaring error: the inability to identify or to name the emergent pattern of ethnic cleansing in the light of data presented to it, including its own identification of 4 factors of human rights violations that pointed to a broader pattern of ethnic cleansing. The first and fourth factor actually described the administrative and physical manifestations of a program of erasure:

- the ‘regularization’ of identity using false nationality labels to steal and replace national identity with a make-believe identity, and
- the ‘offer’ of economic citizenship widely referred to as The Comoros Plan, a plan to re-label the whole population’s national identity with a state with whom Bedoons have no effective ties.

These two points are part of the same process: administrative ethnic cleansing, also known as erasure (Weissbrodt, 2006).

As such, the HRC has demonstrated its inability to account for the accumulation of human rights violations of the Bedoon, including identity theft, over decades, a ‘key task’ in the mandate of the *Office on Genocide and the Responsibility to Protect*, above. Clearly, the safest measure would have been to recommend the Bedoon’s restoration to the National Census in the form they were recorded until 1992: as Kuwaiti Bedouins, and to intervene in the situation, by making much stronger recommendations and establishing a Special Procedures mandate for the Bedoon in Kuwait to monitor their population and ensure the government actually carried out the HRC recommendations.

iii. Deprivation of citizenship by states: Definition of erasure, or administrative ethnic cleansing, by David Weissbrodt

Weissbrodt and Collins (2006) sheds some light on the process of erasure, as one facilitated by statelessness. We wonder why the HRC has been unable to see the accumulation of signs mentioned by the Office on Genocide and the Responsibility to Protect, manifest in the situations of other states, as below:

*Unfortunately, criminals and traffickers are not the only ones who can render persons stateless by denying citizens of the means to prove their citizenship. Sometimes governments commit what is known as administrative ethnic cleansing, or erasure. For example, in 1992, the Ministry of the Interior of the Government of Slovenia surreptitiously removed the files of many non-Slovene Roma from registers of the permanent residents of Slovenia. The files were moved from the "active" Registrar of Permanent Residents (RPR) to the inactive or "dead" RPR. This manoeuvre had the effect of making the "erased persons," also known as "the erased," appear, at least on paper, as former permanent residents who no longer reside in Slovenia for reasons such as death or permanent emigration. Weissbrodt and Collins (2006), *The Human Rights of Stateless Persons*, p.264*

The Bedoon cannot participate in the state of Kuwait's development while the HRC is unable or unwilling to name the human rights atrocities taking place. As experts in human rights, the Council should recognise these patterns. While we support the strengthening of ties between the HRC and the SDG implemented by other United Nations organisations, we believe that the HRC needs to demonstrate a stronger approach to naming human rights abuses for what they are, using appropriate terms rather than employing terms to evade discussion of abuses. This is necessary for human rights abuses to be addressed as rapidly and efficiently as possible, so that victims can recover and 'catch up' to development equitably - i.e. to develop at the same level as those in the local population who have not been so abused. Maximum resources should be directed at evening out developmental progress across such populations, where there is likely to be large disparities in equity due to the targeting of particular groups with human rights abuses that inevitably lead to delayed development.

Case example 2: CERD Periodic Review Kuwait, September 2017

In its twenty-third periodic report on the ICCPR for the state of Kuwait (2016), the HRC communicated the following concerns for the Bedoon:

i. Kuwait's Central Apparatus or Central Agency is the government organisation that carries out Bedoon erasure

Positive aspects of the report included the comment at 5 (c):

Establishment of the Kuwait Central Agency for Regularization of the Status of Illegal Residents, in 2010.

The Central Agency is also known as the Central Apparatus. The Status of Illegal Residents refers to the fact the Bedoon are stateless, but criminalised by the state. The Central Apparatus carries out the erasure, or administrative ethnic cleansing. We believe that the remainder of the recommendations put forward by CERD to the state of Kuwait (as below), indicates that it was quite aware the Agency is the centre of gross criminalisation of the Bedoon, and obstruction of their right of nationality. For this reason, we believe that praising the state for the establishment of such an agency was inappropriate. The HRC should have pointed out that the agency was not following past HRC recommendations on the Bedoon, including providing access to legitimate forms of 'regularisation.'

Persons in an irregular situation — stateless persons (Bedoon)

27. The Committee notes that the State party established the Central Agency for Regularization of the Status of Illegal Residents under Decree No. 467/2010, and the delegation's statements that stateless persons enjoy human rights on an equal basis with nationals of Kuwait; that many stateless persons (Bedoon) have obtained Kuwaiti nationality in recent years; and that many persons claiming to be stateless in Kuwait are in fact nationals of other countries. However, the Committee remains deeply concerned by the situation of Bedoon, many of whom have lived in Kuwait for generations but are deemed "illegal residents" by the State party. It expresses serious concern at persistent reports that Bedoon do not enjoy equal access to social services, due process and legally valid civil documentation, including birth registration documents (arts. 2, 5 and 6).

28. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

(a) Find a durable solution to the problems faced by Bedoon, including by considering naturalizing those who have lived in Kuwait for long periods and have a genuine and effective link to the State;

(b) Put into place immediate administrative procedures to allow all Bedoon to obtain official documents, including birth registration documents;

(c) Consider providing residence permits and temporary legal status to all non-citizens as appropriate;

(d) *Guarantee access for all to adequate social services and education on an equal footing with nationals of Kuwait, and provide in its next periodic report information on access to primary, secondary and tertiary education;*

(e) *Ensure that applications for Kuwaiti nationality are assessed through written, reasoned decisions that may be appealed;*

(f) *Accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Although the text in this report was longer than the previous one, the response of the HRC was superficial in comparison to the nature of the evidence put before it by international humanitarian organisations.*

ii. Asking government to ‘consider’ naturalisation does not reflect the fact that the Bedoon were intentionally deprived of citizenship from the beginning of state-formation in 1961

Rather than simply considering naturalisation of those with long and effective ties to the state at a), the recommendation should have taken into account Kuwait’s domestic law, which has provisions adequate for the Bedoon to receive citizenship at present (but for arbitrary and discriminatory application of that law preventing it government from granting citizenship to the Bedoon). Furthermore, comparison of the lack of citizenship granted to the Bedoon with the thousands of others granted Kuwaiti citizenship each year (who are already nationals of other states), would help to demonstrate the extent of discrimination against the Bedoon on grounds of their ethnic identity and culture. In dealing with the elimination of all forms of racial discrimination, we believe it is quite strange the HRC had not attempted to establish better knowledge of the Bedoon racial or ethnic identity, with a view toward acknowledging it. The Bedoon are an indigenous, tribal group.

iii. Recommendations to provide the Bedoon identity documents have failed to grasp that those identity documents issued have been fraudulent and pre-filled with false nationality labels

At b), the recommendation was not specific enough to ensure a change in state practice regarding the failure of the state to provide the Bedoon with official identity documents including birth registration documents. These documents are subject to the erasure system, used to affirm erasure, and interpreted by the Central Apparatus as ‘proofs’ the Bedoon individual concerned has ‘admitted’ or accepted the nationality label assigned to their government records. Therefore, the recommendation to provide correct documents was quite meaningless; the recommendation should have read ‘provide correct and genuine official documents, without application of false nationality

labels'. The government of Kuwait stated it had changed its former procedure of enforcing false nationality labels chosen by the Central Agency, and would allow 'non-Kuwaiti' to be stated on the documents instead as part of Decree 409/2011 'human rights' reforms (Kuwait government response to Human Rights Watch, 2011). Government revealed at the time that over 12,000 Bedoon families had never accepted birth certificates issued by the Ministry of Health that stated other nationality labels on them, over the preceding 5 year period. Decree 409/2011 reform policy was never implemented consistently, due to the erasure (*'Withouts' of Kuwait: Nationality for stateless Bidun now*, Amnesty International, 2013; Human Rights Watch World Report: Kuwait, 2014).

Thus, advice to give residence permits and temporary legal status to all non-citizens 'as appropriate' at c), merely reinforced the use of residence permits to affirm the erasure to the Bedoon, and the 'offer' of the Comoros Plan which the Central Apparatus held out, could be used to acquire a 5 year period of legal residence status in return for erasure. A fraudulent passport is still the preferred mode of 'cooperation' required from the Bedoon to facilitate the process of erasure, according to Sheikh Mazen al Jarrah al Sabah, of the Department of Passports and Citizenship, in Bedoons to get Comoros citizenship soon: Jarrah, (2015, November 30). *Kuwait Times*). Matt Tueller, now the US Ambassador to Iraq, confirmed the state's role in fuelling the fraudulent passport documents industry in efforts to abuse the Bedoon's identity in 2006 (US Embassy Cable 06Kuwait4514, November 26, 2006). The HRC did not actually recommend de-criminalisation of the Bedoon while they are waiting for naturalisation to be granted, though such a concrete step could have initiated a process of normalisation of relations between the Bedoon and the state while reducing the state's reliance on fraudulent documents it claims are 'proof' of the Bedoon's 'original nationality.'

Human rights defenders

29. *While noting the delegation's statements that protests organized by Bedoon have disturbed the peace, the Committee expresses alarm at reports that such protests have been met with excessive force and arbitrary arrest, and that several Bedoon rights defenders have been harassed and detained in connection with their advocacy activities. The Committee is also concerned by reports that the release of some individuals detained for protesting in defence of human rights has been conditioned upon the signature of a written pledge not to participate in such protests again (arts. 2, 5 and 6).*

30. *The Committee recommends that the State party promptly investigate allegations of excessive use of force, arbitrary detention, deterrence of lawful protests, ill-treatment and torture of human rights defenders, including stateless individuals, and provide statistics in its next report concerning any investigations, prosecutions, convictions and sanctions applied.*

iv. Recommendations have failed to account for the government's history of punitive, retaliatory actions toward the population generally, and Bedoon human rights activists in particular

The document referred to as 'the pledge' is widely used against the Bedoon. It is a form of extortion and enforcement of silence. It states the recipient may not discuss any aspect of the Central Apparatus business, or engage in any activity that could be interpreted as 'activism.' Thus, not only does it punish the Bedoon for participating in the activities of human rights and processes related to the United Nations framework, it seeks to silence the Bedoon specifically, about the erasure and broader program of genocide, overseen by the Central Apparatus.

Moreover, the recommendation Kuwait investigate all allegations of excessive use of force and so on, is inappropriate in the circumstances described to the HRC. Based on previous reporting over recent years, the HRC is well positioned to evaluate the strong likelihood that its recommendations would lead to punitive retaliation against the Bedoon, likely manifest in further incidents of torture during incarceration. The request enabling the state to keep the report back to the HRC in a way that could be limited to statistics, rather than requiring a qualitative report of these investigations, is a very superficial way to measure such breaches of human rights. Given the long history and broad nature of the violations of Bedoon human rights, an independent investigator should have been appointed to compile further evidence of the claims using qualitative methods, to ensure adequate attention was paid to victim experience.

The HRC also had the opportunity to observe that the 'pledge' (mentioned above) was similar to the documents stating the Bedoon accepts a nationality that is not Kuwaiti. Both are affidavit-style, confessional documents requiring a signature to confirm one has 'confessed' their sins to the Apparatus, acknowledging they are aware they will be punished if they breach the conditions of the document. This observation would have further supported the necessity of an independent investigator, and the inappropriateness of ordering an investigation by the state, of state-sponsored violence against its most marginalised and vulnerable community. We wonder why the HRC would recommend the perpetrators of breaches of human rights be enabled to be appointed the investigators of the crimes? This seems to us to be indicative of corruption.

Statistics

7. The Committee notes with interest the statistics the State party provided in its report and during the dialogue regarding the composition of its population, disaggregated by regional provenance, but regrets that the State party's periodic report did not contain statistics regarding the ethnic

composition of its population or socioeconomic indicators, disaggregated by ethnicity, as recommended by the Committee in its previous concluding observations (see CERD/C/KWT/CO/15-20, para. 7).

