

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

Annexe Part A

*“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”*

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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 For this reason, some of the data may appear at first glance to be old and/or out of date, but we assure you that the information and concepts provided herein is presented to the Universal Periodic Review for the first time since the previous review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 it's 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 Universal Periodic Review (UPR) Kuwait 2015

1. The Contract of Silence amidst Terror and Erasure

Contractual enforcement of Silence

The stateless Bedoun of Kuwait have been undergoing a program of erasure since 1982 (See Section 2 and 3). 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, as well as subjection to the 'security restriction.' The same type of contract is presented by the Apparatus to every member of the Bedoun community, forcing them to 'confess' to a fraudulent nationality label in the program of erasure.

The Contract of Silence prevents most human rights activists in Kuwait from speaking out about the true situation of the Bedoun without experiencing punitive measures. 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 areas such as statelessness and Middle East studies, which avoid discussion of what is actually going on. Stigmatisation, shunning, discrimination and death threats are commonplace for human rights activists and scholars who dare to report openly about the Bedoun's situation (see also the Main report, 3.7 Active oppression of information dissemination).

Just one example of the silence surrounding the Bedoun issue is that the author of this report has shared information on how GOK erases the group's ethnic and national identity with Amnesty International and Human Rights Watch since 2016. Bedoun human rights activists have communicated to the same NGOs regularly since the Arab Spring, which the author verifies against state policy, discourse and actions. Yet Human Rights Watch issued this statement on 19 July 2019:

“In recent years, the ID cards issued to Bidun have often indicated that the cardholder possesses another nationality, such as Iraqi, Saudi, Iranian, Syrian, or Yemeni, but it remains unclear how the Central System determines the individual's alleged nationality.”

Here, Human Rights Watch adopted the pretence that it is not aware of the erasure program, or how the enforcement of 'original' nationality works. This is a policy of silence functioning internationally.

Despite ongoing oppression restricting freedom of speech and public gathering, Hakeem al Fadhli, the leader of the Bedoun social activist movement in Kuwait, is responsible for helping the group to develop robust practices presenting and explaining evidence of how GOK oppresses their population. Activists who are ordinary members of the community, communicate directly to international humanitarian NGOs and the United Nations, describing what is happening to them from the field, and crucially, sending

documentary evidence of the erasure program to these organisations. Hakeem also represented the Bedoun's perspective when he facilitated the Human Rights Watch visit in February, providing staff with direct access to the community on the ground. Some months later he attended the funeral of a young man who committed suicide, acting as a cultural guide and translator for the US Ambassador of Kuwait and his aide, who met with the victim's family.

From the government's side, MP Safa al Hashem presented the government's perspective on how the state determines the Bedoun's 'original nationality' on 28 April, 2019, in a television interview broadcast on Twitter. The presentation was the first time GOK had ever before shown the full set of criteria it uses to establish the 'original nationality' of Bedouns, while erasing their ethnic and national identities. This means that there is now no doubt as to how the Bedoun's 'nationality' is determined by the Ministry of Interior's Central Apparatus. Significantly, this information was not revealed until almost 100% of the Bedoun population had been administratively ethnically cleansed.

Large humanitarian NGOs such as Amnesty International and Human Rights Watch appear to comply with the Contract of Silence and are unwilling to report accurately on the Bedoun's situation from Kuwait. We believe that international humanitarian NGOs should be the leaders in presenting information on the human rights situation of the Bedoun population as a whole, rather than focusing on the personal details of a few individual 'human rights defenders.' They should investigate the ongoing development of state policies on which the violations are based and analyse those policies against international law as a whole, rather than as individual parts with no relation to each other.

The state's motives and instrumentality are revealed in GOK in government discourse in the National Assembly and local media, in messages delivered in policy announcements, threats and insults. Evidence of motive and instrumentality are two of the most important components used to establish state terrorism (Mason, 2010). Evidence of state-sanctioned terror of the Bedoun is continually on show in Kuwait's public discourse, but not one major humanitarian actor outside the Bedoun population will report it. It is vital that the 'solution' to the Bedoun problem address state violence and the erasure program, as the state has failed to show the population has genuine 'original' or 'other' nationality, while proposing some 34,000 members of the population *might* be granted citizenship, *if* 'security restrictions' and other criminalising measures are removed. The notion that some three quarters of the group should be forced to accept erasure (administrative ethnic cleansing) while the state is lauded for giving citizenship to just one quarter is not a solution.

