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KUWAIT: YEAR TO DATE MARKED BY ESCALATING REPRESSION

The year 2024 has been marked in Kuwait so far by escalating political repression, including new prosecutions, prison sentences and stripping of people's nationality that have increased fear and further shrunk the margin for critical expression in the Arab Gulf country. The increased official action taken against critics of Kuwait's governance forms the backdrop to Emir Meshal Al Sabah's [decision on 10 May 2024](#) to dissolve the newly elected parliament and suspend parliamentary government and elections for up to four years.

The dissolution of parliament was preceded by three new prison sentences for people publicly voicing their views and opinions, plus the stripping of Kuwaiti nationality from at least nine individuals and the prosecution of a parliamentary candidate who made a campaign speech criticizing the system of government and the ruling Al Sabah family. Well before 10 May, these measures were contributing to a chilled climate of expression in the Arab Gulf's oldest parliamentary state. Hadeel BuQrais, a local human rights activist, commented to Amnesty International in April: "Something is happening now. Most of the time, people who suffered any violation would turn to human rights organizations or people involved in human rights work. In the current situation – specifically, talking about from 2023 until today – there's been a shying away from turning to human rights bodies.... Communicating with people whose rights have been violated is harder."

Looked at over a longer timeline, Kuwait has been mostly intolerant of political dissent since a wave of activism at the start of the last decade. After a period of extensive activism and expansion of publicly expressed criticism of governing institutions during 2012–2013, a crackdown launched in July 2014 – under what Kuwait [openly and officially called](#) a decision "to strike with an iron fist" against "anything infringing on the state's essence" – significantly curtailed the scope of public freedoms and curbed people's willingness to express dissident views.¹ Like the Gulf region in general during the last 13 years, Kuwait has become more closed and narrow in the spectrum of expressible opinion and more dangerous for Kuwaitis and others living there who seek to exercise their human rights to dissent and protest.

PRISON SENTENCE AGAINST ANWAR HAYATI

On 25 January 2024, a Kuwaiti court sentenced Anwar Hayati to prison after an unfair trial for speech crimes held in his absence. Anwar Hayati is a doctor specializing in internal medicine who has worked as an employee of the Ministry of Health at the government-run Mubarak al-Kabeer Hospital. He has been active in supporting the Bidun cause, including [in speeches at](#) the August 2022 protests in Taima organized by Mohammad al-Bargash, among others (see below), for which he was prosecuted, convicted and fined 500 dinars (≈ €1,500).

On 7 September 2023, Anwar Hayati was summoned by the Office of Public Prosecution, who told him that the summons was due to a complaint from the State Security Apparatus that he had disrespected the royal family, the Al Sabah. This was four days after the arrest of Mohammad al-Bargash described below. Under the circumstances, he decided to leave the country. He departed the same day and has been residing in exile in Europe since then.

On 25 January 2024, a trial court sentenced him to four years in prison and [a 10,000-dinar fine](#) (over €30,000) in his absence. The controlled Kuwaiti press² [reported](#) that the conviction was based on "charges of insult under the State Security Law, against the background of opinions he expressed on his X account". However, Hayati told Amnesty International that his lawyer, despite having been granted power of attorney and despite requesting the case documents more than once at court hearings, was not given any documents laying out the legal charges and the factual accusations they rest upon at any point prior to the judgment, so that the verdict was issued without either the defendant or his attorney ever being able to review the case raised against him. He was only given the court judgment months after the verdict. The judgment, which Amnesty International has reviewed, shows that his conviction is based on seven Tweets in which he criticized the royal family (including accusing members of the family of stealing public funds) and aspects of Kuwait's system of government,

¹ Amnesty International, *The "iron fist" policy: Criminalization of peaceful dissent in Kuwait* (Index: MDE 17/2987/2015), 16 December 2015, <https://www.amnesty.org/en/documents/mde17/2987/2015/en/>

² Kuwait requires that all media ventures operating in its territory be licensed by the Ministry of Information. Publishing ventures may only be established by Kuwaiti nationals who are "of good record and reputation." Everything published is subject to rules of censorship, including prohibition of criticism of the Emir. Kuwait, Law on Printing and Publication, originally issued by Act No. 3 of 2006, Articles 3, 20.

and mentioned events in the history of Kuwait and Saudi Arabia. In [one](#) of the seven Tweets, for instance, he criticized Article 54 of Kuwait's 1962 constitution, which states that "the sanctity [of the Emir] shall not be infringed upon."

