



Australian Government
Refugee Review Tribunal

Country Advice

Kuwait

Kuwait – KWT38642 – Bidoon – Iraq –
Security Situation – Al Batha – Nassiriyah
– Thigar
3 May 2011

1. Are people born in Kuwait of Iraqi parents necessarily considered Bidoons (Bedoon/Biduns)?

A person born in Kuwait to Iraqi parents is not necessarily a Bidoon (Bedoon); for example, a person born to parents with Iraqi citizenship who only lived in Kuwait for a short period would not be considered Bidoon and would be eligible for Iraqi citizenship.¹ However, a person born to ethnic Iraqis would be considered Bidoon if their parents had lived in Kuwait for several decades, were previously treated by authorities as de facto permanent residents and now lack evidence of their Iraqi origins.²

Bidoons are *long-term* residents of Kuwait (many have lived in Kuwait for generations) who do not hold Kuwaiti citizenship and have been rendered stateless.³ According to Human Rights Watch (HRW), “although [Bidoons] might have been nationals of other states at some point, they were treated by the government as citizens for a long time, thus encouraging them to shed their earlier affiliation and lose their offspring’s claims to citizenship elsewhere”.⁴ For decades up until the mid-1980s, the Kuwaiti Government conferred a special legal status on Bidoons, giving them similar entitlements to citizens, such as free education and health care along with the right to hold Government positions.⁵

Reports were located that explain how a person can become Bidoon. According to HRW, some Bidoon lack citizenship “because a male ancestor neglected to apply for it when citizenship regulations were first introduced in 1948 and later in 1959”.⁶ The report says “members of tribes whose territory once extended between Kuwait and its neighbors, and whose allegiance was traditionally to the tribe were denied citizenship and classified as

¹ Iraqi Nationality Law 196, No. 43, (enacted 19 June 1963) – (CISNET) & Iraqi Nationality Law 2006, Law 26 of 2006, <http://www.unhcr.org/refworld/docid/4b1e364c2.html> - Accessed 19 April 2011 — Attachment 2.

² Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011– (CISNET) Attachment 3

³ Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011 – (CISNET) Attachment 3; Refugees International 2010, ‘Kuwait: Still Stalling on Statelessness’, <http://refugeesinternational.org/policy/field-report/kuwait-still-stalling-statelessness> 19 April 2011 – Attachment 4.

⁴ Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011– (CISNET) Attachment 3

⁵ Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011– (CISNET) Attachment 3

⁶ Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011– (CISNET) Attachment 3

Bidoons, although large numbers of them have long been settled in urban areas in Kuwait".⁷ Similarly, in 2010, Refugee International reported:

Many bidoon are descendants of Bedouin tribes that roamed freely across the borders of present day Kuwait, Saudi Arabia, Syria and Iraq. But because their ancestors failed to understand the importance of citizenship or given their centuries-old way of life they did not want to belong to any one country. Others were living outside the city walls or were illiterate. As a result, they did not or could not apply for nationality, though the majority had and still have legal documents that prove settlement in Kuwait earlier than the establishment of the state. Bidoon are indistinguishable from citizens, sharing a common language and culture.⁸

Some Bidoon have been granted Kuwaiti citizenship but this is rare. The US Department of State reported that in 2009 the Kuwaiti Government did not grant citizenship to any Bidoon, despite some 80,000 Bidoon citizenship requests pending at year's end.⁹ Many Bidoon fled Kuwait or were deported to Iraq at the time of the Iraq war and have subsequently been denied the right to return by the Kuwaiti Government.¹⁰ Some Bidoon in Iraq have since gained Iraqi citizenship. According to 2010 advice from the Department of Foreign Affairs and Trade (DFAT) and the UN High Commission for Refugees, in the 1990s the Iraqi Government offered some Bidoons Iraqi citizenship on the proviso that they declared that Kuwait was not their place of birth.¹¹ DFAT notes that only about half of Iraq's Bidoon population was granted citizenship under this process.¹² Alternatively, if a Bidoon is able to demonstrate that their parents were born in Iraq they are eligible for Iraqi citizenship under *1963 Iraqi Nationality Law* and the *2006 Iraqi Nationality Law* but most Bidoon lack the necessary supporting evidence to pursue this process.¹³

2. Deleted.

3. Deleted.

4. Please provide citations that can be used to provide an update on the security situation for Al Batha, Nassiriyah and Thigar.

Al Batha

Only two sources of information were readily located regarding the security situation in Al Batha, which is located 40 km west of Nassiriyah, in southern Iraq's Thi Qar Province.

