

**A Factual Report for the
Universal Periodic Review (UPR) of Kuwait**

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The National Committee for Monitoring Violations, NCV

I - Introduction

This report presents a review of the human rights situation in Kuwait by the National committee for Monitoring Violations (NCV). The information presented in this report is based on factual data compiled by NCV, and is gathered from a variety of sources including witness accounts and courts' records.

Over the past few years, Kuwait's standings in human rights, freedoms, and corruption have deteriorated in all international reviews. However, in this report we will concentrate on the alarmingly escalating number of arrests and prosecutions based on accusations of unlicensed assembly and blasphemy of the Emir (Lese-Majeste).

Kuwait's Political Persecution 2009 - 2012

Since 2009 Kuwait has witnessed an increased dissent over alleged corruption by senior government officials and especially descendants of the ruling Al Sabah family. Since then, the authorities in Kuwait have increasingly clamped down on freedom of speech and expression.

Between 2009 and 2011 Kuwait has seen a few political detainees most notably lawyer Mohammed Al Jassem, Khaled Al Fadhala, and Ebaid Al Mutairi. Since 2012 there has been a sharp increase in the number of political detainees. It started with the arrest of tens of political activists after hundreds of protestors (stormed) entered the parliament's building as a part of a public outcry that resulted in the resignation of the Prime Minister and the parliament was dissolved. As a result, only 69 political activists and one minor were selected to stand trial (still ongoing) for the incident, facing between three and eleven charges each, ranging in possible three to ten years sentences.

After the unilateral change of the election law in November 2012, which was opposed by many, a number of protests were practiced such as boycotting the elections, as well as a series of political rallies and public demonstrations. These demonstrations and rallies and other forms of expressing opinions resulted in an explosion to the numbers of politically charged prosecutions.

II – An overview on the current political tensions in Kuwait

Kuwait presents a unique and dysfunctional model of democracy. The Kuwaiti constitution is a hybrid between the executive (presidential) model and the full parliamentary model. While legislation and oversight of the government is entrusted to parliament (50 elected members + 16 appointed ministers), the constitution gives the power to dissolve the parliament and call for new elections to the Head of State (The Emir). This intertwined relationship is further complicated by a grey area in which the Emir and the government can legislate during the “absence” of the parliament or during recesses between parliamentary sessions.

Since the reign of the current Emir Sheikh Sabah Al Sabah in 2006, tensions have escalated against a backdrop of increased corruption and the government’s failure to meet the lower end of its people’s expectations. After a political movement forced the Emir to accept the resignation of his nephew and Prime Minister, authorities in Kuwait have taken a heavy-handed approach towards the opposition in what seems like a retaliation move that resulted in a huge number of politically charged prosecutions especially on charges of unlicensed assembly and blasphemy of the Emir (Lese-Majeste).

III – Summarized Data and Examples

Prosecutions based on the accusation of an **Unlicensed Assembly**, is by far the most used tool for political persecutions in Kuwait. Although most of the legal scholars and experts agree on the unconstitutionality of this law and the constitutional court has stricken several articles of the law in a previous hearing including the articles that state the punishment guidelines for such an offenses, the law is still being used by Kuwaiti courts to persecute political dissidents. Many defence lawyers have challenged the constitutionality of the law however some of the judges have neglected these challenges and other have forwarded them to the constitutional court for a hearing. In response to a challenge to this law by a group of Bedoun (stateless Kuwaitis), the constitutional court has issued a disastrous ruling. The court declared that the right to assembly (any assembly) was restricted to Kuwaiti citizens only, and thus Bedoun defendants had no right to challenge the law as they had no stake in it. Therefore, the constitutional court has abandoned its duty to examine this law provided for that flimsy reasons.

In 2013, there were 641 people tried and many convicted by first-degree courts based on this law, 376 Kuwaitis and 265 Bedoun including many human rights defenders and journalists. Additionally, many minors were arrested during these protests and some of them spent few days in jail. Some children went to court because of the accusations, Saad Alajmi and Khaled AlSubaie, and eventually proven innocent according to the court. One of the notable cases is when Sulaiman Binjassem¹, an NCV member, was brutally assaulted and detained for three days while documenting a protest rally.

During these protests the police used heavy handed approach and violence to disperse the protestors using rubber bullet and gas grenades which have caused many injuries. For example, Mr Salam AlRujaib who was a protestor, had several injuries caused by the police brutality that were proven and documented by cameras and videos. He also was detained and charged, but the court found him innocent of those charges.

Blasphemy of the Emir (Lese-Majeste)

The Lese-Majeste law has also been challenged in the constitutional court to without success. The challenges were based on the fact that the language used in writing this law was too vague and gave a lot of room for interpretation. In its response, the constitutional court has further broadened the scope of this law to include living and deceased monarchs as well as their ancestors and offspring.

In 2013, there were 141 people tried and many convicted and jailed based on the above law. Rashed Al Enezi², Hamed Al Khaldi, Sager Al Hashash, Nasser Al Daihani, Orance Al Rasheedi, Mohammed Al Ajmi and Hijab Al Hajri and Ayyad Al Harbi³ have all received jail sentences ranging between 20 to 60 months. Three ladies including Sara Al Dree⁴s, Mona Al Ajmi and Fatima Al Mattar also received jail sentences. In August 2013, all of those who were convicted by the court of appeals of such a crime were pardoned by the Emir after having their families beg for forgiveness on national TV and sign an appeal for mercy and pledge to never allow their family members to repeat the offence.

¹ Case no. 40/2013

² Case no. 18/2012

³ Case no. 12/2012

⁴ Case no. 20/2012

Currently Mr. Hijab Al Hajri⁵ is awaiting the ruling of the highest court in Kuwait after he appealed his sentence of 18 months imprisonment by the court of appeals. Hijab was tried and convicted based on a loosely drawn relation between *tweets* on his *Twitter* account. The tweets were sometimes days apart and under different circumstances, but the district attorney and the court chose to look at them as one coherent statement. He would respectfully address the Emir in several tweets and days later he would express his frustration over corruption, and the investigators have concluded that he is accusing the Emir of corruption, which he has denied. In a very similar case, Ayyad Al Harbi recently was sentenced to two years of jail regarding the same accusations as Hijab Al Hajris in addition to *retweeting*, or reposting other peoples tweets from his account in Twitter that they were directed to the Emir indirectly.

General Anti-Freedoms Inclination

Kuwait is rapidly moving towards setting evermore restrictions on freedom of expression as well as other freedoms. This is evident in many courts' rulings on both political and non-political cases, and even more evident in the revised laws drafted by the current parliament, which was boycotted, by the opposition. The dreaded media law is being used to shut down and punish media outlets that do not conform to the government's course⁶.

IV – Conclusion

Freedom of expression has been deteriorating in Kuwait. Affected by the Arab spring, the government is showing growing anxiety towards political dissent. This anxiety has been augmented by increasing allegations of corruption by the ruling family members at unprecedented scale, as well as feuds by the competing ruling family over power and control expected to change in the near future.

In this report we tried to stay as concise as possible, focusing only on documented cases of politically charged prosecutions based on accusations of unlicensed assembly and blasphemy of the Emir (Lese-Majeste), forgoing many other human rights violations most importantly the struggles of the Bedoun and domestic workers.

⁵ Case no. 16/2012

⁶ [Communications law](#)

