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Kuwait: Release Musallam al-Barrak and all other prisoners of conscience

To be read aloud, in public by Mohammad al-Humaidi, Head of the Kuwait Society for Human Rights, 16 April, 2016, in Kuwait

Dear Friends,

We join you today in calling for the immediate and unconditional release of Musallam al-Barrak on the third anniversary of his conviction by the Criminal Court. Amnesty International considers him a prisoner of conscience, imprisoned solely for the peaceful exercise of his right to freedom of expression.

His imprisonment and the overall deterioration of respect for free expression in recent years has tarnished Kuwait’s record of relative tolerance in the region. Kuwait earned its reputation in the 1960s, when the country granted its citizens greater political freedoms than their counterparts in other countries in the region. Commentators, journalists, political and human rights activists have generally been able to operate with a degree of freedom relative to neighboring countries, and citizens have – in general - been able to speak, write, comment and criticize the government or aspects of society without fear of arrest.

But since 2011, in the face of increased criticism and amidst a volatile regional context, the authorities have taken a series of steps which have seriously eroded human rights, with the right to freedom of expression among the main casualties.

In recent years, the government has shrunk the space for independent civil society, using new and existing restrictive laws to target its critics, human rights defenders, political opponents and some commentators. The authorities have invoked the country’s nationality law to strip some of its critics of their citizenship, sending a stark warning to others of the consequences of speaking out.

One such person is Musallam al-Barrak. He has spoken out against a perceived lack of government transparency and criticized the judiciary.

He was arrested in late October 2012, after addressing a public gathering in Erada Square. He railed against government “time-wasting and the squandering of resources”. He appealed to the Amir, stating: “Your Highness, in the name of the nation we shall not allow you to engage in autocratic rule”, adding “[...] how do you want to go down in history? Do you want it to be recorded that under the rule of Sheikh Sabah al-Ahmed, opinion formers were imprisoned?”

See: “Enough vain discourse, the speech for which al-Barrak was imprisoned | Musallam al-Barrak: Your Highness we will not allow you | Full speech” (translated from Arabic), posted to YouTube on 15 October 2012, accessible at: https://www.youtube.com/watch?v=n7nnFUOEmBY. At 09:50 he states “Your Highness, in the name of the nation we shall
The criminalization of such peaceful criticism is wrong. The exercise of the right to freedom of expression, protected under international human rights law, by which Kuwait is bound, protects speech that may be deemed offensive. Nevertheless, after a long legal process, in May 2015, the Court of Cassation confirmed his conviction and two year prison sentence for “undermining the status of the Amir” under Article 25 of the Penal Code and he has been in jail since June 2015.

Friends, there are scores of other court cases against him. Only three days ago, the Criminal Court announced that Musallam al-Barrak will be facing yet another verdict. At one point in 2014, he was facing no less than 94 separate criminal prosecutions. The high volume of prosecutions is intended to harass and intimidate Musallam al-Barrak, as well as to punish him for criticizing the government and judiciary, and to deter other critics from voicing their views. The government’s charging and later conviction of 67 individuals who recited parts of the October 2012 speech was likewise a form of intimidation and undermines fundamental rights in Kuwait.

Freedom of expression underpins the exercise of many other human rights. Because of it, we are able to hold governments and officials to account; to raise concerns about the administration of justice and call for the release of prisoners of conscience in Kuwait such as Abdullah Fairouz, Ahmad al-Damkhi, ‘Ayad Khaled al-Harbi or Hamad al-Naqi and other prisoners of conscience across the globe.

It enables us to call on the Kuwaiti government to establish an independent mechanism, with the right of appeal, to hear Bidun applications for Kuwaiti citizenship; to speak out against the revocation of the nationality of Kuwaiti citizens; to advocate for the rights of women and children, and migrant workers; to criticise the use of the new Cybercrime Law and other laws to arbitrarily restrict expression and dissent or the worrying emergence of discourse legitimizing ill treatment.

Friends, Kuwait is at a crossroads. It is not too late to reverse the downward trend on human rights evident since 2011.

We urge the authorities to halt the complacent slide towards a fully-fledged clampdown on peaceful expression and other rights. We call on international actors, in particular the USA and the UK, Kuwait’s key allies, to do far more to promote human rights reform and in Kuwait and to help prevent a slide into deeper repression and crackdown.

We stand with you today in solidarity with Musallam al-Barrak and call on the government of Kuwait to release him and drop all charges brought against him in relation to the peaceful exercise of his right to freedom of expression.

We urge the authorities to respect and protect freedom of expression and to cooperate with parliament and civil society to ensure that human rights are enjoyed by all in Kuwait.

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not allow you to engage in autocratic rule...” and at 22:47, “... Your Highness, how do you want to go down in history? Do you want it to be recorded that under the rule of Sheikh Sabah al-Ahmed, opinion formers were imprisoned?”

2 Amnesty International interview with Musallam al-Barrak and several of his lawyers, 10 April 2014.
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