

URGENT ACTION

JOURNALIST DETAINED IN KUWAIT

Male Kuwaiti journalist, Muhammad 'Abd al-Qader al-Jasem, was detained at a Criminal Investigation office in Kuwait City on 22 November. At a private meeting in October 2009, he criticised the Kuwaiti Prime Minister, Sheikh Nasser Al Sabah. He is a prisoner of conscience.

Muhammad 'Abd al-Qader al-Jasem was summoned to a police station in Salmiya, in the Kuwait capital, Kuwait City on 22 November, where he refused to answer questions as he was not informed of the reasons of his summons. On the same day, he was sent to the Criminal Investigation office, under the control of the Ministry of the Interior where he again refused to answer questions as the grounds for his arrest had not been made clear. He is detained there and bail for his release was set at 1,000 Kuwait Dinars (US\$3,500). No specific charge was said to have been brought against Muhammad 'Abd al-Qader al-Jasem.

Muhammad 'Abd al-Qader al-Jasem is reported to have stated, at a private meeting or 'diwaniya', held at a house on 18 October, that he believed the Prime Minister incapable of leading the country. Muhammad 'Abd al-Qader al-Jasem is said to have cited a number of controversial decisions made by the Prime Minister and criticised the number of elections that have been held in Kuwait since his appointment as Prime Minister.

PLEASE WRITE IMMEDIATELY in English and Arabic or your own language:

- Calling on the authorities to immediately release Muhammad 'Abd al-Qader al-Jasem, who is detained for remarks he made criticising the Kuwaiti prime minister, noting that his remarks did not incite violence and that he is being detained solely for his peaceful exercise of the right to freedom of expression;
- noting that the detention of Muhammad 'Abd al-Qader al-Jasem is in breach of Kuwait's international obligation to uphold freedom of expression, as set out in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which it is a state party;
- urging the authorities to ensure that Muhammad 'Abd al-Qader al-Jasem is not tortured or otherwise ill-treated, and that reports of torture or other ill-treatment are thoroughly investigated and anyone found responsible is brought to justice in fair proceedings.

PLEASE SEND APPEALS BEFORE 6 JANUARY 2010 TO:

Amir of the State of Kuwait

His Highness Sheikh Sabah al-Ahmad al-Jaber Al Sabah
al-Diwan al-Amiri, al-Safat, Kuwait
Fax: +965 2539 2163, or +965 22430559

Email: amirsoffice@da.gov.kw

Salutation: Your Highness

Minister of Justice

His Excellency Rashed al-Hammad
Minister of Justice
Ministry of Justice
PO Box 6, al-Safat 1300, Kuwait
Fax: +965 2243 5220

Salutation: Your Excellency

Chairperson

Parliamentary Human Rights
Committee National Assembly
P.O. Box 716, al-Safat 13008,
Kuwait

Fax: +965 2245 5806

Email: human-rights@majlesalommah.net

Salutation: Dear Sir

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Muhammad 'Abd al-Qader al-Jasem is the founder of the online journal, Mizan and was formerly a journalist with the newspaper *Alam*. Reports have suggested that he was forced to stop writing for the paper around three months ago on account of pressure from the government.

Muhammad 'Abd al-Qader al-Jasem's lawyer has told Amnesty International that the Prime Minister is pursuing five cases against his client, each relating to critical views that Muhammad 'Abd al-Qader al-Jasem expressed against the Prime Minister. Not one has yet resulted in charges being brought against the journalist.

An independent journalists' union was formed in July 2008, four years after its establishment had been rejected by a court. However, several journalists were prosecuted on defamation and other charges although, these no longer incur prison sentences.

On 8 March 2008, two editors were fined by the Criminal Court in Kuwait City and their newspaper licences were withdrawn. Mansur Ahmad Muhareb al-Hayni, editor of the weekly *al-Abraj* newspaper, was convicted of defaming the Prime Minister, and Hamed Turki Abu Yabes, editor of the weekly *al-Shaab*, was convicted of publishing political articles as his newspaper is licensed only to report on arts and culture.

In 2000, the UN's Human Rights Committee stated it was "concerned about the limits imposed on freedom of expression and opinion in Kuwait, which are not permissible under article 19..." of the ICCPR. The Human Rights Committee called on Kuwait to "ensure that every person can enjoy his or her rights under article 19 of the Covenant without fear of being subjected to harassment." (see UN document CCPR/CO/69/KWT;A/55/40, paras.452-497, 27 July 2000). Nevertheless, libel and slander remain criminal offences in Kuwait law, as set in articles 209 and 210 of the Criminal Code, attracting a maximum prison sentence of two years.

The UN Working Group on Arbitrary Detention has stated in a 2008 opinion that the use of criminal law is particularly inappropriate for alleged defamation against public officials on account of the fact that officials should be expected to tolerate more criticism than private citizen".

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