Hayati has previously faced government reprisal for voicing his opinions. On 11 October 2020, he was fired from his work as a doctor at Mubarak al-Kabeer hospital under an order issued by the Minister of Health, Basil Humoud Al Sabah, shortly after he [publicly criticized](#) this minister's administration of the government health sector. He was reinstated in September 2021 due to a court order in his favor.

IMPRISONMENT OF MOHAMMAD AL-BARGASH

On 31 January 2024, Kuwait's Appeals Court convicted Mohammad al-Bargash, and sentenced him to three years in prison, for exercising his right to express critical opinions about the policies of the government.

Mohammad is one of Kuwait's native stateless Bidun and has been an activist for Bidun rights for years, posting daily about the issue on [his X account](#), organizing online discussion groups around the issue, and organizing and participating in public, peaceful protests. He was a principal organizer of an extended series of sit-in protests at Taima, al-Jahra province, a major Bidun population center, in August 2022 that led to the prosecution of 21 people accused of participating by authorities.³ As a defendant in that prosecution, Mohammad received a significant fine (200 dinars, ≈ €600) and one year in prison, though the prison sentence was suspended so he was not jailed beyond the half-month (30 August – 15 September 2022) he spent in pre-trial detention. He continued speaking out after his release, including on behalf of his friend Fadhel Dhahi during periods when the latter was detained.

Beginning in October 2022, while the demonstration trial was still ongoing, the Media, Information and Publication Affairs branch of the Office of Public Prosecution began raising new charges against Mohammad based on what he posted on his X account and said in television interviews about the Bidun issue. The words the prosecution cited as crimes committed by him, in an indictment dated 6 October 2022, were the following:

- "Countrymen, only a coward is silent about his rights / And you are free men the sons of free men / So do not be silent about your rights because the lowly and spiteful think that you have no rights / And rights need voices" ([still posted on X](#));
- "Our children have committed suicide because of [these] policies and [this] oppression[,] Our dignity is insulted[,] our livelihoods are cut off";
- "This is what's currently happening[,] they're ethnically cleansing us[,] they want to destroy our national identity";
- "A government that's completely ignoring us is alleging humanitarianism[,] alleging it helps people[,] but that's dissimulation"

Proceedings in that case are still ongoing, but in late 2023 prosecutors filed a new indictment, based on Tweets and an interview from August 2023, leading to Mohammad's conviction at the appellate level on 31 January 2024. He had been acquitted by the trial court, on 25 October 2023, after being held in pre-trial detention for nearly two months, since his arrest on the night of 3 September 2023. He did not attend the appellate court hearing at which the conviction and sentence were issued, and went into hiding afterward, but roughly three weeks later, on or about 21 February 2024, authorities found him and took him into prison.

In both these cases Mohammad was exercising his right to freedom of expression, yet prosecution authorities have treated both cases as being based on "national security". Kuwait does not comply with the international legal requirement under the International Covenant on Civil and Political Rights (ICCPR) – though it is a party to this treaty – that "any judgment rendered in a criminal case or in a suit at law shall be made public" (Article 14.1), so the judgment of 31 January 2024 is not available for review, and due to the extreme secrecy and fear around "national security" cases, Amnesty International has only been able to view the first page of the indictment, supplied privately.

