

URGENT ACTION

FORMER MP RELEASED ON BAIL, STILL FACES TRIAL

Former Kuwaiti opposition MP Saleh al-Mulla was released on bail on 11 January by a criminal court. He was charged for tweets deemed insulting to the Amir of Kuwait and the visiting President of Egypt. His next court hearing is due on 15 February.

Saleh al-Mulla, appeared before the Criminal Court in Kuwait City on 11 January for his first hearing on charges of “insulting the Amir”, “questioning the authority of the Amir”, “carrying out a hostile act against a brotherly state through insulting its president that could lead to the severing of the ties between the countries” and “misusing social media (via Twitter)”. The court ordered his release from Kuwait’s Central Prison on a 2000 Kuwaiti Dinars bail (about US\$ 6,800) and set its next hearing into the case for 15 February.

Saleh al-Mulla was summoned to the Public Prosecution offices for interrogation on 6 January after he criticized the official visit to Kuwait of Egypt’s President Abdel Fattah al-Sisi on his Twitter account on 31 December 2014 and 1 January. He also addressed the Amir of Kuwait, asking him not to grant the Egyptian government any more of the Kuwaiti people’s money. The Public Prosecution decided to detain him for further interrogation until the next day, and on 7 January ordered his detention for 10 days, for further investigation. On 8 January his legal team appealed his 10 days detention order. Amnesty International has reviewed his tweets and there is no evidence that they expressed anything other than his opinion.

Please write immediately in Arabic English or your own language:

- Urging the authorities to drop all charges against Saleh al-Mulla, as they would make him a prisoner of conscience, held solely for peacefully exercising his right to freedom of expression;
- Urging them to repeal all legislation that criminalizes the right to freedom of expression and respect and protect this right.

PLEASE SEND APPEALS BEFORE 25 FEBRUARY 2015 TO:

Amir of the State of Kuwait

His Highness Sheikh Sabah al-Ahmad
al-Jaber Al Sabah
Al Diwan Al Amiri, P.O. Box: 1, al-Safat
13001, Kuwait
Fax: +965 22430559
Email: amirsoffice@da.gov.kw

Salutation: Your Highness

Minister of Justice

His Excellency Dr. Nayef Mohammed Al-
Ajmi Ministry of Justice
PO Box 6, al-Safat 1300, Kuwait
Email: info@moj.gov.kw

Salutation: Your Excellency

And copies to:

Chairperson

Parliamentary Human Rights Committee
National Assembly
P.O. Box 716, al-Safat 13008, Kuwait
Fax: +965 22436331
Email: ipu-grp@kna.kw (In subject line:
FAO Chairperson of the Parliamentary
Human Rights Committee)

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 4/15. Further information:

<http://www.amnesty.org/en/library/info/MDE17/001/2015/en>

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ADDITIONAL INFORMATION

Article 25 of Kuwait's penal code sets prison sentences of up to five years for anyone who publicly challenges the rights and authority of the Amir.

Kuwait is a state party to key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and has binding obligations to uphold the rights that these treaties guarantee. These include the rights to "freedom of thought, conscience and religion", set out in Article 18 of the ICCPR; "freedom of expression," including "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," set out in ICCPR Article 19; freedom of assembly and freedom of association, set out respectively in Articles 21 and 22 of the ICCPR.

The UN Human Rights Committee, which oversees the implementation of the ICCPR, observed that the mere fact that statements are considered insulting to a public figure is not sufficient to justify imposition of penalties. Moreover, public figures, including heads of states, are legitimately subject to criticism and political opposition.

In a 2008 opinion, the UN Working Group on Arbitrary Detention stated 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 citizens". UN human rights experts say alleged defamation of public figures, such as politicians, should not be criminalized, as those in the public eye "should be expected to tolerate more criticism than private citizens". They have also said that freedom of opinion and expression involves the right to freely criticize politicians and other public personalities.

Name: Saleh al-Mulla
Gender m/f: m

Further information on UA: 4/15 Index: MDE 17/002/2015 Issue Date: 14 January 2015