8. In accordance with paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee reiterates its recommendation (see CERD/C/KWT/CO/15-20, para. 7) that the State party collect and publicize reliable and comprehensive statistical data on economic and social indicators, disaggregated by ethnicity, from national censuses or surveys based on self-identification, to enable the Committee to better evaluate the enjoyment of rights under the Convention in Kuwait. The Committee requests the State party to provide it with such disaggregated data, including statistics on migrants and stateless persons, in its next report.

v. HRC's request for Kuwait to include the Bedoon in statistical monitoring comes some 30 years after the UNDP/UNESCO enabled Kuwait to omit the Bedoon from its development programs

The UN has adopted a strategy of allowing the state to omit statistical information on the Bedoon since they were removed from their status as 'Kuwaiti' 'Bedouin' on the National Census in 1992. In turn, the strategy has facilitated the state's covering up of ethnic cleansing and genocide of the Bedoon. After Dr Kennedy Nour al Deen pointed this out to UNESCO and other agencies in 2015, the HRC and some NGOs decided it might be a good idea to include stateless populations in the United Nations statistical monitoring functions. The practice enabled the UNDP and UNESCO, like the state of Kuwait, to exclude the Bedoon from all forms of national development, including the Millennium Development Goals. The minimum standard for state reporting on the Bedoon should be National Census restoration, which precludes reporting to the United Nations statistical monitoring division. Furthermore, not only should the state collect statistics on ethnic groups, it should ensure statistics regarding the whole of the Bedoon population group are collected. As the state disputes the Bedoon are 'stateless' and insists they are 'illegal migrants,' clearly more specific guidance is required to ensure the group's presence in the state is recorded legitimately.

While we believe the above recommendation was made to assist the state to deal better with its systemic marginalisation of all Bedouin, but it fell short of what was required to improve Kuwait's treatment of the Bedoon. The HRC was aware that the Bedoon were being relabelled different nationalities as part of the erasure procedures, in order to make the Bedoon, if counted at all, to be 'lost' within the statistics reported on Kuwait's expatriate migrant national population. The HRC recommendation to provide data based on self-identification was a positive one, but the state is

unlikely to follow these suggestions seriously without being appointed supervision. For this reason,

Area of concern	Date issue emerged
Deaths	Since 1990s; there is good reason to believe some disappearances have been extrajudicial killings, which also occurred in the 1990s
Disappearances	Since 1990s; reports appear to increase again in 2010s, after Arab Spring
Deportations	Since 1990s, including ‘citizen registration’ periods set up to justify administrative deportation; whole-population criminalised deportation regarded as option of choice by government at present
Flight; prohibitions on both escape and return	Since 1990s; issue intensified again from 2014 due to UK Home Office collaboration with Central Apparatus
Disease, suicide and other causes of premature death	Since 1986, due to targeting of health services in expulsion policy; suicide appears to have become more problematic in the 2000s due to population realising the magnitude of their conditions
Decline in fertility, birth rates	Since 1986 due to targeting of the right to found families in multiple ways in expulsion policy; more detailed qualitative study on destruction of family life is underway at present

the HRC could have made more specific suggestions on this matter, such as National Census restoration for the Bedoon.

In Table 2 below, we provide a list of barriers to the Bedoon’s future population and cultural development, related to the group’s risk emerging from the erasure, administrative ethnic cleansing and broad pattern of genocide.

Table 1: Areas of concern related to historical Bedoon population decline and future population development

Special supports should be provided to reconstruct state capacity in this area, which the state should fund. As demographic data is a site of erasure *implementation*, the Bedoon’s population records should be rectified with care. Rectification of Bedoun population data should be carried out by independent experts in consultation with the Bedoon community. These issues and patterns do not seem to be identified by other humanitarian or civil rights organisations at the moment, because they have not studied the Bedoon’s situation as closely as we have. They include specific risks related to population decline normatively associated with genocide, and issues related to corruption of statistical and monitoring processes and/or data, that may prove to be challenging as experts being to work on developing appropriate population measures for the Bedoon. In the discussion above,

we highlighted the nexus between genocidal regimes and population monitoring for the purpose of destroying groups. As such, National Census rectification should be taken seriously. Table 3, below, shows areas where corruption of statistical monitoring processes appears to have occurred and/or comprise areas of concern for post-genocide restoration of the Bedoun to Kuwait's National Census.

Table 2: Areas concern for post-genocide census rectification

vi. The greatest obstacle to the Bedoon's access to development is the grave threats to the whole population's survival posed by government

The state of Kuwait has strengthened its program of identity erasure in response to recommendations by the HRC Treaty Bodies, that it should naturalise the Bedoon, which is the Bedoon's right. The group's human rights situation simply is not taken seriously enough by the United Nations organisations, in particular the Human Rights Council, such that it would help the state of Kuwait prevent if from ethnically cleansing and genocide of it's own Bedouin people. The Bedoon are enduring an entirely preventable, large population catastrophe of a similar nature to that which has occurred to the Rohingya of Myanmar. Dr Kennedy's work has been examined by

Dr Damien Short of London University, who is a participant on the Expert Mechanism for Indigenous Peoples and a theorist on genocide. He concurred with Dr Kennedy Nour al Deen's findings after examining her two-volume transcript of over 600 pages.

We have provided data to indicate the Bedoon’s situation needs to be addressed urgently, but we have also pointed out a number of different areas where the HRC reviews of treaty bodies have

Manipulation of national statistical data to hide Bedoon	Since 1974, when the Department of Illegal Dwellings determined to expel the Bedoon from the National Census
Inflation of performance indicators for UNDP-UNESCO-MDG	2000 or earlier. Areas concerned: education and poverty
General lack of reporting, investigation and accountability	Since 1986 the Bedoun population has declined by approx. two thirds. CERD 2017 recommendations identified lack of reporting on population sub-groups, particularly ethnic groups and stateless groups, but did not refer to the Bedoun in particular though they have the most urgent needs for protection

exhibited knowledge gaps, and we have attempted to fill them in this report for the purpose of promoting future best practice. We have noted that where Treaty reviews have recommended the state establish improved systems and conduct investigations, it clearly lacks capacity to do so. Furthermore, a protective and preventative sentiment is missing in the advice regarding the Bedoon, beyond stating ‘deep concerns’ - i.e. the manner in which the HRC recommended the state report back to it, potentially encouraged retribution against the Bedoon. The Bedoon require independent support and protections from further retaliatory actions, as well as in relation to their expected ongoing population decline. We are particularly concerned about lack of capacity in the area of statistical records and demographic profiling, as these areas are closely connected to the rationales and methods used to implement erasure, ethnic cleansing and genocide. The Bedoon community seeks involvement in the reconstruction of valid and reliable data about its population numbers and ethnicity.

Finally, we are also concerned about the safety of human rights defenders going forward, particularly Bedoon human rights defenders, who are typically targeted over their advocacy of the Bedoon population. The Bedoon intend to expand dialogues with the United Nations HRC and the 2030 Development Agenda going forward, because after experiencing exclusion from the Millennium Development Goals, they understand that if they are not included in every aspect of Kuwait’s National Development Program 2035 embodying the UN 2030 SDGs, their population may not survive the development expansion.

Request for Genocide intervention February 2019

Summary of the request Special Procedures request for intervention of the Special Rapporteur on Genocide

Summary of the request

The main sections include:

- **Summary of the nature of the complaint (as recommended by the HRC)**
- **Context and chronology of events leading to the present crisis 1950-2018**
- **The role of Kuwait's parliamentary committee on human rights**
- **Discrepancies in population statistics (the potential for enforced disappearances)**
- **The scope of investigation requested**

(and as attachments)

- **Bedoon living conditions**
- **Timespan and scope of the erasure (administrative ethnic cleansing) program**
- **Bedoon erasure (administrative ethnic cleansing) program - Government announcement December 13, 2018**
- **Bedoon erasure (administrative ethnic cleansing) program - Selected testimonies and other data 1994-2019 explaining how the program works (primary data)**
- **Bedoon population's recent expressions of concern about genocide in response to the government announcement erasure will be complete in early 2019 (primary data)**
- **Historical process of entrapment, criminalisation and erasure of the Bedoon 1970-2015**
- **First plans for erasure re: National Census expulsion**
- **List of agencies entrapping the Bedoon, leading to the develop of the present-day security apparatus**
- **Bedoon 'Other Nationality' Origins According to the Ministry of Interior (2010 and 2014)**
- **Citizen Reduction - the Erasure of Those 'Eligible' for Citizenship**
- **Implementing a policy of erasure (administrative ethnic cleansing) on the Bedoun, since at least 1982**
- **Depriving a large proportion, and at time all of the population, access to state resources since 1985**
- **Engaged in violent ethnic cleansing of the population 1990-1995 (with Coalition forces implicated) reducing the population by around half it's numbers**
- **Issuing security restrictions and ramping up of pressure on the Bedoun population to comply with the erasure policy after the Arab Spring**

- **Prohibiting Bedouins from marrying, and obstructing those who have attempted to legalise their marriage through the court, leading to reductions in the number of children born (unmarried parenting is prohibited in Kuwait) and misery throughout adult life (adults cannot have relationships outside wedlock in Kuwait)**
- **The state has forced over 90% of the population into signing “confessional” documents, prepared by the Central Apparatus, stating they have nationality in other states, which they do not.**

14 February 2019

Special Procedures – Urgent Appeal - Special Rapporteur on Genocide
OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland
Urgent-action@ohchr.org

To Whom It May Concern,

URGENT APPEAL
Special Procedures, Human Rights - Special Rapporteur on Genocide

[1.1] Urgent request for immediate cessation of the erasure (administrative ethnic cleansing) of the Bedoon of Kuwait

Additional request for investigation of the entire program of ethnic cleansing/genocide of the Bedoon, which has evolved from time of the Nationality Law (1959) to the present day

Subject of the complaint: Kuwaiti Bedoon (a minority of the Bedouin tribes of Kuwait)

Reason for the complaint: Recent confirmation by government authorities that of 90% of the population’s identity has been erased; 100% program completion will be achieved by early 2019. Multiple new reports from victims they genuinely believe genocide is occurring in relation to the erasure.

Key perpetrator: Government of Kuwait

At present, a program is being carried out to administrative erase the whole Bedoon population group, managed by the Ministry of Interior’s Central Apparatus. We request for investigation into other aspects of the ethnic cleansing carried out with genocidal intent, for which we provide extensive policy-based and fieldwork evidence collected over the preceding 6 years. However, the situation in Kuwait is deteriorating rapidly for the Bedoon.

The Bedoon of Kuwait are a Bedouin ethnic minority closely related at the level of family and tribe, to the Bedouin citizen population of Kuwait. A member of the Bedoon community speaks out against *jus cogens* taking place in the State of Kuwait, December 21, 2018,

It's like I'm seeing them. The Central Organ extermination is not limited to murder. Sometimes you are killed and killed from the inside when you live a stranger in your homeland, when you oppress and take away our rights, when you see your life and your years of age go, and you did not benefit yourself, and your people [experience of] these forms of extermination, and are annihilated in the country. [A picture of holocaust victims piled upon each other accompanied the comment].

Complainants: Abdulhakim al Fadhli (victim) and Dr Susan Kennedy Nour al Deen (expert)
We consent to the use of reference to the general population in communications. Individual names of victims should not be disclosed

[1.2] Introduction

We wish to report the current situation of the Bedoon of Kuwait and to request urgent investigation into their ethnic cleansing via administrative erasure. We emphasise that while this letter contains some topics that the Human Rights Council may be familiar with in a general sense, we present new information herein that has not been included in the Universal Periodic Review process, providing a much broader contextual and theoretical backdrop against which human rights violations have occurred, as well as far more detailed information that has been presented to date. The current crisis arising from this complaint has been provoked by a recent announcement from Salah al Fadalah, the head of Kuwait's Ministry of Interior Central Apparatus, confirming that administrative erasure of the Bedoon is now 90% complete, with the remaining 10% to be erased in early 2019. The state had previously consistently claimed it would grant citizenship to at least a third of the group who had valid, outstanding citizenship claims going back to 1965 (although many more likely have similarly valid claims). This is a new stage for Kuwait. Domestic conditions have become sickening as to the expression of bravado accompanying government statements, and the ineptness of the states' presentations to the Human Rights Council justifying its treatment of the Bedoon, such as attempting to redefine the meaning of statelessness in international law to accommodate its actions in killing off the Bedoon at a rate that is regarded as profoundly dangerous by genocide experts (i.e. the population decline rate *alone* indicates genocidal intent).