Based on the charging language used there, it appears that he has been convicted under Article 15 of the Penal Code, the same law used against Abdullah Fairouz (see below). As stated in the indictment, his "crime" was "intentionally broadcast[ing] abroad false and biased news and rumors... that undermine [the state's] prestige and standing", which tracks the language of Article 15 of the Penal Code. The charge is based principally on an [interview](#), broadcast on 12 August 2023, that he gave to the [satellite TV channel Nabaa](#), a Saudi opposition station that broadcasts from Lebanon

³ Amnesty International, "Kuwait: Authorities must stop targeting pro-Bidun protesters as elections loom", 1 September 2022, <https://www.amnesty.org/en/latest/news/2022/09/kuwait-authorities-must-stop-targeting-pro-bidun-protesters-as-elections-loom/>; Amnesty International, *Amnesty International Report 2022/23* (Index: POL 10/5670/2023), 27 March 2023, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>, p. 224.

and the UK. He had been charged with giving interviews to Nabaa in the earlier, ongoing case from 2022 as well. In the 12 August 2023 interview Mohammad spoke about the Bidun issue and called for respect for their human rights, while criticizing the Kuwaiti government's treatment of this group. Amnesty International has reviewed the full interview and confirmed that nothing he said falls within the narrow exceptions – such as incitement to violence and hate speech – under which expression can legitimately be punished under international law.

The first page of the indictment viewed by Amnesty International does not specify which Tweets are at issue in addition to the interview, but gives a time span for the “crimes” charged of 12–14 August 2023. Amnesty International has also reviewed the posts from Mohammad's account on X during this period and did not find anything resembling hate speech or incitement to violence. Most of the content on Mohammad al-Bargash's X account simply comprises calls for Bidun rights. In a poignant example, only a few hours before his arrest on 3 September 2023, he had made a [post](#) critical of the Ministry of Interior's [announcement that day on X](#) that its cybercrimes department “is monitoring all... [social media] accounts” in order to prosecute anyone who “verbally insults” the State Security Apparatus.

In the months prior to his arrest, Mohammad al-Bargash had frequently championed online the case of his friend Fadhel Dhahi, more commonly known as “Abu Turki,” another Bidun man who has been vocal against the government's Bidun policies on his [X account](#) for several years. Fadhel Dhahi has multiple cases pending against him, some of which relate to child custody but some of which are based on his exercise of his right to freedom of expression. Between 10 and 31 August 2023, for example, he was [detained for a “cybercrimes” investigation](#) based on the content of his Twitter account, on which he regularly posts his opinions on the Bidun issue. This arrest was one of the subjects of Mohammad's 12 August 2023 interview with Nabaa that led to his own prosecution.

Amnesty International considers Mohammad al-Bargash a prisoner of conscience and has [issued an Urgent Action](#) calling for supporters to write to Kuwaiti authorities on his behalf.

IMPRISONMENT OF ABDULLAH FAIROUZ AND FUHAID AL-AJAMI

On [19 February 2024](#), a Kuwaiti trial court sentenced [Abdullah Fairouz](#) and [Fuhaid al-Ajami](#) to five years in prison in a “state security case”, on the charge of having “spread false news about internal conditions in the country”. Abdullah Fairouz is a long-time activist and Fuhaid al-Ajami is the editor in chief of the online Kuwaiti media venture [TfTeeeSH](#) (تفتيش الكويت), which posts content relating to Kuwaiti politics and society across many online platforms. In early June, an appellate court reduced Abdullah Fairouz's sentence to three years and reversed the conviction of Fuhaid al-Ajami, resulting in his release from prison after more than three months behind bars.

The case was based on statements Abdullah Fairouz made in a December 2022 interview with TfTeeeSH. In the interview, all copies of which have since been removed from the Internet, Abdullah claimed that Kuwait's Ministry of Interior had entered into a contract with an Israeli company, in violation of Kuwaiti policy legally proscribing commercial relations with Israel. A complaint was raised against him by Ahdi al-Marzouq, a former government official. Al-Marzouq's lawyer, Bassam al-Asousi, [posted](#) part of the court's verdict on his X account, recording that Abdullah was charged with “undermining respect for the state and threatening its security as a result of the spreading of this false news”, with the specific acts found to be criminal comprising the interview and [two Tweets](#) he subsequently posted about it. Although the case was initiated based on a complaint by a former official who is no longer in government, the charge was brought under Kuwait's criminal law, specifically Article 15 of Act No. 31 of 1970 amending the Penal Code, and resulted in the criminal penalty of a lengthy prison sentence. Abdullah Fairouz's case is therefore one of criminal prosecution for expression, which is impermissible under international human rights law, rather than a private defamation suit for damages suffered to personal reputation, which can be legally justified under certain conditions. Article 15 imposes a minimum mandatory prison sentence of three years for “intentionally broadcast[ing] abroad false or biased news, information, or rumors about internal conditions in the country that undermines financial confidence in the state, or its prestige or standing”, and for “any action that undermines the country's national interests”.