- In June 2009 a minibus exploded in Al Batha at an outdoor market; according to the *New York Times*, at least 28 people were killed. A disturbance took place at the scene of the

⁷ Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011 – (CISNET) Attachment 3.

⁸ Refugees International 2010, 'Kuwait: Still Stalling on Statelessness', <http://refugeesinternational.org/policy/field-report/kuwait-still-stalling-statelessness> 19 April 2011 – (CISNET) Attachment 4.

⁹ US Department of State 2010, *Country Reports on Human Rights Practices – Kuwait*, 11 March, Introduction – Attachment 5.

¹⁰ Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011 – (CISNET) Attachment 3.

¹¹ RRT Country Advice Service 2010, *Research Response IRQ37183*, 15 September – Attachment 6.

¹² RRT Country Advice Service 2010, *Research Response IRQ37183*, 15 September – Attachment 6.

¹³ Iraqi Nationality Law No. 43 of 1963', (enacted 19 June 1963) – (CISNET) & *Iraqi Nationality Law* 2006, Law 26 of 2006, Iraqi Official Gazette, Issue 4019, 7 March 2006 <http://www.unhcr.org/refworld/docid/4b1e364c2.html> – Accessed 19 April 2011 – Attachment 2.

bombing shortly afterwards with survivors and locals throwing stones at security forces accusing them of lax security. According to witnesses referred to in the NY Times article, one protestor was killed when police opened fire in retaliation.¹⁴

- *Palebluenews.com* reported that a protest took place in Al Batha on 25 February 2011; protesters demanded improvements in job availability, food rations, and basic services.¹⁵

Nassiriyah

Two sources were located describing the security situation in Nassiriyah. Although these are somewhat dated, they include the following:

- The *Jersulem Post* reported that clashes broke out between Shiite gunmen and police forces in June 2008.¹⁶
- The *Jerusalem Post* reported in 2009 on a car bombing which killed scores of people in the nearby town of Bathaa and a general resurgence in violence in areas near Nassiriyah.¹⁷

Thigar/Thiqar Province

Thiqar Province is located in south east Iraq and the capital is Nassiriyah (see accompanying maps below). Two sources were located describing the security situation in the province.

- *Aswat al-Iraq* reported in April 2011 that a car bomb damaged a US motorcade passing near Nassiriyah.¹⁸
- *Aswat al-Iraq* reported in a March 2011 article that Japan was considering investing in oil production facilities in Thi-Qar Province, as the Japanese assessed that the security situation was 'good'.¹⁹

Provincial Security

The June 2010 report *Measuring Stability and Security in Iraq*,²⁰ submitted to the US Congress by the Department of Defence contains information and charts portraying security incidents by province and perceptions of safety. Several charts are provided below and Thi Qar (Dhi Qar) province is indicated:

¹⁴ Nordland, R. 2009, 'Iraqis Attack Police After Bombing' New York Times 10 June http://www.nytimes.com/2009/06/11/world/middleeast/11iraq.html?_r=1&partner=rss&emc=rss - Accessed 3 May 2011 – Attachment 12.

¹⁵ Rangel, S. 2011, 'Update From Iraq: More Middle East Demonstrations' Pale Blue News website <http://www.palebluenews.co.uk/2011/02/23/update-from-iraq-more-middle-east-demonstrations/> - Accessed 3 May 2011 – Attachment 13.

¹⁶ 'Iraqi Police: 14 Shiite Gunmen killed in clashes in Nasiriyah' 2008, Jerusalem Post, 25 June <http://www.jpost.com/MiddleEast/Article.aspx?id=105452> - Accessed 3 May 2011 – Attachment 14.