'Unfortunately, criminals and traffickers are not the only ones who can render persons stateless by denying citizens of the means to prove their citizenship. Sometimes governments commit what is known as administrative ethnic cleansing, or erasure.'

David Weissbrodt, 2006, 'The Human Rights of Stateless Persons'

[1.3] As a result of the announcement, there is now widespread despair and anger across the group. There is an awareness that the organisations of the United Nations have not been as effective as they should have been in stopping the program, as Kuwait's international partners are aware the program is taking place, government is now openly flaunting its associations with the United Nations, but ignoring the recommendations put to it in the most recent Universal Periodic Review by the Human Rights Council. The Head of the Central Apparatus, Salah al Fadalah, who is responsible for implementing the erasure, just a few days ago suggested to the national media that due to the success of his 'status adjustment' program (erasure of identity), that he wishes to spread his methods throughout the international community, in view of Kuwait's high status in the world. He was posing for a photograph opportunity with the UNHCR Kuwait office chief Ms Hanan Hamdan, at the time. Indeed, the program implementation has accelerated since the Arab Spring, concurrent with Kuwait's interest in the UNHCR statelessness unit, Kuwait's donations to Syria, and attempt to play the role of peace broker in the Gulf. We are both concerned that the

community, particularly young people, are becoming increasingly aware that the group is threatened while the international community does nothing in practical terms, to assist. As a result, the Bedoon now have a very strong awareness that they are victims of ethnic cleansing, and likely genocide.

[1.4] The community leader for this complaint is Abdulhakim al Fadhli. Dr Susan Kennedy Nour al Deen is also a complainant and the point of contact for this complaint. We have known each other for over four years, as Abdulhakim al Fadhli was a contributor to Dr Kennedy's research. Much of the information herein has already been examined in Dr Kennedy's doctoral thesis, by Professor Elsbjeta Halas of the University of Warsaw, Poland (an expert in the theory of cultural systems, including systemic cultural destruction), and Dr Damien Short of the University of London (an expert in sociology and law, including cultural destruction and genocide). Therefore rather than providing references for every claim asserted in this main letter, we have included a summary of points for investigation, and attach a range of related data in Appendices and other documents to support our claims, with references in the thematic sections. We have updated the material in view of the recent crisis by including personal testimony from the Bedoon, and will continue to collect data related to the program of erasure by the Central Apparatus and the more general realization that genocide – both physical and cultural destruction – is now a reality for the Bedoon. We are in the process of compiling some additional documents and these will be sent within 24-72 hours.

[1.5] The subject of this complaint

The Bedoon of Kuwait are a portion of the main Bedouin tribes of Kuwait, who remain stateless. The Bedoon collective experiences an ongoing ethnic cleansing, which has led them to begin develop new characteristics attributable to a new ethnic sub-group of the northern tribes. They also remain integrated to various extents within their existing tribes. Around one third of the population are part of the northern tribes; the remaining two thirds are likely from the same tribal groups. According to the government of Kuwait they number around 111,000 at present, which is less than 50% than their population numbers as at 1985. However, government population data released by the Ministry of Interior at present appears to date back to 1992, when they group were expelled from the National Census. This data is reported by government in the context of a whole-population administrative erasure, and is therefore likely to be quite unreliable. The population is also unmonitored by UNDP/UNESCO population monitoring divisions, so that the number of men, women, boys and girls is not known.

[1.6] Reason for this complaint

Government confirmation of 90% identity erasure, 100% identity erasure by early 2019. Both ethnic identity and national identity are removed, fraudulent nationality is applied to lose the group in a general migrant population pool. In some cases, names of tribes and names of fathers (i.e. middle names and surnames) are also removed (this is the official policy). Deportation of the entire population group has been on the agenda in recent years. Now, with administrative erasure almost complete, the group are now extremely vulnerable to state-sanctioned enforced disappearance and killings, which in the 1990s led to an approx. 30-50 % population drop that was never investigated by any official organisation. World order is impacted by government's ongoing promotion of an industry in fraudulent passports and other identity documents (Dr Kennedy can obtain a fake passport in Kuwait City for approx. \$100-10,000, depending on the country offered) which is directly related to government's program to erase the Bedoon.

[1.7] This complaint arises from the recent public announcement by Salah al Fadalah of the Central Apparatus, confirming that some 90% of the Bedoon population have now been allocated to a range of different Arab nationality labels, while some 10% of the Bedoon population will be allocated in the new year of 2019. The announcement has caused a crisis via confirming the erasure, also called 'status adjustment' and 'regularising status,' is almost complete, and also because it confirms that none of those tens of thousands of individuals and families previously assured they will be granted Kuwaiti citizenship, will receive it. After a seven-year period where the Apparatus was tasked with 'studying' the Bedoon's situation to assess which individuals in the population were qualified to receive Kuwaiti nationality and which were not, the Apparatus appears to have never genuinely assessed the Bedoon for citizenship. Moreover, the Bedoon are now facing the situation where the government of Kuwait appears to have never genuinely assessed the Bedoon for their eligibility to receive Kuwaiti citizenship since the state first gained independence from Britain, in 1961.

[1.8] The announcement has stemmed from government's attempt to obtain closure on the Bedoon issue by completing the erasure. The announcement indicates that the state has refuted recommendations suggested by the international community articulated in previous sessions of the United Nations Human Rights Council Universal Periodic Review Process, urging the state to respect the Bedoon's right to nationality and human rights in international law. As a result, the community is at present, reeling over their experience of restrictions on freedom of expression and cultural annihilation. The administrative erasure of the Bedoon is a badly kept secret, because the Central Apparatus has so openly used the program to abuse and threaten the group. Around a third of the population has outstanding citizenship claims from 1965, and although it previously appeared that one set of claims from 1980 were never processed, it increasingly appears that no further claims were ever processed, even though earlier in the year citizenship was passed for a group of 4,000, over 107,000 (approx.) are still waiting for the proper processing of their claims. For these reasons, we request the United Nations Human Rights Council to undertake an urgent action. In accordance with recommendations for the tabling of individual complaints, in the following text we provide a context and chronology of events leading to the present crisis.

Context and chronology of events leading to the present crisis

[1.9] 1950s-1960s

The government of Kuwait appears to have initially intended to provide all of the Kuwaiti Bedouin with citizenship (i.e. including the Bedoon), in alignment with other Arab states in the region. UNESCO, the Arab League, the ILO, the World Bank and sovereign states across the Middle East were all involved in the development of national settlement programs specifically for the Bedouin tribes. Citizenship and socioeconomic protections including land distributions were sought for them because they were indigenous tribes people and vulnerable to exploitation, according to the mandate of UNESCO at this time. This mandate reflected the early stages of development of international law for indigenous people embodied in the first ILO Convention for indigenous peoples. Saudi Arabia, Iraq and other nearby states cooperated with this process, and Kuwait, a Protectorate of Great Britain at the time, developed similar policies. Thousands of members of a range of tribes were recruited into the Bedouin Arab League Force deployed in Kuwait, replacing Britain's Operation Vantage personnel (in response to Iraq's claims of sovereignty over the state) upon Kuwait's Independence in 1961. Certainly this indicates that formal procedures were in place for these servicemen's permanent settlement in Kuwait and absorption into Kuwait's military and police forces after the 'Iraq crisis' period. Additionally, other tribes people who

were not part of the organised Arab League forces, were also recruited into other parts of the public services and Kuwait Oil Company, contributing their services to the establishment of the independent state. These Bedouins were fully integrated in the state as the existing indigenous tribal population, and national policy was developed as a reflection of the state's desire to incorporate them into its national identity.

[2.0] At this time in Kuwait's history, all Kuwaitis were stateless. A series of promises and commitments to grant citizenship were issued to the Bedoon from the time they were formally and permanently settled in the state, until the present day. While initially the state's rulers sought to absorb the Bedoon into the citizenship base reflecting the regional agreements to settle all Middle East Bedouin, non-state political actors and intellectual stakeholders from opposing ethnic groups were actively involved in attempting to exclude the group from the nation, working against the state to impose their own political ideals. A desire to exclude as many Kuwaiti Bedouin as possible from gaining Kuwaiti citizenship was articulated by nationalists from at least 1965. The complainant has found that at the root of this nationalist ideology, discrimination, racism, even hatred of the Bedouin, was normatively expressed in the academic literature. The ideology was constructed by intellectuals, and remains active in Kuwait among the Hadar towns-dwelling population, who regard it as a fact-based, historical narrative, despite evidence to the contrary. These conclusions are based on extensive documentary research on the attitudes of intellectuals to the Kuwaiti Bedouin expressed in Kuwait and internationally. For these reasons, we reiterate that no one individual in government is to blame for the Bedoon situation and that collective attribution of blame and collective problem-solving is warranted to arrive at concrete solutions that respect the group's right of citizenship and human rights. However, it would be irresponsible not to emphasise that the protracted nature of the Bedoon's statelessness and oppression in and of itself, functions as a form of ethnic persecution.

[2.3] 1970s

The notion that the Bedoon should be expelled from the National Census occurred as a direct forerunner to the 'status adjustment' program of administrative erasure. The notion of census expulsion and deprivation of citizenship appears to have first arisen in the early 1970s, within the Committee for Illegal Dwellings. The idea would become formally implemented as government policy in 1992. Until the policy suggestion was introduced in 1976, the National Statistics Office in Kuwait had recorded the Bedoon both Bedouin and 'Kuwaitis' with respect to their ethnic and national identity, on the National Census. The expulsion comprised transferring the Bedoon who were listed as 'Kuwaiti' and 'Bedouin' to 'other Arab, unknown nationality' on the Census after the group had already been administratively expelled in 1986.

[2.4] Some researchers and analysts began to claim that the Bedoon were 'illegal migrants' to Kuwait in the 1960s and 1970s, as if they had broken migration laws at the time they arrived in Kuwait, which they had not. They were variously described as 'squatters' and 'slum-dwellers' living on the fringe of Kuwait City, even though they lived in organised camps in tribal formation, containing thousands of people at a distance from Kuwait City. These ideas were prompted by Kuwait's engagement with the United Nations Development Program and other schemes of modernization at the time. Whereas some intellectuals have emphasised the Bedoon descended upon the state in unmanageable numbers comprising 'illegal' entry and leading to 'chaos' in government, this does not reflect the historical facts but rather, the retrospective development and application of exclusionary nationalist ideology. Intellectuals found the ideology was very powerful – it worked. They discovered they were capable of misleading others in international forums about Kuwaiti society and the state of development of the country, in order to reinvent the Bedouin as a group of unwanted expatriate nationals who simply

arrived in Kuwait under their own motivation, and refused to leave. These narratives were constructed in bad faith in order to create an environment where their political, social and economic segregation from their Bedouin citizen family members and tribal affiliates would seem to be an unfortunate consequence of a combination of the Bedoon's own actions, and 'chaotic' government policy.

[2.5] In order to accomplish their goals, the intellectuals promoted nationalist ideologies describing the Bedouin as 'foreign,' and the application of administrative procedures criminalising the group was described retrospectively as if the procedures existed before the group arrived. This strategy functioned to give the impression that the Bedoon were not part of Kuwait's 'original' Bedouin community, but were unwelcome foreign nationals who had entered Kuwait 'too late' to acquire citizenship described in Article 1 of the Nationality Law (1959). Relevant factors such as the group's qualification for citizenship under other articles of the Nationality Law, linked to the group's settlement taking place at the request of the state, were omitted. Essentially, the narrative history of Kuwait was constructed by Hadar intellectuals describing their ethnic group as the only persons entitled to Kuwaiti citizenship, due to their evolutionary fitness and identity as 'true' 'pure' 'real' 'original' Kuwaitis. Bedouins integrated into Kuwait City as rich 'elites' close to the ruling family, were only described as part of the Hadar community on the basis of their wealth and political utility to the Hadar, which qualified them as 'urbanites' capable of modernisation. By 1980, a national debate was under way, demonising the whole Kuwaiti Bedouin population while the practical mechanisms for the segregation of the Bedoon within the urban society, and plans to ensure they would be left perpetually stateless, were put in place.

