

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



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## KUWAIT: Blasphemy death penalty law would violate international law

Amnesty International is urging the Amir of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al Sabah, to reject a bill recently passed by Kuwait's parliament that would make blasphemy punishable by death.

Blasphemy laws, or other laws prohibiting disrespect for a religious or other belief system, as recently affirmed by the UN Human Rights Committee, are incompatible with states' international human rights obligations. Imposing the death penalty for blasphemy would be a flagrant violation of international law.

If the bill becomes law, any Muslim who, through any form of expression, insults God, his prophets, messengers, the Prophet Mohammad's wives or the Qur'an will be subject to the death penalty unless the defendant repents. If the defendant publicly repents, a sentence of at least five years' imprisonment and/or a fine equivalent to US\$36,000 will be imposed. Repeat offenders will receive a mandatory death sentence. Non-Muslims who commit blasphemy would be subject to a 10-year prison sentence. The same punishment is applied to those who "describe themselves as new prophets or messengers from God."

Article 111 of Kuwait's Penal Code currently prohibits defamation of religion, providing for up to one year's imprisonment and a fine.

The draft law, said to introduce two new articles into the Penal Code, was quickly introduced and passed by the Kuwaiti Parliament's Law and Legal Affairs Committee following the arrest of Hamad al-Naqi, a member of Kuwait's Shi'a Muslim minority who is accused of insulting the Prophet Muhammad on Twitter.

Hamad al-Naqi is being held in pre-trial detention charged with "defaming the Prophet" in tweets posted on the social-networking website last month. He has denied making the posts, saying that somebody hacked into his Twitter account.

Amnesty International is calling for the immediate and unconditional release of Hamad al-Naqi. If his Twitter account was indeed hacked, then he has no case to answer. If he had posted the tweets, then he is a prisoner of conscience held solely for peacefully exercising his right to freedom of expression and the charges against him under Article 111 of the Penal Code should be dropped.

### **Background**

Kuwait's parliament voted to extend the scope of the death penalty by amending Article 111 of the Penal Code, during a second reading on 3 May following a first vote in favour on 12 April.

If approved by Kuwait's ruler the draft law will then become effective after being published in the Official Gazette within a month of its approval. If the Amir does not approve it, the bill will be returned to Parliament where, if two thirds of MPs vote for it again, it will become law.

International human rights standards encourage states to move towards complete abolition of the death penalty and state that where it is still maintained, it may only be imposed for the most serious of crimes, after proceedings which meet international fair trial guarantees, and it may not be a mandatory penalty.

Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Kuwait is a state party, states that “[i]n countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes...” International bodies have interpreted this to mean intentional crimes with lethal consequences. Religious “offences” such as blasphemy do not fall under the category of “most serious crimes”.

International human rights law, specifically articles 18 and 19 of the ICCPR, further provides for the right to freedom of thought, conscience and religion, and freedom of opinion and expression. Any limitations placed on the exercise of these rights should be only such as are prescribed by law and demonstrably necessary and proportionate for the protection of certain public interests or of the rights and freedoms of others. Protection of abstract concepts, or religious or other beliefs, their deities or revered figures, or the religious sensibilities of their adherents, is not a permissible ground for restricting freedom of expression.

The Human Rights Committee, the expert body which oversees the implementation of that international treaty, has underlined that blasphemy laws are incompatible with the ICCPR, except in the specific circumstances envisaged under the ICCPR’s prohibition of advocacy of hatred against individuals which constitutes incitement. In November 2011, the United Nations Human Rights Committee called on Kuwait to “revise its legislation on blasphemy and related laws [...] to ensure their strict compliance with the [ICCPR].”

Amnesty International opposes the death penalty in all cases without exception, as a violation of the right to life as recognized in the Universal Declaration of Human Rights and as the ultimate cruel, inhuman and degrading punishment.

For further information please see: <http://www.amnesty.org/en/for-media/press-releases/kuwait-s-parliament-must-halt-plans-introduce-death-penalty-blasphemy-2012->

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