

(Translated from Arabic)

Permanent Mission of the State of Kuwait to the United Nations Office at Geneva

M 350/2016

Geneva, 3 August 2016

In the interests of transparency and with a view to reaffirming the fairness of the judicial system and the rule of law in the State of Kuwait, we wish to inform you of the latest developments in the case of Mr. Abdelhakim al-Fadhli:

1. With regard to State security felony case No. 2/2014 against the accused, we wish to inform you that he was sentenced to three months' imprisonment, that the sentence was served, that **the convicted person was released on 2 August 2016 and that he is now at liberty.**
2. The aforementioned person was sentenced in absentia to pay a fine in Kuwait City misdemeanour case No. 1676/2013 and in Jahra misdemeanour case No. 2584/2013 (as stated in the Mission's previous letters referred to above), in accordance with the fair trial principles that are applicable in the State of Kuwait. The person concerned has the right to request a retrial by lodging an appeal.
3. The person concerned was charged in Kuwait City Public Prosecution felony case No. 1137/2012 and sentenced on 21 December 2015 to a prison term of one year. However, the convicted person filed an appeal before the Misdemeanour Cassation Division of the Appeal Court, **which decided on 14 June 2016 to release him. The judgment is to be handed down at a hearing on 20 September 2016** and the Court may either accept the appeal and acquit him or reject the appeal, in which case the sentence will be served.

HRC/NONE/2016/114
GE.16-13435 (E) 190816 190816

1613435

Please recycle 





Mr. Juan Ernesto Mendez
Special Rapporteur on torture and other
cruel, inhuman or degrading treatment
or punishment
Mr. Michel Forst
Special Rapporteur on the situation
of human rights defenders
Mrs. Maina Kiai
Special Rapporteur on the rights
to freedom of peaceful assembly and of association
Mr. David Kaye
Special Rapporteur on the promotion
and protection of the right to
freedom of opinion and expression
United Nations
High Commissioner for Human Rights
Palais Wilson
52, rue des Pâquis
1201 Geneva

M 350/2016
Geneva, 3 August 2016

The Permanent Mission of the State of Kuwait to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and in reference to your letter ref. UA KWT 2/2016 dated 7 June 2016, and to our letters ref. M 280/2016 dated 13 June 2016, M 287/2016 dated 17 June 2016, M 294/2016 dated 20 June 2016 and M 312/2016 dated 11 July 2016 regarding the case of Mr. Abdelhakim AL-FADHLI.

... نود، ومن منطلق الشفافية، وتأكيداً على سيادة وعدالة النظام القضائي في دولة الكويت، نزودكم بآخر المستجدات المتعلقة بموضوع السيد/ عبد الحكيم الفضلي:

(1) فيما يتعلق بالقضية 2014/2 جنائيات أمن دولة المتهم فيها المذكور، نحيطكم علماً بأنه قد صدر فيها حكم بالحبس ثلاثة أشهر، وتم التنفيذ، وقد أفرج عن المحكوم المذكور عليه بتاريخ 2016/8/2، وهو الآن حر طليق.

(2) الشخص المذكور محكوم عليه غيابياً بالغرامة في القضية 2013/1676 جنح العاصمة، وفي القضية 2013/2584 جنح الجهراء (وفق ما تم



ايضاحه في مذكرات الوفد السابق الإشارة إليها)، ووفق أسلوب التقاضي العادل في دولة الكويت، فإن الشخص المذكور له حق طلب إعادة محاكمته من خلال الطعن بالمعارضة.

(3) الشخص المذكور، مسجل ضده القضية 2012/1137 جنابات نيابة العاصمة، والصادرة فيها حكم بتاريخ 2015/12/21 بحبسه سنة، لكن طلب المحكوم عليه إعادة نظر القضية أمام دائرة تمييز الجناح بمحكمة الاستئناف والتي قررت إخلاء سبيله بتاريخ 2016/6/14. ومن المقرر أن تصدر حكمها بجلسة 2016/9/20، وقد تقبل المحكمة طلب إعادة النظر وتحكم له بالبراءة، أو ترفض هذا الطلب وبالتالي يستكمل تنفيذ الحكم.

In this regard, we would further like to underline the importance of adding the present reply to our previous ones in the report to be presented to the Human Rights Council for its consideration.

The Permanent Mission of the State of Kuwait to the United Nations Office in Geneva avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.

J.G./r.b.