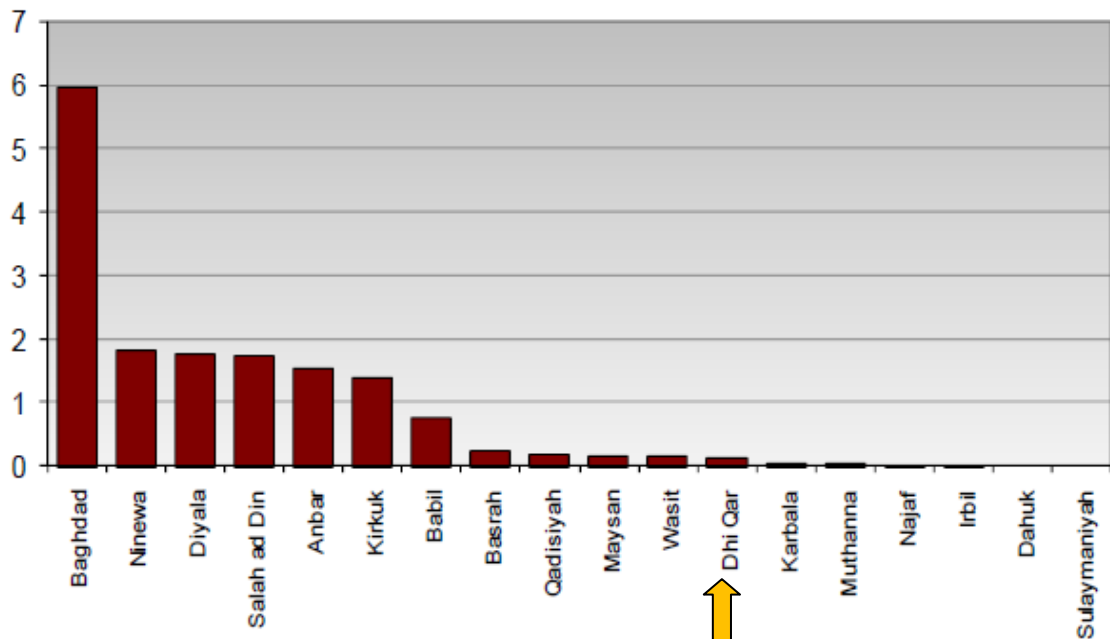
¹⁷ 'Iraq: Death Toll in Car Bomb Attack Raised to 35' 2009, Jerusalem Post, 10 June <http://www.jpost.com/Headlines/Article.aspx?id=145051> - Accessed 3 May 2011 – Attachment 15.

¹⁸ 'EFP damages U.S. vehicle patrol in Thi-Qar' 2011, Aswat al-Iraq 4 April http://en.aswatiliraq.info/Default1.aspx?page=article_page&id=141797&l=1 - Accessed 3 May 2011 – Attachment 16.

¹⁹ 'Japan serious in oil investments in Thi-Qar, South Iraq, Japanese official says' 2011, Aswat al-Iraq, 20 March <http://www.iraqdirectory.com/DisplayNews.aspx?id=15131> - Accessed 3 May 2011 – Attachment 17.

²⁰ US Department of Defence 2010, *Measuring Stability and Security in Iraq*, 20 August http://www.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf - Accessed 3 May 2011 – Attachment 18.