[2.6] 1980s

Procedures implemented from 1983 that changed the Bedoon nationality from 'Kuwaiti' to other nationality labels, began in secret so that the Bedoon were affected by the policy unaware of what was happening to them as a whole group. The most comprehensive aspect of the policy was implemented in 1986 across all Ministries of government, administratively expelling the group from the state and assaulting their cultural identity by calling them 'illegal residents,' claiming they were migrant citizens of other states and depriving them of all public resources. Around 1983, government issued letters to all Bedoon employees of the various government Ministries, ordering them to produce 'foreign passports' to demonstrate their 'original nationality;' they were advised they would be expelled from their positions if they did not comply. In 1983 government began to label identity cards and drivers' licenses with nationalities of various kinds distributed to military personnel and civilians, respectively. Professor Faris al Waqayan, a parliamentary researcher, reported that thousands of military personnel were systematically deprived of their identity via the application of false nationality label on official government records. The Professor was the first social scientist to theorize the criminalisation of the Bedoon, and the disorganisation and disintegration of the Bedoon's culture due to criminalisation, stigma and helplessness.

[2.7] Racism toward both the Bedouin citizens and stateless Bedoon (family members and tribal affiliates of the Bedouin citizen population) was revealed in two major amendments to laws argued in the National Assembly from 1980 through to 1986, which happened to coincide with the beginning of the allocation of the Bedoon's identity to false nationality labels (later called 'status adjustment' by the Ministry of Interior's Central Apparatus as we have mentioned). Kuwaiti nationalists and Arab nationalist politicians, intellectuals and propagandists used the National Assembly and the national media at this time, to advance a campaign accusing both Bedouin citizens and the Bedoon of not being 'real' Kuwaitis. The Bedouin citizens were accused of having dual nationality in relation to Law 130/1986, while the Bedoon accused of 'hiding' and 'lying' about their nationality in relation to Law 100/1980. In other words, the Bedoon appeared to be blamed by the Hadar for having one nationality

and attempting to steal another nationality from Kuwait – as if they were also attempting to acquire the dual nationality they accused citizen Bedouin of having. In this respect, the Bedoon were blamed – and punished – for the sins of the broader population on account of their ethnicity. This aspect of discrimination is key to understanding the function of the Bedoon’s statelessness in Kuwait. The whole Bedouin population lives under the spectre of the oppression, expulsion and statelessness experienced by a minority of its population, who became known as the Bedoon.

[2.8] This ‘national debate’ led to the discovery by members of parliament that from 70,000 to 1000,000 Bedoon citizenship applications had never been processed, much of them asserting the right to citizenship with voting rights (i.e. assertions they were ‘original’ Kuwaitis) led to a parliamentary inquiry into this issue. The relevance of this issue to the Bedoon’s current situation could not be more salient. The Bedoon’s eligibility for citizenship and/or formal claims have never properly assessed against the Nationality Law (1969) of Kuwait. The program of ‘status adjustment’ labelling Bedoons as nationals of other states is carried out because there is no intention to provide the Bedouin with due process regarding their right to nationality. On the other hand, the program also functions to implement the expulsion of the group from the National Census mentioned above, person by person (see ‘1970s,’ para 1). One day after hearings on the fate of the Bedoon nationality assessments were closed, the Parliament was suspended. The Bedoon were expelled in December 26, 1986. While Emiri rule at this time has been blamed for the expulsion of the Bedoon, this position does not account for the fact that the policy doctrine had already been developed by Arab nationalist and Kuwaiti nationalist intellectuals over the two preceding decades.

[2.9] The key functions of the 1986 administrative expulsion of the Bedoon are summarised as follows:

- 1) Attribution (false attribution) of foreign national identity, either ‘known’ or ‘unknown’ and later to be applied
- 2) Attribution of criminalisation by the creation of the ‘illegal’ category
- 3) Destruction of the Bedoon’s ability to found families required to sustain their population
- 4) Targeting the eradication of Bedouin citizen-Bedoon marriage in particular
- 5) Prevention of education to thwart intellectual development, political development and access to human rights (set out in a 1981 nationalist doctrine)
- 4) Destruction of past and future economic development to promote conditions for economic exploitation and slavery

As a whole, the provisions attacked the right to self-determination and access to basic human rights and liberties outlined in the Declaration of Human Rights and the International Covenant on Civil and Political Rights, among others. They focused on destroying both the population and culture, and targeted the capacity of the group to procreate i.e. expressed genocidal intent.

[3.0] One other aspect we wish to mention in relation to the 1980s, is the grant of home ownership to the Bedoon, a matter that does not seem to have been discussed since the 1990s. Human rights organisations do not appear to be aware of this particular issue, or to have found it to be relevant amidst the plethora of other issues faced by the Bedoon. In the 1980s, Bedoons in the military and police services were transferred from desert settlements to housing compounds. The conditions of these homes were widely regarded as unfit for life by the general population from the 1960s and research showed that the homes were constructed in that way likely intentionally to encourage them to leave Kuwait, but this did not stop government from moving the Bedoon into the same homes up until the 1980s. Intellectuals portrayed those who lived in the desert settlements who were provided with the

homes, as 'squatters,' 'slum-dwellers,' people who lived in filth and poverty of their own causation. In fact, the occupants as we have mentioned were public servants of the state. They were provided with ambiguously worded contract documents that functioned ostensibly as mortgages. The contracted occupants were required to pay government for ownership of the homes via their salaries; the right of home ownership is recognised as a right of Kuwaiti citizenship. This is one of the reasons the Bedoon believed that citizenship had already been granted to them, or would be granted to them imminently.

[3.1] Others were expelled or forced to resign around 1992 after the invasion of Kuwait by Iraq. Bedoon in the military services were similarly expelled and/or forced to resign from their posts, around 1992. The Bedoon were also then, expelled from the homes. Later, some Bedoon managed to rent back the homes from their citizen family members, who in turn rented them from the Public Housing Authority (this remains the case today and includes areas such as Ahmadi, Taima and Sulabiya). As the Bedoon were subject to violence and heinous crimes against humanity by the state after the withdrawal of Iraqi forces from the state, they were not and subsequently have never been, in any position to pursue this matter. Compensation is owed by the state to Bedoon military and police personnel for these purchases. This point is important because it demonstrates the great extent to which those working to marginalise the Bedoon were willing to mislead them into thinking they had already acquired citizen rights (home ownership), so as not to attempt to engage in political processes to ensure these rights were secure. Compensation is owed to the Bedoon who were present in the state of Kuwait during occupation and helped to defend the nation by virtue of their presence at that time, under Kuwait's Constitution. The relevant clauses of the Constitution are attached.

[3.2] 1990s

Bedoon military personnel protecting the state at the time of the invasion of Kuwait were never ordered to take action against the invaders. They were ordered to put down their weapons and to cease attempting to defend the state after Iraq had successfully taken occupation. The Bedoon were then demonized as having contributed to the invasion. This demonization was manufactured by propagandists to influence government to retaliate against the Bedoon. The Bedoon were killed and driven out of the country in their tens of thousands and otherwise subjected to heinous human rights violations up to 1995 when the State Security Court (which had implemented martial law) was disbanded. The Ministry of Information, was likely to have provided the ruling family with official statements at that time, instructing the returning population of Kuwait to ethnically cleanse the Bedoon and others who had identified as the enemy. Analysis of these events together with population policy emerging at the time demonstrates a logical timeline in the development of policy and violence action, indicating these coherently fitted together like theory and practice. However, the policy and violence ensuing from it was not triggered by the war, but preceded it. That is, the Bedoon were targeted with mass population loss by virtue of not being re-registered by the state, shortly prior to the invasion of Iraq.

[3.3] Ethnic cleansing was carried out with the aid of Western states, although it is not clear whether this 'help' was carried out inadvertently or intentionally. Photographs of the 'Death Highway' from Kuwait City to Abdali clearly show a plethora of civilian vehicles on the highway that were struck by missiles fired by the Coalition of the Willing in Operation Desert Storm. The vehicles are empty because their human inhabitants were incinerated. Kuwait and the coalition had organised for the Iraq land border to be the only place the Bedoon could exit the country during the war, which the coalition attacked while the government of Kuwait openly threatened the Bedoon with murder if they attempted to travel the other way, to return to their homes in Kuwait City. The manouvre ensured the Bedoon would be driven out along the highway exit. Mass deaths of Bedoon babies occurred in refugee camps

near Abdali. INGOs reported only one third of Bedoon refugee camps. These atrocities are just the tip of the iceberg, so to speak, with many atrocities going unreported, and those reported, never followed up. Bedoon prisoners of war, which may have included both military personnel and civilians, were crossed off International Red Cross lists officially used by Kuwait and its Coalition partners to negotiate the return of prisoners. The state simply refused to 'register' much of the Bedoon population after the war (i.e. to re-register those who were already registered with it) in order to reduce the population by administrative means. But because atrocities were never investigated, it is now also impossible to tell the proportion of the population was administrative erased at this time by simple deletion of government files, and the proportion of the population that was killed and driven out of the country.

[3.4] Among the multiple human rights atrocities committed against the Bedoon by Kuwait and the international community during and after the invasion of Kuwait, Operation Desert Storm appears to have been chiefly responsible for the largest population losses that diminished the population by 30-50% at that time (we are only left with estimates for the reasons stated; no attempt was ever made to establish the size of the Bedoon population after the war, other than for the purpose of continuing to avoid granting citizenship). The manipulation of the Coalition of the Willing by Kuwaiti citizens at this time, is on the record regarding the incubators scandal and the use of public relations firms to garner support. The focus of the international community soon turned to the establishment of UN Compensation Commission (UNCC) to enrich citizens of Kuwait (a large proportion of whom were not even present in the country at the time of the invasion) and corporations in particular. The Bedoon were the only population group among recipients to be determined by the government of Kuwait, and the only population group whom the Commission allowed to be paid directly by the government of Kuwait. Furthermore, the payments were the minimum allowable under the commissions mandate. Payments excluded around two thirds of the Bedoon population, but death compensation was provided to for just one Bedoon individual – the most indecent fact about the Bedoon case the complainant has ever established. Compensation is owed to the Bedoon for war crimes and violent post-war ethnic cleansing committed by the state of Kuwait and its Coalition partners. The Bedoon community who resisted the occupation and defended the state by virtue of their having remained in the state under occupation, are owed compensation under the Constitution of Kuwait.

[3.5] After the National Assembly was reinstated; the intellectual political bloc that had fought against the Bedoon since 1965 was installed in power via its capacity as a group of individuals to provide 'expert' advice directly to government and bypassing the National Assembly process. The group was now called the 'Academic Team.' The Bedoon were expelled from the National Census in 1992 almost immediately. The group was removed from columns of the census labelled 'Kuwaitis' as well as 'Bedouin' and reallocated to 'other Arab' nationality losing recognition of both their ethnic and national identities but also implying other nationality was held by them. Legislation was passed to prevent any large group of Bedouin from receiving Kuwaiti citizenship, on grounds of the tribal (ethnic) identity, even though the same group argued that those with valid 1965 claims should eventually, somehow, receive Kuwaiti nationality. This action in itself demonstrated the ongoing discrimination of the Bedoon and the deprivation of Kuwaiti citizenship from them by government, on the basis of the same policy doctrine that had been promoted by nationalists in the 1960s, calling for Bedouins to be restricted from the country's citizen base on grounds of ethnic identity.