Authorities arrested Abdullah on 29 January 2024. In addition to his five-year prison sentence, the trial court ordered that he be deported from Kuwait upon release from prison, based on authorities' contention that he is an Egyptian and not a Kuwaiti national. His [mother](#) is Egyptian and, though she had lived in Kuwait for most of her life, [authorities pressured her into leaving the country in 2014](#). He claims Kuwaiti nationality based on his father⁴ and has won [several local court cases affirming](#) that his claim to Kuwaiti nationality is valid.

⁴ Kuwaiti law grants nationality automatically to children of Kuwaiti fathers but not of Kuwaiti mothers. Kuwait, Law on Kuwaiti Nationality, originally issued by Emiri Decree No. 15 of 1959, Articles 3-5, which have been amended many times over the years without changing the core rule that Kuwaiti mothers do not automatically transmit their nationality to their children.

Abdullah Fairouz's imprisonment is based on his exercise of the right to freedom of expression, which marks the second time that Kuwait has jailed him because of his expression of his opinions. He was previously in prison from 4 November 2013 to 22 September 2021 for making comments online that authorities construed as critical of the Emir.⁵ Authorities have not disclosed the charges against Fuhaid al-Ajami, nor was any part of the judgment concerning him released onto X by Bassam al-Asousi, but everything indicates that he was charged and sentenced simply for publishing the interview with Abdullah. If he was put behind bars for this reason, then his imprisonment for over three months also violated the right to freedom of expression.

DENATURALIZATIONS OF KUWAITI NATIONALS AT RISK OF STATELESSNESS

Since the beginning of the year, Kuwait's Emir has issued decrees denaturalizing (stripping of nationality) at least nine Kuwaitis. The Emir's orders, issued as [Decrees No. 41 and 42 on 12 March](#), and [Decree No. 66 on 7 April](#),⁶ strip Kuwaiti nationality directly from nine men, and in addition from the children and wives⁷ of four of the men. The orders do not describe the reason for their denaturalization, and nothing about the reasons has been reported in the controlled Kuwaiti press. However, at least one of those stripped of his Kuwaiti nationality has criticized Kuwait and other Arab Gulf governments online, and at least three appear to have been granted nationality within the past two decades.

Under Kuwait's nationality law, nationality is divided into classes: those who are "originally Kuwaitis", defined as those descended from residents of Kuwait Town prior to 1920⁸; those born to Kuwaiti fathers⁹; and all others – including those with Kuwaiti mothers but not Kuwaiti fathers¹⁰ – who do not receive Kuwaiti nationality by automatic operation of law at birth, but can only be granted nationality by a specific decision made by the state bureaucracy, based on various qualifying conditions.

Among those stripped of their nationality are Fahd Jassem Juma Jassem al-Mukhaini, who had acquired Kuwaiti nationality through his father, [granted](#) under Article 5.1 of the nationality law, for those "who have rendered great service to the country"¹¹; and [Abdullah Mohammad Eid Dhuwaib Ali](#) and [Husain Ali Ghazi Awd Sahman al-Rushaidi](#), who had both received nationality based on descent from long-time male residents of Kuwait. These provisions of the nationality law apply almost exclusively to the Bidun. The Bidun have served in disproportionately large numbers in the security forces, and thus are sometimes granted nationality under the "service to the country" provision; and the Bidun are by and large the only population in Kuwait with continuous residence across generations, since migrant laborers are highly restricted in their ability to maintain families in Kuwait.¹² The denaturalization orders also included Salman al-Khaldi, who lives in exile in the UK and has criticized Arab Gulf [governments](#), including [Kuwait's](#), on social media.

Arbitrary denaturalization, denaturalization motivated by the national's exercise of the right to freedom of expression, and denaturalization resulting in statelessness are not permitted under international human rights law.