The state of Kuwait still promises a domestic solution, as long as sovereignty is not challenged. In other words, it promises to do 'something' just like it has promised to grant the Bedoun citizenship since the beginning of state independence in the modern era. Crimes of just cogens should never be handled domestically by the state which has potentially implemented such crimes. Domestic criminal law systems are incapable of adequately addressing such issues. The Bedoun are an indigenous group still vulnerable to further marginalisation and ethnic cleansing. They have been subject to *jus cogens* - crimes against humanity - enforced by the state for decades. They have a global diaspora of thousands of refugees and asylum seekers; some have been caught up in detention centres or in isolation in foreign countries for years, unable to receive refugee status, and still stateless.

The Contract of Silence requires firm challenge from international humanitarian NGOs, scholars, and diplomatic representatives. Strong advocacy is needed for the implementation of a formal Peace and Reconciliation Process, including one of more truth commissions, war crimes investigations, formal investigations into extrajudicial killings and disappearances, repatriation and compensation commissions, and development funds for recovery of the whole population, and special needs groups including the most criminalised, the sick, the disabled, the uneducated, and those deprived of the

opportunity to found families. All evidence of state manipulation of law must be investigated because much information about the 'deservingness' of some Bedoun over others, is incorrect. The Bedoun were intentionally deprived of citizenship not since 1986 when administrative expulsion took place, but since 1959 when Decree 5/1960 was formulated to exclude the group intentionally, via a back-door piece of legislation that enabled the implementation of the Nationality Law (1959) via personal selection, and gross decimation against the Bedoun on the basis of their 'look,' the sound of their voice, the clothes they wore, and the kind of dwelling they lived in (Kennedy, 2016).

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

The main components of 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.'

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 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 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

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 1982)</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,’ <i>Arab Times</i>, 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, Alhajerj, 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,’ <i>Arab Times</i>, 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.

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 actions causing it genocidal, due to the level of cultural destruction arising from the death of social life (Abed, 2006 in Short, 2016, p.25). While some Bedouns are active in society, studying, employed, and participating in civil society, these are exceptional cases, and the vast majority are poor and unable to participate in social life outside their homes. Most Bedouns appear to have almost no social life at all outside the home, but retain close solidarity within their nuclear family units and extended families, which often include citizens to help to support them. Others are more isolated, and have experienced an almost total breakdown of social relations within their nuclear family units (Kennedy, 2016). Restrictions on social life in the conservative Islamic society add to their condition, such that marriage is essential for both men and women to be capable of developing a normal social life in their communities. Single adults are regarded as problematic to families in the close-knit tribal community, and are expected to maintain social distance from couples and families. Generations of adult men and women who have been unable to marry since the 1980s, leaving thousands, and possibly tens of thousands, to live out their early and mature adulthood years alone in their homes with their aging parents and siblings, only able to participate in social relationships via social media apps on their cell phones.

Due to both policy-based restrictions and limited prospects that prevent Bedouns from marrying, even causal social interactions become difficult to maintain, due to a general loss of meaning in the purpose of such social relations. Unemployed Bedouns have no prospects once they have been unable to work for around two years after leaving secondary school or college. It is normative for Bedouns to *never* work after they leave secondary school, while whole families dependent on the incomes of just one or two members who are employed, become very strained by such dependence, leading to relationship break-down (Kennedy, 2016). Bedouns appear to have few options for social participation after school or university. They may join the popularised human rights social movement, which enables Bedouns to assert their identity but at the risk of detection by the security Apparatus, which conducts constant surveillance over Bedoun suburbs. Alternatively, they may 'pass' as a citizen in citizen society, where it is normative for individuals not to reveal their Bedoun identity to anyone. Such individuals are constantly burdened by managing their identity among others, so as not to be discovered (Kennedy, 2018).

'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, Bedouns refer to the negative sentiments and state policies they face as 'racism' and discrimination, but the concept of racism is interchangeable with discrimination against 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. Their national history has been actively destroyed by Hadar ideologists (Kennedy, 2016, 2018). Government policy oppressing the group spreads across all facets of social life, even to the extent they cannot replace their population numbers due to the policy restricting them from founding families (Dobbeler, 2002, in Kennedy, 2016). As GOK has attempted to physically separate the Bedoun through segregation policies, and refuses to accept they are 'Kuwaitis,' the Bedoun have no cultural institutions of their own (Kennedy, 2018). They share tribal culture to a limited extent with citizens, but increasingly, citizen Bedouins are turning away from the Bedoun due to economic, political and security concerns.