[3.6] Another special Bedoon committee was established, given the authority to override documentary evidence submitted by any individuals in the group that demonstrated they had met the legal requirements for a grant of citizenship – in other words, the Bedoon would always have their citizenship rights cancelled under the 'discretion' of the Central Apparatus (93). This line of argument – promising around one third of the population they will definitely receive citizenship – was used until the recent

announcement by Salah al Fadalh of the Central Apparatus, stating that this portion of the population was too erased and would never receive citizenship. It is also worth noting that the person appointed to run the postwar Bedoon committee was the same person who had reported to the Prime Minister of Kuwait on the weekly number of Bedoon and Palestinian killings accomplished during violent ethnic cleansing. This period involved judicial and extrajudicial killings of the Bedoon, including via mercenaries and some operatives trained by the CIA, to hunt down Bedoons, who were referred to as 'Iraqis,' after the withdrawal of Iraqi forces. The Bedoon were consistently referred to as Iraqis during this period to justify eradication of the Bedoon, not only by government representatives at the highest levels, but also academic scholars. The identity was intentionally merged as if Iraqi nationals and Bedoons were one in the same. This is another key point demonstrating the lack of sincerity of the government in attempting to resolve the so-called Bedoon problem. It seems reasonable to assume that those responsible for tallying death counts of the group on behalf of individuals who had called for their ethnic cleansing, were never going to ensure the Bedoons citizenship eligibility would be assessed according to the Nationality Law (1959). Population losses should be investigated with reference to this committee, and the so-called 'Academic Team' mentioned above.

[3.7] 2000s

The administrative erasure program seeking to adjust the identity status of every individual in the Bedoon population was expanded and accelerated in the 2000s. Military personnel were forced to sign affidavits stating they were foreign nationals, which extended the 1983 policy instructing the Bedoon to provide (fraudulent) 'foreign' passports to demonstrate they were foreign nationals. This enabled government to justify its labelling of the population as 'other nationals.' Government adopted the rationale that any Bedoon's individual, legal rights to claim Kuwaiti citizenship would be absolved (cancelled) when such an individual signed a document stating they had a different nationality – even if they had already established a valid historical claim to Kuwaiti citizenship according to the Nationality Law (1959) (i.e. their ability to show proof their forefathers had registered for citizenship from the 1960s and/or proof of inclusion in the National Census of 1965). Other aspects of the regime to change the nationality of the Bedoon (1980s policy) and/or to expel them from the country (1990s policy) continued. Provisions for the Bedoon to register and re-register with government to attempt to obtain citizenship, was combined with the establishment of deportation committees to deport Bedoons who had failed to satisfy citizen registration requirements and/or who had declared their 'other nationality' via the affidavit process. Since then, the allocation of various nationalities to the Bedoon population became widely known as a process of fraudulent labelling associated with fake passports purchased by the Bedoon in response to direct government personnel instructions.

[3.8] 2003-2006

The US Embassy in Kuwait traced the rollout of the 'status adjustment' program of administrative erasure from at least 2003 to 2006. Staff expressed concern that the nationalities used to label the Bedoon were 'fraudulent' and suggested that the Bedoon were being coerced or forced by government to engage in document fraud to satisfy the procedures, specifically in the case that the Bedoon were genuinely stateless. A report conveyed by Minister Baqer about a migration flow of Iraqis entering Kuwait in 1991 contradicted all evidence available about people flows out of Kuwait at the time (101). The Kuwait Society for Human Rights reported to the US Embassy that posters providing the contacts for dealers in fraudulent documents were pasted on Central Apparatus office walls, to which the Bedoon were directed by government staff. The Embassy remarked that the application of African nationalities to the Bedoon by the Central Apparatus reflected the documents that could be obtained by the document traffickers, rather than bearing any relationship to the Bedoon's identity, and characterised the situation

as 'ridiculous'. The allocation of African and other Arab nationalities to the Bedoon is well known, while the range of methods used to do so is somewhat lesser known. These communications were distributed to parties throughout the Arab League, indicating governments across the region were aware of the administrative erasure of Kuwaitis, by Kuwaitis, was taking place.

[3.9] 2007

In 2007 the Foreign Commonwealth Office in Kuwait sent a letter to the UK Home Office describing the Bedoon as 'documented' and 'undocumented.' These two categories were adopted as a classification system of the Bedoon. Documented Bedoons were registered with government. Undocumented Bedoons were not registered with government. Discrimination of the Bedoon in Kuwait began to be defined in UK refugee law on this basis, with the assumption being made that undocumented Bedoons were discriminated against while documented Bedoons were not, simply because 'documented' Bedoons were 'registered' by government. The victimisation of the 'documented' - fact that the 'registration' with government led to erasure of ethnic and national identity on official government records, was ignored. The discrimination of Bedoons (registered and unregistered) within Kuwaiti society including within non-government social institutions, was ignored. Yet the so-called 'documented' Bedoon were discriminated in Kuwait against on grounds of their ethnic identity, as they comprised the individuals whose have had a false nationality imposed upon them, as part of the 'registration' process. Additionally, government's failure to process the so-called 'documented' Bedoon's citizenship applications in accordance with the Nationality Law (1959), also a form of discrimination, was also ignored.

[4.0] The so-called 'documented' Bedoons are today regarded as not being persecuted or discriminated against in any serious manner, and thus are considered by the UK Home Office as ineligible for refugee status, as stated in their country advices for Kuwait. The premises upon which the UK Home Office has operated in this matter are misleading. The approach appears to have been devised with the Central Apparatus to deprive the Bedoon of refugee status in the UK, as well as citizenship. Other states such as Australia and Canada appear to have followed the UK Home Office approach. The UK Home Office also attempted to remove reference to discrimination against the Bedoon on the basis of their ethnic identity as having the primary bearing on their situation (as had been established in UK courts), via the advancement of policy recommendations in the Home Office Reviews section. The policy recommendations sought to remove reference to persecution of the group's ethnic identity from the very first point of the country advice text. No evidence was provided that would have justified a request to delete reference to the Bedoon as ethnic group, in relation to persecution on that basis - likely because the recommendation itself, was discriminatory. These developments indicate Home Office had become corrupted in order to forcibly return Bedoon asylum seekers to return to Kuwait, whereas in the past, it had protected the Bedoon by recognising the validity of their cases for refugee status. Further developments between the Central Apparatus and the Home Office are referred to below. Compensation is owed by the Home Office to all asylum seekers it has returned under the so-called 'documented Bedoon' policy.

[4.1] 2011-2014

In the Arab Spring, the 'status adjustment' program was made more complex again by the issue of 'security restrictions' against Bedoons, by the Central Apparatus. Security restrictions are regarded by the Ministry of Interior as equivalent to a criminal offence, applied at the discretion of the Central Apparatus. They are not part of Kuwait's criminal code. Individuals and families who had established valid claims to Kuwaiti citizenship under the Nationality Law (1959) due to their participation in the

1965 National Census and/or due to their fathers or forefathers having been members of the military and police force, were informed they had been issued security restrictions, making them 'ineligible' to receive citizenship of Kuwait, and to receive basic public resources, also called 'human rights,' in Decree 409/2011, 'services,' 'privileges,' 'facilities' and so on. The outcome was identical to the procedure of administrative erasure, wherein having succumbed to 'other national' identity also cancelled out one's legal citizenship claim, but erasure was accompanied by the 'reward' of access to basic public services for five years (if one did not then receive a security offence). Different types of identity cards linked to claims of illegality and false identity with different timeframes for deportation were distributed at this time, continuing the spectre of mass deportation that had been revisited in the 'registration' period in 2000/2001. Initially, it appeared that only Arab Spring human rights activists were targeted with the security restrictions. This was the same group who happened to be from families who had established historically valid citizenship claims.

[4.2] As the Central Apparatus came under broader public pressure to produce a solution to the so-called 'Bedoon problem,' leadership became increasingly confident and irrational in its approach. Within just two years the Central Apparatus had distributed over 20,000 security restrictions. At this time, the complainant received information from Bedoons living in Kuwait and those fleeing for asylum, were being harassed by the Central Apparatus and State Security Policy for being assumed to be Arab Spring 'protestors,' and issued a security restriction on that basis. Some men were told they would not be issued the security restriction if they would inform on their peers and provide the Apparatus with the details of other 'protestors' to issue security restrictions against. In other words, the formal restrictions began to replace the previous system of informal blacklisting that had been used by the Apparatus and the State Security Police to develop informant networks. The 'restrictions' were also used as a block to access public resources linked to the identity cards issued by the Apparatus, reported to the Home Office before the Arab Spring. Upon the issue of a security restriction, the Ministry of Interior blocked the identity cards of the affected individuals and/or their whole families, to deprive them of access to basic public services. According to the Apparatus, access to public services could be turned back on in return for submitting to the program of 'status adjustment' by signing documents agreeing they held citizenship in another state. The group was told it could 'get more [human] rights this way. In other words, human rights were being traded off as an incentive to submit to erasure, a form of ethnic cleansing. This strategy forced the Bedoon to 'chose' between basic human rights deprivations or identity erasure.

[4.3] This aspect of the status adjustment program was marketed by international humanitarian agencies, academics and journalists as a 'package of services' rather than mere access to the most basic public resources promised in Decree 409/2011. These parties sought to normalize the administrative erasure, even though academics and INGOs were sufficiently trained to assess the methods as ethnic cleansing. The same 'package of services' – i.e. basic human rights – had been on offer since the 1980s, in return for providing government with fake passports. The security restrictions further criminalised the Bedoon who were already 'illegal residents' from 1986. Maj. Gnl. Mazen al Jarrah complained in the national media at this time, that those who had submitted fraudulent passports in the past had allowed them to expire and not renewed them. He urged the Bedoon to produce new ones. The fraudulent passports were actively procured by the Apparatus in front of the whole nation in order to furnish 'evidence' of its statements to the United Nations Human Rights Council the Bedoon were not stateless, while also claiming it was a 'humanitarian state.'

[4.4] Some MPs in Kuwait were growing increasingly uncomfortable with the regime's actions. They began to discuss the fraudulent nature of the nationality labelling and the broad application of the 'status adjustment' program such that other restrictions on the Bedoon like prohibiting enrolment in schools

that had become entangled in the program. For example, in 2011 the government of Kuwait corresponded with Human Rights Watch to try to resolve the INGOs claims of human rights violations against the Bedoon, admitting that over 12,400 Bedoon babies did not have birth certificates because their parents would not accept the nationality determined by government, printed on the certificate. The reason was because government had recorded a nationality label on the certificate that did not reflect their actual ethnic or national identity, in compliance with the official Bedoon policy. Instead, any nationality label was recorded on the birth certificate deemed by the Apparatus. Human Rights Watch did not analyse this aspect of the response, or observe it was a clear sign the Bedoon population was in fact, attempting to resist administrative erasure. The issue led to a crisis in 2014 when the children reached school age. Enrolment of this group of children in primary school was banned by the private schools section of the Ministry of Education under orders of the Ministry of Interior, until the Bedoon parents accepted the said birth certificates for their children that stated false nationality labels.

[4.5] Having resisted the 'status adjustment' of their children, they had rejected the documents and refused to use them. The children had already been enrolled in the schools, including new starters, against state regulations punishing the Bedoon for the failure of the state to provide accurate identity documentation. This meant that the new starters were expelled from school at ages 4 or 5, before they had set foot in a classroom, while children in the early grades would not be allowed to return, just as their own parents had been banned from school in the 1980s and 1990s. The US Department of State later claimed the issue had been resolved, but the local community reported the children had been intentionally placed in inappropriate and unsafe settings, such as in night schools reserved for remedial adult classes, which did not constitute normative primary schooling by national or international standards. MP Hassan Jawhar spoke out in the National Assembly, and connected the bans on school with the 'status adjustment' program, pointing out that the bans were a form of punishment for the Bedoon parents who had resisted submitting to the erasure procedures.

[4.6] 2014-2017

The so-called Comoros Plan was also a manifestation of the 'status adjustment' program. In this phase, the Central Apparatus attempted to change the nationality of the whole Bedoon population to that of just one nationality (the Comoros) instead of to multiple nationalities. Maj. Gnl Mazen al Jarrah explained in a television interview that all 'criminal' Bedoon could or would be sent to the Comoros Islands, implying the island would become a Bedoon penal colony for the Kuwait government. The whole Bedoon population was already criminalised as 'illegal residents' (from the 1986 administrative expulsion) and thousands additionally criminalised via 'security restrictions' meaning all of them could be sent to the island based on Major General Mazen's criteria. Comments of this nature continued for around two years, intimidating the community as the Central Apparatus management and even MPs in the National Assembly, began to promote the viability of the concept. MPs visited the Island and attend workshops in 'economic citizenship' reporting conflicting reports on government's motives and intentions for the fate of the Bedoon in association with the Island. In response, one MP explained to the National Assembly that through the Comoros Plan, government had proved the falsehood that the Bedoon had ever had other nationalities and had misled the Assembly over the Bedoon's identity for decades. However, another MP suggested that as an alternative, the Bedoon [human rights] 'activists' could be sent to internment camps near the border of Saudi Arabia. Note that these camps were clearly intended to be reminiscent of refugee camps in which thousands of Bedoon were stranded after the withdrawal of Iraqi forces in 1991-1992 during the most violent phase of ethnic cleansing.

