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Freedom of expression in Kuwait remains under threat

The fines handed down to writer Laila al-Othman, publisher Yahya Rubay'an and poet Dr Alia Shuaib are another setback to freedom of opinion and expression in Kuwait, Amnesty International said today.

Sunday's decision by Kuwait's Misdemeanours Appeal Court upheld charges of breaching public decency and using profane and impious language made against Laila al-Othman, but converted the two-month prison sentence to a fine. Alia Shuaib was acquitted of all charges except those relating to press code violations. Charges related to press and penal code violations made against Yahya Rubay'an were upheld. The appeal -- observed by Amnesty International delegates -- was heard on 12 February.

This case follows that of Kuwait University professor Dr Ahmad al-Baghdadi, sentenced in October 1999 to one month's imprisonment on charges of insulting Islam. Dr Ahmad al-Baghdadi was pardoned after serving 14 days of his sentence by the Amir of Kuwait, Sheikh Jaber al-Ahmad al-Sabah.

Amnesty International visited Kuwait in February to co-host a seminar on human rights and to hold talks with the authorities. During the visit Amnesty International expressed concern regarding the threat to freedom of expression and called on the Kuwaiti authorities to ensure that such cases could not be brought in the future, in keeping with the country's obligations under international human rights law.

"Despite the welcome fact that none of those charged were imprisoned, Sunday's decision has nonetheless weakened Kuwait's ability to show that it is living up to its international commitment to guarantee freedom of expression," Amnesty International said.

Background

Laila al-Othman and Yahya Rubay'an were fined 1000 Kuwaiti dinar (\$3300), while Dr Alia Shuaib was fined 100 Kuwaiti dinar (\$330).

The accusations against Laila al-Othman were based on single words and very short passages of her novel "*al-Raheel*" (The Immigrant), first published in Beirut in 1979 and later in Kuwait in 1984, while Dr Alia Shuaib's were based on lines of poetry in her book "*Anakeb Tarthi Jerhan*" (Spiders Lament a Wound). Yahya Rubay'an, who published both works, was charged under the Press and Penal Code.

Article 111 of the Penal Code provides for a one-year sentence or fine for dissemination of opinions that include sarcasm, contempt or the belittling of a religion. Article 204 provides for three years' imprisonment or a 3,000 dinar fine for inciting, in a public place, immoral acts and for printing or selling anything immoral. The article states that no crime is committed where the drawings or pictures are published according to "the accepted rules of science or art".

In July Kuwait will submit a report to the committee monitoring the implementation of the International Covenant on Civil and Political Rights (ICCPR) to which Kuwait has been a state party since 1996. Article 19 of the ICCPR states that “everyone shall have the right to hold opinions without interference” and that “this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

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