The notion that the Bedoun 'share' Bedouin cultural institutions with citizens began to become a reality during the Arab Spring, but since then, even hope of such normative social participation is all but dead.

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 Bedoun, 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 Bedoun '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 Bedoun were a tribal group, called for their eradication (al Khatib, 1978, in Kennedy, 2016, Vol. 1, p.61). This way, the Bedoun 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 Bedoun on the basis of their tribal, indigenous and national identities (in Kennedy, 2016).

In order to carry this out, the identity of the Bedoun 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 Bedoun 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.' Social death was intentionally designed by intellectuals to prevent the Bedoun from obtaining citizenship, as well as to prevent them social mixing in citizen society (such as al Moosa, 1976 in Kennedy, 2016). Deprivation of education was thought to be essential in preventing the group

developing the collective political consciousness required for Bedouns to recover their citizenship rights and demand that their other human rights be fulfilled (Alessa, 1981, in Kennedy, 2016, 2018).

The National Census continued to be manipulated through the 1970s to 1990s to ensure the Bedoun would 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 the identity card and security file of each Bedoun. A range of documents the Apparatus claims are equivalent to 'original nationality' were presented by Kuwaiti MP Safa al Hashem on 28 April 2019. The standard of 'nationality determination' shown by al Hashem is so appalling it seems to be irrational and childish, as if to make a parody not only of the Bedoun people, but the whole framework of international law. The criteria and evidence is listed below, among a plethora of official enforcement programs managed by the Central Apparatus, and in the selected samples of evidence shown by al Hashem. (Council @ al Majillis, 10 December, 2018). With the Bedoun's identity to be attacked at virtually every conceivable, as shown in Figure 1, along with their ongoing experience of oppression and state violence, there is little doubt the Bedoun are experiencing social death on multiple levels and the cultural dimension of genocide. Other chapters in this report focus on urgent areas of need for developmental assistance (founding families, reproduction, suicide) and the physical dimension of genocide (population numbers and discrepancies).

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 [Redacted]

Below One of the types of forms the Ministry of Interior's Central Apparatus forces Bedouins 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

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Methods and techniques of genocide

by Raphael Lemkin

(founder of the term genocide and initiator of the United Nations Convention on Genocide, 1948)

Has it happened to the Bedoun?

Physical [methods] –

Massacre

deprivation of livelihood - starvation, exposure ✓

deportation ✓

biological - separation of families ✓

[prohibition of marriage] ✓

Cultural [methods] –

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).

Redefining genocide: Settler colonialism, social death and ecocide.

Why is international intervention required?

Why must Kuwait not be allowed to 'resolve the Bedoun problem' any further?

Lemkin propounded that because genocide was an affront to the whole of humanity it should be criminalized in international law and attract universal jurisdiction through the adoption of uniform domestic laws. 162

Definition of Erasure

(administrative ethnic cleansing)

‘Unfortunately, criminals and traffickers are not the only ones who can render persons stateless by denying citizens of the means to prove their citizenship.

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 pass_port 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 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.

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. Bedouns 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 Bedoun 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 Bedoun - 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 Bedoun.

The fraudulent passports program

Group 1: 'Any' nationality but not Kuwaiti group

Yemen Somalia. Eritrea
Liberia The Dominican Republic

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

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 of 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 Fadhli 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 Bedouns 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 Bedoun 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 Fadalah, 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.