[4.7] These very public pronouncements of the desire to conduct mass population transfers also constituted methods of ethnic cleansing, but they were never called out as such by MPs, policy analysts,

academics, journalists or the like. At this point, international corruption associated with the Bedoon issue became visible to the global public. The head of the UNHCR Statelessness Unit Mark Manly was quoted saying he had no problem with the plan of allocating Comorian nationality to the Bedoon 'in principle,' as long as it was 'voluntary' even though the process was attached to the outcome a historically enforced erasure program, the intention was to conduct mass population transfer, and the 'nationality' acquired would not be effective, because it was just a word used to substitute the term 'Kuwaiti'. Around this time, the UK Home Office met with visiting Central Apparatus staff to discuss the return of Bedoon asylum seekers to Kuwait and obtained it's 'cooperation' to 'receive' such returned asylum seekers, refuting the law of non-refoulement and further intimidating the Bedoon population into believing they could not escape imposition of Comorian nationality and possibly also, deportation to the Comoros Islands from Kuwait. Journalists were more concerned than the UNHCR Statelessness Unit about the erasure, when they gathered comments from other members of the international community expressing disgust at the scheme in order to pressure Kuwait to halt its plans.

[4.8] UNHCR Kuwait office representative Ms Hanan Hamdan has promoted the Central Apparatus functions, posing for photographs with both Salah al Fadalh of the Central Apparatus and Mazen al Jarrah of the passports department in local news services, much to the distress of the community. This is the most direct experience the Arab Spring generation have had with the United Nations. As Ms Hamdan represents the outer face of government associated with the Ministry of Foreign Affairs, and Mjr. Gnl. Mazen al Jarrah represents the inner face of government associated with the Ministry of the Interior, the partnership is incongruent, other than to symbolise UNHCR support for the Central Apparatus role with the UK Home Office in returning Bedoon refugees. Similarly, Mjr. Gnl. Mazen al Jarrah has been visited and has visited in return, the UK Home Office to promote the return of Bedoon refugees, wherein the Home Office has set out to breach the law of non-refoulement. UNHCR officials such as Mr. Manly and Ms. Hamdan have facilitated the policy of administrative erasure of the Bedoon by attempting to normalize it locally and internationally. Even before taking up her formal role as head of the UNHCR office in Kuwait, Ms Hamdan met with Salay al Fadalh to assist him promoting the Central Apparatus process (of ethnic cleansing via administrative erasure), leading to the headline: Al Fadalh: The Central Organ is Open to International Organisations. In the article, Saleh al Fadalh:

“stress[ed] the openness of the Central Agency to communicate with international organizations and institutions in recognition of the status that Kuwait has assumed in international forums. He looked forward to continued cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR).” (Sulieman, December 23, 2018)

This posture by these officials is offensive to the local community and dangerous to the international community, insomuch as the Central Apparatus performs a central function in ethnic cleansing of a minority of Kuwait's own people, which it appears to seek a role in promoting via the United Nations network. We request the removal of Ms Hamdan from her role in the UNHCR for active participation in the ethnic cleansing of the Bedoon by abusing her office to promote the same.

[4.9] The UNDP and UNESCO fund states for country development while allowing states to exclude statistical data on the most vulnerable: the expelled, erased and/or stateless populations excluded from national statistics. Kuwait continued to be provided funding by these organisations after the administrative expulsion and violent ethnic cleansing of the Bedoon, providing the impression to government their actions were regarded as permissible by these organisations. The UNDP and UNESCO did not assist the Bedoon were children were excluded from schools, and at present the statistical division does not measure how many Bedoon children go to school, and how many cannot. Instead, the

Central Apparatus published monthly statistics on the tally of Bedoon's who submitted to 'status adjustment' which began to be characterised as 'conversion,' 'reversion' and 'regularization.' The tallies were reported in the official government news outlet, the Kuwait News Agency, the Kuwait Times, and other syndicated news agencies. The relentless announcement of the erasure tally in the public media has been extremely distressing for the community and likely constitutes a form of mental torture. The government of Kuwait has never shown its proof of 'other nationality' of the Bedoon because it has claimed; the information it has drawn upon is 'secret' and cannot be released to the public. Abdulkhalek al Fadhli has challenged government to provide such proofs or accept that they do not have them, as a basis from which to conduct negotiations to stop the program and to restore citizen rights to the Bedoon. The consensus view in the National Assembly at present is that government has never had any evidence, but this has not translated into meaningful reform such as ending the group's statelessness.

[5.0] 2018

As we have mentioned, this complaint arises from the Central Apparatus revelation that it has allocated false nationality to some 90% of the population, including those who have established valid citizenship claims since 1965. Salah al Fadal, the head of the Apparatus, had declared that the (fraudulent) national identities will be applied across 100% of the population some time during 2019, while the whole population will be issued new security cards then, with another nationality designated on the card. We believe that the announcement signals the government of Kuwait entering a new phase of its Bedoon 'roadmap,' marking the completion of the administrative erasure. This is despite much of the population being qualified to receive Kuwaiti citizenship according to Article 4 of the Nationality Law of Kuwait (1959), owing to their fathers or grandfathers having worked in the public service, including the military and police services, for which an Explanatory Note to the Nationality Law applies. The Explanatory note text and explanation is attached to this letter. Clearly, the government of Kuwait no longer cares to distinguish between who has established valid citizenship claims or not, and perhaps this indicates the extent to which the population in general has presented plausible and valid claims. Another issue is that when government does fall back on the position that those who may receive citizenship (if they have no security restrictions) are members of the 1965 National Census group, children of Kuwaiti citizen mothers and those who were in the military services, members of the police services, who are also covered under the Explanatory note as special cases for citizenship, are ignored. International actors are sitting back with a 'wait and see' approach while the Bedoon community undergoes administrative erasure and ethnic cleansing. Signs of genocide of the Bedoon have been present for decades. The population is at present expressing its fear and despair, including expressions that they are cogently aware that ethnic cleansing, even genocide, is taking place.

[5.1] Kuwaiti citizenship continues to be distributed to thousands of foreign nationals each year, reinforcing what we already know about the ethnic targeting of the Bedoon – they are not deprived citizenship due to a lack of economic resources, or due to a reluctance to broaden the citizenship base as some academics have argued, but because of their ethnic and national identity as Kuwaiti Bedouin is interpreted by elites and intellectuals as an undesirable component in view of a broader cultural prejudice and racism expressed toward the Bedouin tribes. Today, government personnel appear to be largely ignorant of the historical and procedural processes that have led to the present situation of the Bedoon, likely due to indoctrination into the ideology that has portrayed the Bedoon as 'foreign nationals' and as culturally inferior. Academic circles in Middle East studies on both the political left and right have contributed to constructing and promoting the racist and discriminatory doctrine and regard those who founded it as their intellectual heroes for challenging the 'tribal mentality,' in an attempt to preserve their personal vision of what Kuwait's urbane, cosmopolitan, 'modern' culture

should be. Obviously this has prevented them from assisting government and the community finding constructive solutions to the problem.

[5.2] The role of Kuwait's parliamentary committee on human rights

While some negotiations are currently taking place with the Bedoon in Kuwait, this has been limited to the Kuwait Parliamentary Human Rights Committee (KPHRC) acting on the case of the young Mr Mohammed al Anezi (whom Salah al Fadal of the Central Apparatus wrongly accused of being a terrorist attempting to assassinate him), we have previously sent correspondence to this Group about the situation of the Bedoon, including the matter of ethnic cleansing by the Central Apparatus, and the targeting of one of the complainants, Abdulhakim al Fadhli, for speaking out about crimes against humanity committed against the Bedoon. In this case, the other complainant, Dr Kennedy, spoke on behalf of the Bedoon community due to the Bedoon population's inability to represent themselves (at the time, all Bedoon human rights activists were severely restricted from speaking out due to strict enforcement of punishments related to 'the Pledge' and enforced returns of Bedoon refugees and asylum seekers from the UK). Despite the KPHRC's legislative mandate to respond to all plausible cases put to it, they failed to respond to the complaint, meaning that we had exhausted all internal complaints mechanisms no sooner than we submitted the issue. This experience indicated the HKHRC, as the state's primary mechanism for hearing human rights complaints installed under the instructions of the United Nations, is itself flawed and takes an arbitrary approach to hearing matters concerning the Bedoon.

[5.3] The KPHRC's recent attention to the Bedoon issue, drafting a law granting civil and social rights for Bedoons, does not constitute and end to the Central Apparatus' program of administrative erasure called 'status adjustment.' It has merely suggested a new bill yet to pass the National Assembly, which essentially copies the Decree 409/2011 'human rights reforms' that were never implemented comprehensively or consistently by the state while the state in fact, accelerated its erasure program at this time. The Bedoon community has officially rejected the proposal as insufficient, and has expressed its concern regarding Committee's lack of respect for the community's leadership, which it has attempted to divide by excluding some individuals in negotiations. However at this stage, the community lacks access to resources and supports that assist it in presenting the technically complex aspects of their case. Their intellectual group and community leaders lack these resources and supports because they themselves were banned from educational institutions (schools and university) in their youth. The present generation which includes some Bedoons in education, are too young to manage such a case and the situation is too dangerous for them to assert such a case, as they will face punitive retaliation from the state. For this reason, Abdulhakim al Fadhli is the only complainant from the local community, but we provide evidence of the community's feelings about the erasure and genoiced, attached to this letter.

[5.4] Discrepancies in population statistics demonstrating the potential for enforced disappearances of the Bedoon population

The government of Kuwait's presentation of Bedoon population statistics has not been derived from National Census data since 1986. The group are prohibited from participating in the National Census. The population numbers are collated solely from Central Apparatus data monitoring the implementation of administrative erasure. The population numbers are not monitored by the UNDP or UNESCO. It is not an exaggeration then, to say the data represents the theft of the Bedoon's identity, and is not a true population count of 'other nationals' from a variety of states. Nevertheless, we believe this data is likely to be being merged with the National Office of Statistics data on other national expatriates living in Kuwait, under the Central Apparatus function enabling it to order other Ministries of

government to comply with its instructions pertaining to the Bedoon. Transferring the population monitoring function to the Central Apparatus has been crucial to accomplishing:

- a) Cultural destruction of the group via changing their identity as a whole, expressed in the 1986 administrative expulsion policy, and
- b) Physical destruction of the group by covering up enforced disappearances and general population decline that would signal genocide was taking place.

The population reporting function has been exploited by the Central Apparatus since 2010, specifically to promote the Bedoon's submission to the administrative erasure as a normative action, and to create an atmosphere of fear, wherein the group are reminded their human rights will be deprived from them, for as long as they resist compliance with 'status adjustment,' i.e. the removal of ethnic and national identity and replacement with a nationality label designated by the Apparatus. This has been accomplished by the regular publication of enforced identity 'conversion' removing Bedouin and Kuwaiti identity from the Bedoon.