PROSECUTION OF PARLIAMENTARY CANDIDATE MESAED AL-QURAIFAH

Mesaed al-Quraifrah ran for a seat in Kuwait's parliament, the National Assembly, in 2022 and again this year. In an [electoral speech](#) given on the night of 30 March, he made a number of remarks criticizing Kuwait's system of government under its 1962 constitution and the Al Sabah family's involvement in politics (though he did not make any outright criticisms of the Emir or the institution of the emirate, since such speech is clearly outlawed in Kuwait).

In response, the Office of Public Prosecution [opened](#) a "state security" case against him in the final weeks of April, and the Ministry of Interior arrested him on or about 24 April 2024. The Office of Public Prosecution has ordered him detained pre-trial for 21 days, until mid-May. Such purely executive pre-trial detention is authorized, for 21 days by prosecutorial

⁵ Amnesty International, *The "iron fist" policy* (previously cited), p. 18.

⁶ To access the documents linked to here, click the link, click "دخول" on the page that loads, and then click the link here a second time.

⁷ In the cases where the wives have obtained Kuwaiti nationality based on marriage ties.

⁸ Kuwait, Law on Kuwaiti Nationality (previously cited), Article 1.

⁹ Kuwait, Law on Kuwaiti Nationality (previously cited), Article 2.

¹⁰ Kuwait, Law on Kuwaiti Nationality (previously cited), Articles 3-5.

¹¹ Kuwait, Law on Kuwaiti Nationality (previously cited), Article 5.1 (as amended by Decree of Act No. 100 on 20 December 1980).

¹² In recent years, for example, Kuwait has all but completely banned lower-wage migrant laborers from having family present with them in the country. [Since June 2022](#) authorities have [drastically](#) limited family visas, with exceptions subject to a relatively high [minimum-income requirement](#). Moreover, [since January 2022](#) the government has [imposed a 250-dinar fee](#) for renewal of residence on lower-educated migrants over 60, along with the requirement that they continue working, to deter them from remaining in the country. As a result, it is mostly the native-born stateless population who remain continuously present in the country across generations and who thus have a chance of meeting the eligibility requirements for naturalization.

order and for four further days by police decision, under Kuwait's criminal procedure law.¹³ After the 21-day prosecutorial detention, a judge must authorize any further pre-trial detention.¹⁴

In 2021 Kuwait's legislature amended the criminal procedures law by adding a new paragraph stating, "In all cases, preventive [i.e. pre-trial] detention orders may not be applied to someone exercising his right to express and transmit his opinion, in speech, writing, drawing, or otherwise, including when the expression of opinion is through media or social media."¹⁵ However, to date Kuwait has not applied this new provision when people are charged with crimes defined by existing laws that conflict with the right to freedom of expression. Hence Mesaed al-Quraifah, like Mohammad al-Bargash and Abdullah Fairouz earlier this year, has not benefited from this protection and the Public Prosecutor has placed him in detention in contravention of the prohibition on pre-trial detention in a matter of the right to express an opinion.

On 22 May 2024, the court [sentenced](#) him to four years in prison. He has been held in detention since his arrest and remains in prison during proceedings on his appeal.

SUSPENSION OF PARLIAMENT AND FURTHER PROSECUTION OF PARLIAMENTARIANS

The move by the Emir to cease parliamentary government on 10 May 2024 is the third time the ruling family has taken this step in Kuwait's modern history. Twice after independence in 1961, the ruling Al Sabah family dissolved the elected National Assembly and suspended elections for a new assembly, first from 1976 to 1981, then from 1986 to 1992.

In his [order](#) issued on 10 May 2024, the Emir both dissolved the National Assembly – which had just been elected in early April and was due to meet for the first time on 14 May – and suspended the articles of the 1962 constitution which require an elected legislative assembly. Article 107, paragraph 2, which requires new elections within two months if the Emir dissolves the National Assembly, is among the suspended articles of the constitution. The order states that this suspension may remain in effect for up to four years.