Program	Description
1. Affidavit program – forced ‘confessions’ with nationality cited	<p><u>Target population:</u> Initially, Bedoun public service employees; later, all Bedouns</p> <p>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).</p>
2. Government issued ID cards	<p><u>Target population:</u> Military, police and national guard servicemen</p> <p>Government ID cards (al Anezi, 1989, p.263). 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</p>
3. Drivers’ licences	<p><u>Target population:</u> All adult, Bedoun males</p> <p>Drivers licences issued with false nationalities or ‘non-Kuwaiti.’ (al Anezi, 1989, p.263, p.266, n150, 267, n152) Bedouns did not drive with driving licenses for decades, for this reason.</p>
4. Letters program – orders to obtain foreign passports	<p><u>Target Population:</u> All Bedoun government service employees, other than those in the military, police or national guard</p> <p>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, 151)</p>
5. Mass, bi-lateral population transfer	<p><u>Target Population:</u> Bedoun military servicemen</p> <p>Multiple bi-lateral, international agreements enabling identity transfers to other states suggested by Beaugrand (2011). Also discussed in WikiLeaks, where the state wanted Western states to take the Bedoun, on the proviso that those states were not as densely populated as Kuwait (WikiLeaks US Embassy Cable Kuwait 3650, 2003).</p>

<p>6. The fraudulent passports program</p>	<p><u>Target population:</u> Initially, Bedoun public service employees; later, all Bedouns</p> <p>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; 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.</p> <p>Shk. Mazen al Jarral al Sabah indicated Bedouns were required to continually acquire fake passports, every five years, to remain ‘valid’ for legal residency. (‘Bedoons to Get,’ 2015 in Kennedy, 2016). GOK representative al Nasser referred to as ‘original’ and ‘valid’ passports,’ lying to the United Nations in <i>Kuwait Times</i> (1 February, 2015).</p> <p>Confirmed ‘legal residence’ status in Kuwait means for Bedouns, illegal passports must be supplied.</p>
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7. Marriage and divorce certificates	<p><u>Target Population:</u> Newly married couples; divorcing couples</p> <p>‘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)</p>
8. Birth and death certificates	<p><u>Target Population:</u> Newborn babies and young children; the deceased (rationale to change their children’s nationality)</p> <p>Failure to provide legitimate birth certificates to the Bedoun 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.</p>
9. Statements of obligation and contracts issued by the Central Apparatus	<p><u>Target Population:</u> Parents of children at school. Possibly older students and/or the whole population attempting to access Decree 409/2011 reforms.</p> <p>Letters are 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; al Hajji, 2015, in Kennedy, 2016).</p> <p>The Contract of Silence See the beginning of this Annexe.</p>
10. The Comoros Plan	<p><u>Target Population:</u> All Bedoons</p> <p>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 Bedoun. Sh. Mazen al Jarrah al Sabah that Kuwait was in negotiations with an Arab state in order to deport the whole of the Bedoun population there after they receive the said country’s citizenship (No Plans, May 20, 2014).</p>
11. Those who resist ‘status adjustment’: The encampment, Saudi Arabian border	<p><u>Target Population:</u> Those who engage in public expression about the Bedoun (intellectuals, social leaders, activists), and those who refused to submit to erasure (see Kennedy, 2016, Vol.2, p.170-171; <i>Gulf News</i>, April 17 2014; <i>The Kuwait Times</i>, April 22, 2014; <i>The Arab Times</i>; September 30, 2014), noting that the whole Bedoun population are now targeted with erasure, whereas up until around 2017 it still appeared that the 1965 National Census group would not be erased.</p>
12. Deportations of population to other states, in whole or in part	<p><u>Target Population:</u> All Bedouns</p> <p>Discussion in National Assembly and national media. State suggested: The Sudan, Egypt (‘80,000 Bedoons,’ 2016; Toumi, July 4, 2014; <i>Al Jazeera</i>, 11 March 2018).</p>
13. Affidavit - forced ‘confessions’ with no nationality cited	<p><u>Target Population:</u> From 2018, the whole Bedoun population</p> <p>Central Apparatus accelerates implementation of erasure to complete program over 100% population, under Salah al Fadal, 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.</p>

14. Bedouns offered to be accepted back into the military forces	<p><u>Target Population:</u> Young men 18 years +</p> <p>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, 3 March 2018.</p> <p>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.</p>
15. Closure of bank accounts	<p><u>Target Population:</u> The last 10% of Bedouns resisting erasure.</p> <p>In April 2019, Saleh al Fadal, 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 Apparatus described the measure as the failure of the those effected ‘to provide the necessary documents’ to renew their ID cards. (‘Uproar,’ April 15, 2019, Kuwait Times).</p>

Programs replacing the Bedoun’s identity with nationality of foreign countries

Note that Proposals for whole or part population transfer (mass deportation) as a method of ethnic cleansing, are at: 5, 10, 11, 12

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.