[5.5] No plausible explanation exists for gross population discrepancies presented by the Central Apparatus, other than it is corrupting the data either intentionally to hide enforced disappearances (i.e. actual disappearances such as deportations or killings), or due to incompetence. This issue alone warrants the immediate intervention of the Human Rights Council on grounds of ethnic cleansing and the likelihood that genocide is taking place in both quantitative and qualitative terms. Finally, it appears likely that all Bedoon historical claims to citizenship that remain outstanding since 1965, are yet to be assessed by a competent authority. Two examples drawn from Central Apparatus data demonstrate the challenge faced by the state in accounting for its exclusion of the group from the citizen base. Data released by government on the number of Bedoons 'eligible' for citizenship throughout the 2000s has ranged from as many as 42,231 to as few as none (i.e. zero). The data has fluctuated bizarrely every year. The application of 'security restrictions' at the discretion of the Central Apparatus has been used to explain to diminishment of those 'eligible' to receive Kuwaiti citizenship under the Nationality Law (1959) of Kuwait, and to justify the application of false nationality labels what will soon be 100% of the population, according to the recent announcement by Saleh al Fadalah. Over a four year period, thousands of Bedoon supposed to be 'Iraqi nationals' were removed from the statistics, while around 60,000 Bedoons supposed to be 'Saudi Arabian nationals' spontaneously appeared, without explanation. These numbers did not reflect the gradual increase in identity 'conversion' published by the Central Apparatus in the national media.

[5.6] We argue that there is no doubt that the program that 'adjusts' or 'regularizes' the Bedoon's identity 'status' is a form of population-wide administrative erasure manifesting as a result of discrimination, racism and ethnic hatred. The Central Apparatus program resembles very closely systems of administrative erasure used to wipe out the identity of Palestinians, Rohingya, Kurds and Roma, not only in terms of the sentiment present, but also the procedures. In 2018 The Washington Post reported alarm over the erasure of the Rohingya's actual name, although it had already been conceded the group were subject to genocide. In contrast, the Bedoon have been known by a multitude of labels that do not reflect their actual identity, consecutively replaced one by one, over and over again, for decades. In fact, names have been removed from the Bedoon *at every level of the ethnic structure*, including individual's father's name and tribal names, as part of official Bedoon policy, pointing to the program being designed along the principles of social science theory. This factor is extremely important. It indicates that those designing the policy and procedures were not merely concerned with surveillance or causing violence to the group, but *genocide* facilitated by attacking every level of ethnic identity that could be linked to an anthropological or sociological theory.

[5.7] By allocating the population group to a wider pool of other Arab nationals on official records, the stateless Bedoon population becomes 'lost' in national statistics and ultimately deleted from official records. The policy and process constitutes administrative erasure arising from ethnic cleansing and genocide policies. Such policies are described by leading theorists such as Dr. Damien Short (specialist in genocide of indigenous peoples including Palestinians), Prof. Michael Man (specialist in contemporary ethnic genocide) and ethnic cleansing procedures described by Prof. David Weissbrodt (specialist in international law and statelessness). Additionally, Bedoon population losses over the last thirty years constitute genocide according to normative definitions of genocide adopted in the social sciences. Dr Kennedy predicted the outcome of the Central Apparatus erasure in 2014, prior to completing her study. In 2016 she lobbied on behalf of the community with INGOs, the government of Kuwait and the Australian consulate in Kuwait, articulating that intent to ethnically cleanse and/or genocide were present. Members of the Bedoon population are quite aware they are being ethnically cleansed and/or subject to genocide. Dr Kennedy analysed a sample of interview data drawn from the community in 2016 and observed that the group were conscious of ethnic cleansing and genocide by the state of Kuwait. The community has responded to the recent announcement by Salah al Fadalah of the Central Apparatus with renewed expressions of collective annihilation and genocide. Individuals describe the population being buried under the weight of the restrictions imposed on the group, which is forcing cultural disorganisation and disintegration.

[5.8] The recent announcement by the Central Apparatus has led to expressions of fear, loss of hope, anxiety and depression among Bedoon twitter users who are brave enough to discuss the problem. Individuals express fear and despair over their life situation and use terms equivalent to 'ethnic cleansing' and 'genocide' in Arabic. Examples of data we have collected recently, illustrating the oppression and theft of identity by the Central Apparatus and concerns genocide is being carried out on the Bedoon. Please refer to the attachments to this letter.

[5.9] Dr Kennedy complained to the Kuwait Parliamentary Committee for Human Rights in 2016 when the other complainant, Addulhakim al Fadhli, was imprisoned. The committee has have received information that the group are subject to ethnic cleansing, but have refused to allow Dr Kennedy to discuss the matter and present evidence to them, as she has requested. Given that the state of Kuwait has now confirmed 90% of the population is now effectively erased on government records and has been reallocated to false nationality labels that do not reflect the group's identity, and that the remaining 10% will be erased in the new year of 20109, it is patently clear that the state of Kuwait has ignored all recommendations given to it by the international community through the United Nations Human Rights Council's most recent Universal Periodic Review process. Dr Kennedy has had communications from two former Australian Ambassadors and the Australian Department of Foreign Affairs, but the Australian government refuses to acknowledge the erasure is occurring and has asserted it prefers to rely on behind-the-scenes communications than dealing with the issue in an open, transparent manner. WikiLeaks cables confirm that Western states not only know the Bedoon are being erased by the government of Kuwait, the government of Kuwait have approached Western states to take the whole population in exchange for money (see attachment no. 4 below - Bedoon erasure (administrative ethnic cleansing) program - Selected testimonies and other data 1994-2019, explaining how the program works). This means the program extends beyond the Comoros Plan and other ideas for mass deportation to Arab states (including Egypt and Saudi Arabia), and involves a range of international states who have been unable or unwilling to convince the state of Kuwait to stop ethnically cleansing the Bedoon through their diplomatic channels. This constitutes a serious failure of the international community and we believe, warrants United Nations intervention in this matter. Due to problems with

inter-state corruption on the Bedoon issue, we implore you to appoint appropriate specialists to lead an investigation this matter, whom we suggest below.

[6.0] The scope of investigation requested

Our concerns about the program extend are not related to political issues related to citizenship distribution, but *jus cogens* – crimes against humanity. Two major themes of inquiry are requested to cover the broadest and the narrowest dimensions of the program: a) the historical processes of exclusion of nationality/citizenship from the Bedoon at the closure of the British Protectorate period and the beginning of the independent state of Kuwait, and b) the urgent dimension, concerning more detailed and technical aspects of development of government policy to deprive the group of nationality/citizenship and access to the state's resources from the 1970s to the present day, which would lead to the destruction of the group's population and culture, and fieldwork evidence that demonstrates its implementation and impact on the Bedoon population at present.

[6.1] The need for urgency

The most urgent aspect of this investigation falls under the second theme, which is investigation of the program of administrative erasure called 'status adjustment,' 'regularisation of status' and/or application of 'other nationality' labels run by the Ministry of Interior from 1983 until the present day. The program of is currently managed by Salah al Fadalal of the Central Apparatus, Ministry of Interior. This program needs to stop immediately.

The reason the investigation is required urgently arises from the announcement erasure is almost complete with no citizenship grants to be provided to the remaining Bedoon population. The announcement has provided confirmation that the state has no intention of following the recommendations of the United Nations Human Rights Council and the international community to grant nationality/citizenship to the Bedoon.

Urgent inquiry may assist in the following ways:

- a) The erasure needs to be stopped immediately to prevent the next stage unfolding, which may lead to mass deportations, disappearances and/or deaths**
- b) The erasure may still be able to be reversed using government records and resources (if citizenship applications and evidence of historical presence in the state, given to it by the Bedoon, have not yet been destroyed) and,**
- c) The intervention will help to alleviate the enormous psychological pressure on the community at present (evidence is provided in this letter, more is being collected), prior to a more lengthy investigation process. To date, psychological pressure strategies used by government have facilitated the process of erasure, ethnic cleansing and genocide.**

[6.2] The need for appropriate experts to be appointed to any investigation

Both complainants have been subject to regular threats and intimidation for a number of years as a result of their work, emanating from both Kuwait and the international community. It is absolutely essential that appropriate experts be appointed to the panel to protect the complainants and with this in mind, we suggest potential individuals who could form a suitable panel for any investigations that might proceed. We have reported some level of corruption at the level of the UNHCR Kuwait office and

the UNHCR statelessness unit is discussed herein. The complainants would be willing to provide further evidence to one of the legal experts mentioned below.

We ask for specialists in qualitative research on ethnic cleansing and genocide, who are familiar with this case and would understand both the theoretical (policy/programming) and empirical (fieldwork evidence) aspects of the evidence we present to you, based on qualitative social research but which also has a legal dimension. There is a great deal of evidence which can be submitted to support our case, and therefore, it would be helpful for the experts to communicate with Dr Kennedy to enable her to present evidence in a way that would best facilitate the investigation and to ensure some aspects of the evidence are not overlooked or minimised as to their impact on the Bedoon population.

We would like to suggest appropriate experts who could function as the mandate-holders investigation, i.e. with regard to decision-making capacities. If a working group is to be formed, we would nominate regional experts from the five areas. For individual appointments, we recommend the following:

[6.3] An appropriate expert in law is Assoc. Prof. Hossein Esmaeili of Flinders University Law School, who has experience with mechanisms used by authoritative regimes to prevent populations expressing their freedom of speech and right to assemble, particularly in Muslim contexts. He is also familiar with the application of human rights law and other law to indigenous tribal people who are ethnic minorities. He is familiar with this case and its context.

An appropriate expert in law is Prof. Phillip Alston of the School of Law, New York University, a former Special Rapporteur on extrajudicial executions. He is a specialist who could investigate the most extreme war and post-war aspects we have referred to, with relevant experience pertaining to regime actions in the Persian Gulf (also called the Arabian Gulf).

An appropriate expert in law is His Excellency, James Crawford. He currently sits on the International Court of Justice and has an appropriate background for this matter.

An appropriate expert in the social sciences is Prof. Esłbieta Halas, of the University of Warsaw, a specialist in social and cultural systems, including social and cultural growth and development and social and cultural destruction via authoritarian regimes. She is familiar with this case and its context.

An appropriate expert in the social sciences is Dr Damien Short of the University of London, a specialist on the theory and practical mechanisms of cultural destruction, ethnic cleansing and genocide, qualified in law and sociology. He has worked for the United Nations as a specialist on indigenous people's rights. He is familiar with this case and its context.

Another appropriate expert in the social sciences is Dr Siri Gamage of the University of New England (retired). He is experienced with qualitative social research and has experience with the systems of oppression, ethnic cleansing of indigenous tribal populations and ethnic minorities, authoritarian regimes and nationalist groups. He is somewhat familiar with this case.

Appropriate points of reference for the investigation are listed below, and reflects the organisational structure of the evidence listed in the Appendixes data we will provide. Dr Esmaeili familiar with the structure and content of this evidence, including the use of source data by Dr Kennedy.

[6.3] The broad historical dimension: development of policy related to the initial implementation of the Nationality Law in Kuwait

- Systematic discrimination against the Kuwaiti Bedouin regarding the process of distribution citizenship at the commencement of the independent state, which resulted the exclusion of the proportion of the Bedouin who became known as the Bedoon. This historical dimension involves the processes of exclusion of nationality/citizenship from the Bedoon at the closure of the British Protectorate period and the beginning of the independent state of Kuwait (i.e. development of the Nationality Law of Kuwait in the 1940s-1950s, that would be implemented in the 1960s), including:
 - The enabling of the opposing ethnic group, the Hadar (still emerging at this stage), and a very small, select Bedouin tribal leaders, to together receive citizenship without documentation of their “settlement” or “residency” in the state, while the Bedoon were excluded from the citizenship base on the identical point of law. This process enabled the Hadar to concentrate ‘original’ citizenship (also called ‘first-degree’ equivalent to citizenship with voting rights) and access to the state’s resources crucially including access to quality education, among themselves, and subsequently, to dominate the country (the compact largely operates outside/behind the National Assembly process). Discriminatory inclusion/exclusion took place on the same points of law, by virtue of its arbitrary application of the law, by Nationality Committees.
 - Systematic discrimination and exclusion from citizenship (deprivation of nationality) against those who did not reside within the Kuwait City walls, but resided elsewhere in the state, including seasonal nomadic residence of the Bedouin throughout the state. The investigation should account for Bedouin employed in British Protectorate and Arab League forces based in Kuwait who were promised citizenship by the state, based in desert encampments. This aspect pertains to at least two relevant two concepts in international law:
 - Nomadic tribes people’s residence is provided for in international law in the Sahara Case (1975)
 - The concept of *terra nullius* ‘nobody’s land’ as applied by the state to avoid providing citizenship to the Bedouin proportion outside Kuwait City.
 - This process was described in my research. Bedoon males, particularly male elders, are able to provide oral evidence of this process.