Average Daily Executed Attacks by Province March 1, 2010 – May 31, 2010

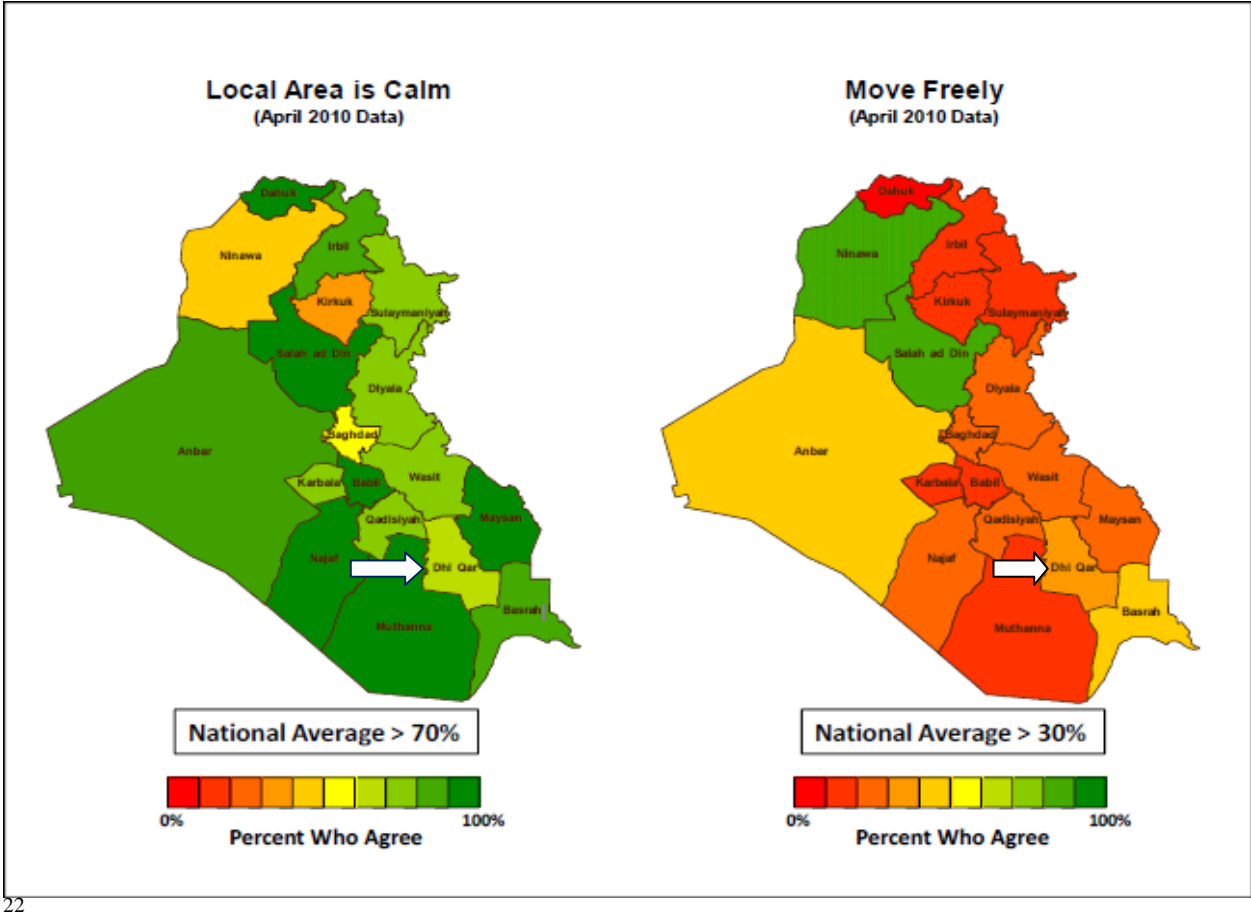


Source: USF-I J5 Assessments. SIGACTS III Database (U.S. and Iraqi Reports) as of June 5, 2010. Data reflects executed enemy attacks targeted against coalition, ISF, civilians, Iraqi infrastructure and government organizations. Does not include IEDs and mines found and cleared. As a result of the June 30, 2009 withdrawal from cities, USF-I now relies on host nation reporting as the primary data source. Current charts now show a combination of U.S. and host nation reported data. The combination of these reports causes baseline numbers to increase, making it difficult to directly compare these charts with those presented prior to June 2009.

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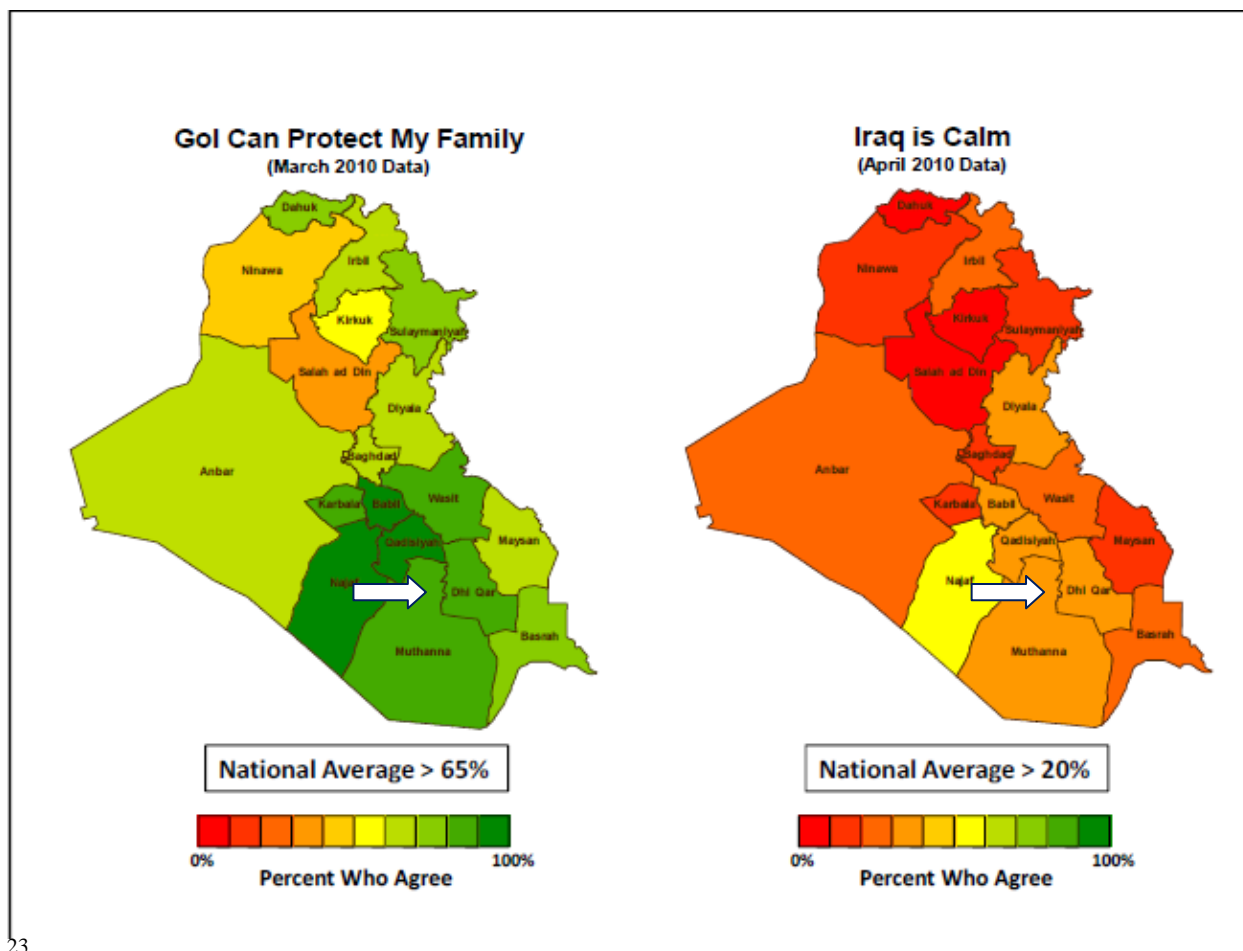
²¹ US Department of Defence 2010, *Measuring Stability and Security in Iraq*, 20 August
http://www.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf - Accessed 3 May 2011 – Attachment 18