*In the next section, a selection of ‘proofs’ of nationality of the Bedoun shown recently by female MP Safa al Hashem, is discussed. The discussion 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.*

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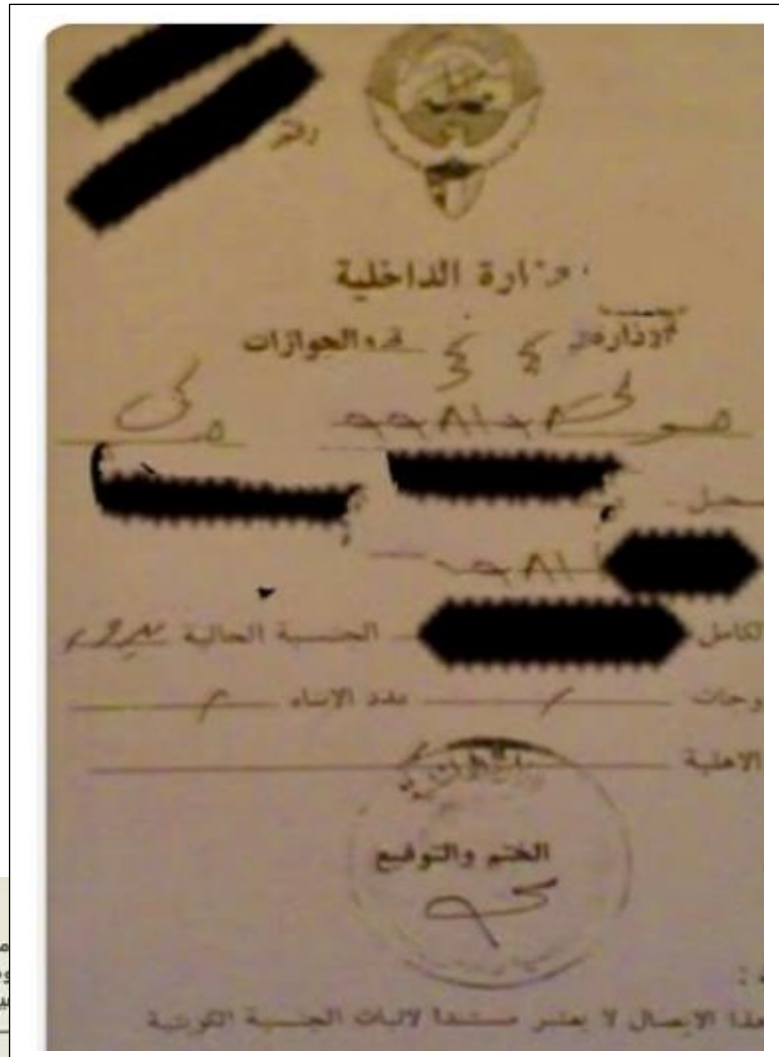


Figure 3 The documents above are copies of two different types of receipts the Bedoun were given by the Ministry of Interior, in return for submitting their personal identity documents with their citizenship applications. The document on the left is one of the versions of the Central Apparatus 'pledge;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

5. '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
1. Children of Kuwaiti citizen mothers, Bedoun fathers	Blood connection.
2. 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.
3. 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</p> <p>The best example if Hakeem al Fadhli, human rights activist, who in 2017, was freed after his deportation order could not be carried out.</p>
4. New resident card (fraudulent nationality)	Transition to 'legal resident' status 5 years only, stating the fraudulent nationality imposed, reflected on passport or 'confessional' documents.
5. 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.
6. 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.
7. "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 to 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 photocopied table on a sheet of paper perceived as a 'confessions' (i.e. 'admission') of citizenship held in another state. The Apparatus chooses the nationality. 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.

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Interview with female Kuwaiti MP, Safa al Hashem, for Sarmad media (available 28 April, 2019)
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WikiLeaks cable US Embassy Kuwait 4614 (2006)

8. (C/NF) Among the main functions of the ECIR is to track "security restrictions." If a Bidoun 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).

WikiLeaks cable US Embassy Kuwait 4614 (2006)

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 Bedouins that GOK has claimed are 'eligible' for citizenship has been notoriously unreliable. Data from 2001 to 2015 shows that the Apparatus was always headed towards cancelling eligibility for all Bedouins as part of its general strategy, additional to identity theft (erasure).

6. 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).

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