[6.4] The urgent dimension: subsequent development of policy and fieldwork evidence through to the present day

This aspect describes the detailed aspects of administrative expulsion from the state (deprivation of nationality/citizenship and state resources) and the implementation of policies of ethnic cleansing leading to genocide. Please note evidence of all mentioned in the following points, has already been collated. While we cannot present copies of all law (royal decrees, parliamentary decrees/other forms of legislation/regulations/official procedures), we provide references to these with varying degrees of specificity. We believe that the presentation of evidence from, *The Stateless Bedoon in Kuwait Society: A Study of Bedouin Identity, Culture and the Growth of an Intellectual Ideal, Volume II* (December, 2016) collates much of our evidence to support our claims that ethnic cleansing/genocide and is taking place.

We will add additional evidence shortly, including a copy of the points below connected to an index of evidence and/or existing analysis of evidence. For the time being, we list the issues discussed in a chronological narrative above (recommended on the UNHRC website), as a point-by-point summary that would form a good basis for investigation, below:

1. The announcement, December 2018, that 90% of the population has been erased by the Central Apparatus; that 10% will be erased in the new year of 2019, and that new identity cards will be used to list specific "original nationality" labels to 100% Bedoon population - completion of erasure program.
2. Large discrepancies (losses and gains) in statistics published by the Central Apparatus since at least 2010, in the order of more than 60,000 (constituting around half the Bedoon population) over a four year period.
3. Failure to implement Explanatory Note to Nationality Law and Art. 4.4 (for citizenship grants to military servicemen/police), to expedite citizenship grants.
4. Failure to implement the Constitution of Kuwait 1962, Article 25, to military servicemen and we assert our request to consider its application to other Bedoon present in Kuwait during the occupation.
5. The development of the security apparatus today called the Central Apparatus/Central System to Resolve Illegal Resident Status (CSRIRS), which has operated since 2010, and is run by Salah al Fadalah, which carries out 'status adjustment' or 'regularisation of status' to effect erasure, also known as administrative ethnic cleansing, via the application of fraudulent nationality.
6. Administrative erasure (from 1983) including 'status adjustment' of identity to other nationality labels and including removal of both ethnic and national identity – also known as 'regularising status'. The current incarnation program of erasure/administrative ethnic cleansing that involves removal of ethnic and national identity at the level of individuals.
7. Investigation into the methods of the administrative erasure implemented by the security apparatus in direct dealings with the Bedoon population, at present, and in the past. This involves the collection of fraudulent nationality documents including foreign passports as (invalid/fraudulent) 'evidence' of nationality and punishments such as affidavit-like evidence of 'confessions' of invalid identities and criminal wrongdoings, and the application of discretionary 'security restrictions' to strip the right of nationality/citizenship under the Nationality Law (1959) of Kuwait; the discretionary restrictions are not included in Kuwait's criminal code (i.e. invalid/fraudulent) and have been reported by the Apparatus to be in the tens of thousands. Investigation into the enforced 'retirement,' as part of erasure that included the confiscation of homes and mortgages of men in the military services in the post-war context.
8. Involvement of the State Security Police with the Central Apparatus, for the purpose of implementing Central Apparatus policy and practice. This would require fieldwork with the Bedoon to collect evidence of this practice. We are aware of this practice but have not collected systematic evidence of it at this time. If this is to occur, the complainants would prefer to be involved in this aspect to minimize the impact of potential trauma on the population.
9. The involvement of the Department of Citizenship and Passport affairs (Maj. Gnl. Mazen al Jarrah) with the Central Apparatus, for the purpose of implementing Central Apparatus policy and practice, crossing into the Comoros Plan and threats to deport and encamp the

- population in the National Assembly. This should include Maj. Gen. Mazen al Jarrah's statement/s re: the involvement of two other states (likely Saudi Arabia and Egypt) in plans for mass deportation.
10. The involvement of parliamentarians in threats to transfer the group to desert camps adjacent the Saudi Arabian border.
 11. The development of policy leading up to and implementing administrative expulsion (from 1983) including ethnic targeting across every level of the ethnic structure and restrictions on the right to found families, among other items, which impacted the population as a whole group. This aspect includes the 1986 administrative expulsion across all Ministries of government, which transformed the Bedoon population from "Kuwaiti" "Bedouin" to "illegal residents, other Arab nationality, unknown" and subsequently the application of false nationality via the 'status adjustment' program, also known as 'regularising status.'
 12. 1986 Expulsion of Bedoon by a Ministerial panel in response to a parliamentary inquiry and special study into citizenship applications, removing access to education, employment, housing, marriage, birth, death documentation; text referred to desire to restrict the establishment families based on prohibiting stateless Bedoon-citizen intermarriage among the Bedouin tribes, i.e. ethnic targeting.
 13. Expulsion of Bedoon from Kuwait National Census - as nationals. Formulated as a procedure connected to deprivation of citizenship and enforced statelessness, in approx. 1974, in connection with the Committee for Illegal Dwellings. 1989/1992 Whole-population transfer, National statistics office - from 'Bedouin, Kuwaiti,' to 'other Arab nationality unknown/unspecified', procedures revising census data to retrospectively apply it, 1985, 1990, 1993.
 14. Development of policy of removing use of collective names of the Kuwaiti Bedouin, targeted to evolve into the officially segregated Bedoon ethnic group.
 15. Development of policy to remove names of individuals from every level of Bedouin ethnic structure, to eradicate Bedoon culture and facilitate erasure of individuals (e.g. Kuwaiti Bedouin-Bedoon-Kuwaiti-name of tribe-name of father). See Appendices.
 16. The above aspect was connected to multiple incarnations of government committees/special studies established to conduct monitoring, surveillance and social control of the group, initially comprising the Bedouin desert settlements. This lead directly to the criminalisation of the Bedoon from 1986s (this is referred to as the 1986 administrative expulsion, shown in the document called 'The Study,' 2003), removing access to education, employment, housing, marriage, birth, death documentation; text referred to desire to restrict est. of families based on prohibiting stateless Bedoon-citizen intermarriage among the Bedouin tribes, i.e. ethnic targeting of the Bedoon due to their comprising a sub-group Kuwaiti Bedouin population identified for erasure/ethnic cleansing/genocide.
 17. Investigation of a group called the 'Academic Team' who effected legislation in 1992 including the exclusion of the Bedouin from further citizenship grants en masse and identification of the group that could continue to be promised citizenship, appears to have been linked to the 1986 expulsion policy. This group had direct access to advise the Prime Minister on matters

concerning the Bedoon, and appear to have been crucial in the reclassification of the Bedoon to 'illegal migrants,' helping to bury data on the group amongst other 'illegal migrants' who were actually nationals of other states working on expatriate contracts. The group was most active during the violent ethnic cleansing phase and the development of their policies during this phase may be connected to government announcements issued to parts of Kuwait's population, including instructions to purify the population, and to ethnically cleanse. Their reports were made secret. This group also appears to be linked to a movement called 'the intellectuals' who rose in 1980, and a group who have recently appeared to denounce reform on the Bedoon issue, called Group 80 (in reference to their 1980 activities).

18. Violent ethnic cleansing (from 1990-1995) including additional preparations for erasure via removing the Bedoon population shortly prior to the invasion by Iraq (via de-registration on government records), detention in state custody leading to starvation and death, judicial and extrajudicial killings, disappearances, deportations and the death of infants in refugee camps, the closure of exit points forcing the population to exit only through Iraq, and the death of Bedoon civilians under fire of Coalition and Iraqi forces (e.g. civilian victims on the Death Highway indicated in photographs circulated globally), all never officially investigated.
19. Central Apparatus criminal activity, threats and extortion, including enforcing a program of fraudulent passport trafficking, dissemination of tallies of the number of individuals assigned to new country labels and the failure to produce plausible evidence of individuals' citizenship in those states; The program involving passports affects international order due to the proliferation of passport traffickers operating in Kuwait, and should be investigated in this context.
20. Enforcement of self-censorship via 'the Pledge' of silence on Central Apparatus processes including reporting the business of the Central Apparatus assumed to be 'activism' (this is an affidavit-like document).
21. Kuwait's abuse of the concept of statelessness in international law, used as an item of ridicule by the Kuwait representatives to the United Nations Human Rights Council, with which it has replaced 'stateless' with 'illegal.' The replacement of terms is used to Bedoon enforce submission to erasure and to extract complicity from external parties via its communications at the United Nations Human Rights Council.
22. Ongoing false promises, assurances and legislation indicating citizenship will be granted to a substantial proportion of the population, coinciding with failure to competently assess citizenship applications. This comprises a form of abuse, particularly alongside 'status adjustment' (as a condition of erasure is that "eligibility" for citizenship under the Nationality Law (1959) is cancelled). e.g. at least 11 items from 1961.
23. Kuwait's abuse of the concept of human rights in international law as an item of barter by the Ministry of Interior and its Central Apparatus, with which it has replaced 'human rights' with 'services' and 'privileges.' The replacement of terms is used to enforce Bedoon submission to erasure and to extract complicity from external parties via its communications at the United Nations Human Rights Council.
24. Investigation into the role of the UNHCR Kuwait Office, in perpetuating the Bedoon ethnic cleansing, and the UNCHR statelessness unit headed by Mark Manly, in relation to ignoring the Bedoon situation offset by Kuwait's donations to the United Nations. This would address

cooperation of the UN missions with the Central Apparatus to achieve censorship of information about the Bedoon human rights crisis pertaining to their mission's scope of business, particularly the UNHCR Kuwait Office in relation to returned asylum seekers from the UK, breaching the law of non-refoulement. The investigation should commence with inquiry into the relationship between Ms Hanan Hamdan with Salah al Fadalhah of the Central Apparatus and Maj. Gnl. Mazen al Jarrah of the Citizenship and Passports department, especially pertaining to a meeting of December 23, 2018, joint media appearances, official celebrations and prizes recently awarded to this group.

25. Rapid movement to reconciliation and a compensation process should be prioritised, to begin with grants of citizenship and repatriation of the Bedoon diaspora. A reconciliation plan has been developed by the complainant Abdulhakim al Fadhli, to which we add the need for reparations/compensation due to the population discussed in our letter, which we will further elaborate on in our additional documents to be provided shortly.

26. Due to the nature of the issues discussed herein, the complainants request involvement in any investigation pertaining to the issues discussed herein. Abdulhakim al Fadhli is the principle leader in the population with the most appropriate experience for communicating with the community to assist with access to fieldwork data. Dr Kennedy is the closest researcher to the group and has produced the largest body of qualitative data on the Bedoon, and is the first scholar to comprehensively document the state-based and civil society processes which have led to the current situation of the Bedoon.

For all of the above points, please refer to the list of Appendices. Due to technical issues, we will provide our supporting documents shortly (we expect within 24-72 hours), but request your urgent action to commence as soon as possible. We believe sufficient information is provided herein to for you commence communications with the parties we have discussed herein.

Yours sincerely,



S. Kennedy
Nawal Deen

Abdulhakim al Fadhli (Kuwaiti CSO, victim, community leader)
The National Project to Resolve the Kuwaiti Bedoon Case (Kuwait)

Dr Susan Kennedy Nour al Deen (expert)
End Statelessness Foundation (Australia)

Attached to this document:

1. Bedoon living conditions
2. Timespan and scope of the erasure (administrative ethnic cleansing) program
3. Bedoon erasure (administrative ethnic cleansing) program - Government announcement December 13, 2018

4. Bedoon erasure (administrative ethnic cleansing) program - Selected testimonies and other data 1994-2019 explaining how the program works (primary data)
5. Bedoon population's recent expressions of concern about genocide in response to the government announcement erasure will be complete in early 2019 (primary data)
6. Historical process of entrapment, criminalisation and erasure of the Bedoon 1970-2015
7. First plans for erasure re: National Census expulsion
8. List of agencies entrapping the Bedoon, leading to the develop of the present-day security apparatus
9. Bedoon 'Other Nationality' Origins According to the Ministry of Interior (2010 and 2014)
10. Citizen Reduction - the Erasure of Those 'Eligible' for Citizenship