Perception of Safety



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²² US Department of Defence 2010, *Measuring Stability and Security in Iraq*, 20 August
http://www.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf - Accessed 3 May 2011 – Attachment 18.



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Attachments

1. *Iraqi Nationality Law No. 43 of 1963*, (enacted 19 June 1963), UNHCR/Centre For Documentation And Research, 12 February 1996 – (CISNET)
2. *Iraqi Nationality Law 2006*, Iraqi Official Gazette, Issue 4019, 7 March 2006, No.26 <http://www.unhcr.org/refworld/docid/4b1e364c2.html> – Accessed 19 April 2011.
3. Human Rights Watch 1995, *The Bedoons of Kuwait: "Citizens without Citizenship"*, 1 August <http://www.unhcr.org/refworld/docid/3ae6a7dc0.html> – Accessed 18 April 2011– (CISNET)
4. Refugees International 2010, 'Kuwait: Still Stalling on Statelessness', <http://refugeesinternational.org/policy/field-report/kuwait-still-stalling-statelessness> 19 April 2011. (CISNET)
5. US Department of State 2010, *Country Reports on Human Rights Practices – Kuwait*, 11 March, Introduction.

²³ US Department of Defence 2010, *Measuring Stability and Security in Iraq*, 20 August http://www.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf - Accessed 3 May 2011 – Attachment 18.

6. RRT Country Advice Service 2010, *Research Response IRQ37183*, 15 September.
7. Deleted
8. Deleted
9. Deleted
10. Deleted
11. Deleted
12. Nordland, R. 2009, 'Iraqis Attack Police After Bombing' *New York Times* 10 June http://www.nytimes.com/2009/06/11/world/middleeast/11iraq.html?_r=1&partner=rss&emc=rss - Accessed 3 May 2011
13. Rangel, S. 2011, 'Update From Iraq: More Middle East Demonstrations' Pale Blue News website <http://www.palebluenews.co.uk/2011/02/23/update-from-iraq-more-middle-east-demonstrations/> - Accessed 3 May 2011.
14. 'Iraqi Police: 14 Shiite Gunmen killed in clashes in Nasiriyah' 2008, *Jerusalem Post*, 25 June <http://www.jpost.com/MiddleEast/Article.aspx?id=105452> - Accessed 3 May 2011.
15. 'Iraq: Death Toll in Car Bomb Attack Raised to 35' 2009, *Jerusalem Post*, 10 June <http://www.jpost.com/Headlines/Article.aspx?id=145051> - Accessed 3 May 2011.
16. 'EFP damages U.S. vehicle patrol in Thi-Qar' 2011, *Aswat al-Iraq* 4 April http://en.aswataliraq.info/Default1.aspx?page=article_page&id=141797&l=1 - Accessed 3 May 2011.
17. 'Japan serious in oil investments in Thi-Qar, South Iraq, Japanese official says' 2011, *Aswat al-Iraq*, 20 March <http://www.iraqdirectory.com/DisplayNews.aspx?id=15131> - Accessed 3 May 2011.
18. US Department of Defence 2010, *Measuring Stability and Security in Iraq*, 20 August http://www.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf - Accessed 3 May 2011.