A [report in al-Qabas](#), one of the semi-official press outlets, the day after the Emir's order states that an unspecified number of people have been arrested or summoned for "attacking the rights and authority of His Grace, His Presence, His Highness the country's Emir, and for sullyng his name". Subsequent reports have revealed that these include four present or former parliamentarians:

- On 11 May, the Office of Public Prosecution ordered the detention of Waleed al-Tabtaba'i, who was elected to the National Assembly eight times between 1996 and 2016, on a [charge](#) of "attacking the basis of the emirate" in a Tweet he posted on his account on X "after the speech of His Highness the Emir dissolving the National Assembly". On 24 June 2024, a court sentenced him to four years in prison.

According to the judgment, which Amnesty International has reviewed, the offending Tweet said

What has happened is an assault on the constitution and on the rights of the nation and its popular achievements, and on the binding oaths that have been made. We will not accept it and will confront it by all peaceful means that preserve the state's existence and foundations, first of which is the constitution. We will defend the freedoms and rights of the people and their constitutional achievements, which we do not accept the infringement of.

No trace of this Tweet remains on the internet, and Waleed al-Tabtaba'i said he did not write it. With a clear absence of calls to violence, this Tweet falls within the bounds of the right to freedom of expression.

- Between 19 and 21 May 2024, authorities arrested and charged Anwar al-Fikr, who had just won a seat in the April elections for the dissolved parliament, with "[challenging the powers of the country's Emir](#)". At the first court [hearing](#) in his case, in which he was held in a cage inside the courtroom, the judge ruled to release him on bail pending the outcome of the ongoing trial.
- On 23 May 2024, authorities charged Hamad al-'Ulyan, who served in the parliament elected in 2023 and was nearly reelected in 2024, with "[challenging the powers of the Emir and infringing on His Highness](#)". The Office of Public Prosecution specified that charges were based on an event of 15 April 2024 in which he "openly" committed these crimes "in a public place by means of writing ... in that he recorded the expressions ... and

¹³ Kuwait, Code of Criminal Procedure and Trials, originally issued by Act No. 17 of 1960, Article 69, para. 1, and Article 60, para. 2 (both as amended by Act No. 35 of 2016 on 18 July 2016).

¹⁴ Kuwait, Code of Criminal Procedure and Trials (previously cited), Article 69, paras 2–3 (as amended by Act No. 35 of 2016 on 18 July 2016).

¹⁵ Kuwait, Code of Criminal Procedure and Trials (previously cited), Article 69, para. 4 (added by Act No. 1 of 2021 on 12 April 2021).

disseminated them on his personal account”. The crime is thus evidently a Tweet – the only [posted](#) to his X account on that day – which read,

It’s become a reality clear to everyone that the mechanism for choosing the prime minister has nothing to do with visions and goals, or with a record of works and achievements, / Rather, it’s closer to filling an empty seat with any name that will do, without considering the person’s appropriateness or capacity for this position, / Not to mention that his previous performance wasn’t impressive at all, and his political behavior isn’t remotely encouraging.

This was clearly in reference to the appointment that day of a member of the ruling family, Ahmad Abdullah al-Ahmad al-Sabah, as the new prime minister. The prime minister is appointed by the Emir (under Article 56 of the constitution). On 6 June 2024, a Kuwaiti court [ordered](#) Hamad al-‘Ulyan detained pending the outcome of his trial, and in the third week of June [sentenced](#) him to two years in prison.

- On 2 June, Mohammad al-Mutair, who has been elected to the National Assembly nine times, including in April 2024, attended the first hearing of a trial in which he is [accused](#) of “attacking the foundation of the emirate and insulting the judiciary”. In his case, as in that of Abdullah Fairouz, the complaint was brought by an individual rather than by the government, but authorities have moved the case forward to trial under Kuwait’s criminal law. Mohammed al-Mutair has [stated](#) on his X account that the case is based on a [speech](#) he gave on 21 February 2023, in which he broadly criticized the state of the Kuwaiti political system, mentioning the need for all officials and institutions including the Emir and the judiciary to take responsible action. He was granted release on bail at the hearing on 2 June and is currently not detained during trial.

These prosecutions for political speech are in violation of the right to freedom of expression, guaranteed by international law and standards including the International Covenant on Civil and Political Rights, to which Kuwait is party.