

# “How Reading And Tweeting Became A Crime: Kuwait’s Attack On Its Constitutional Freedoms”

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**Abstract**—Constitutional rights in Kuwait are threatened as more restricting unconstitutional laws are passed, thousands of books are banned, thousands of people are prosecuted for personal political and religious beliefs, many of which are imprisoned and many seeking refuge abroad, while social media faces fierce censorship by the Kuwaiti authorities.

**Keywords**—Kuwait, freedom of expression, freedom of speech, constitution, religion, politics, democracy.

## Introduction

Previously known as the most progressive state in the Gulf region, Kuwait’s democratic freedoms and liberties have been on the decline since the late eighties. With thousands of Kuwaitis currently being prosecuted in Kuwaiti courts for personal political and religious opinions expressed on social media, over 50 individuals have been imprisoned, and 27 individuals (including myself) sought asylum abroad fleeing harsh prison sentences. Over five thousand books have been banned in Kuwait over the past five years, rendering constitutional rights of freedom of speech and expression redundant.

Kuwait calls itself a democracy, however, in reality it is a monarchy. The state is governed by Al Sabah family, and succession to the throne is limited to the descendants of Mubarak Al Sabah only.

Although there exists an elected parliament, the election of its members has not been free from government interventions since the late seventies. In addition to this, the Emir (Kuwait’s ruler) appoints ministers “Cabinet Members” a majority of whom are members of the ruling family. The fifteen cabinet members vote in parliament, giving the government a tremendous voting advantage. Conflict between a weaker parliament and a stronger government is inherent in such a structure<sup>2</sup>.

In the absence of political parties, the opposition to Kuwait’s Government and Kuwait’s ruling family

remains an unofficial group of individuals. The Kuwaiti people’s trust in Parliament has waned dramatically. Each time voters put their faith in a candidate who they believe will represent them in solving Kuwait’s most pressing problems, namely the deterioration of public services, corruption, unemployment, housing, and the Stateless or “Bedoon”<sup>3</sup>. The people are let down by the MP being more loyal to the government and defending its interest instead of the people’s.

Kuwait was considered the most democratic in the Gulf region. However, today Kuwait suffers from a strong decline in basic freedoms and liberties, especially freedom of expression and freedom of speech.

As a public law professor at Kuwait University, I used to feel a hint of pride when I taught my students how the Kuwaiti constitution protects personal freedom, freedom of belief, freedom of opinion, freedom of expression, and freedom of press and publication. I often tell them that our country has one of the most progressive constitutions in the region. But I know, and they quickly learn, that there’s a huge difference between the constitution and political realities in our small Gulf state.

After the same ministry banned over 4,500 titles earlier this year, the issue of book censorship made national and international headlines. I organized four consecutive protests, and before each one, I invited concerned citizens on social media to participate.

I also turned to my colleagues. “If we law academics don’t stand up to this extreme breach of our rights, who will?” I would tell them.

With my students, I pleaded. “Don’t be mediocre when it comes to the law, be effective, inspirational, and influential, and fight for your rights. Nobody can tell you what and what not to read since the constitution protects your freedom of choice, opinion and expression. We should all stand up to these authoritarian decisions because if we allow

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<sup>2</sup> Ghabra, S., *Kuwait: At the Crossroads of Change or Political Stagnation*, Middle East Institution Policy Paper Series, p. 8,

[https://www.mei.edu/sites/default/files/publications/Ghabra%20Policy%20Paper\\_0.pdf](https://www.mei.edu/sites/default/files/publications/Ghabra%20Policy%20Paper_0.pdf).

<sup>3</sup> The Stateless constitute approximately 90,000 of the Kuwaiti population, they are families who have been living in Kuwait since the twenties. They are denied their most basic human rights of formal identification, education, health, and work by the Kuwaiti government. Thousands of Stateless children living in Kuwait today do not carry a birth certificate, and many adults are denied the right to marriage.

government ministers to ban books today, then surely they'll strip away more of our liberties tomorrow."

The response I got, however, was disappointing.

On social media people believed they could just re-tweet me and check off the box next to "social activism duty." The uninterested and lazy cop out in the form of a question among colleagues was: "Aren't all books online anyway?"

"Not all Arabic books are online, and what about bookshops and libraries?" I would shoot back in frustration. "Shouldn't we protect them? It's not only about censorship; it's a matter of curtailing our rights and freedoms as individuals. If authorities feel entitled to ban books on the grounds of violating public decency, they will not hesitate to ban social media altogether, or censor our devices on those same grounds."

As freedoms eroded before our very eyes, my students were mute. I tried to jolt them into action, but they just stared back, wide-eyed and quizzical.

After finishing one lecture, I headed back to my office. Several students came by individually. They wanted to express their opinions on the ban during class but were afraid to speak out. If college students feel unsafe to express an opinion in class, it was a sure sign we're heading for an autocratic dystopia.

Kuwait, in fact, has been witnessing a sharp curtailing of social liberties since the late 1980s. Far-right Islamists have gained more political power to the point of becoming the majority in the Kuwait's parliament. These unsavory figures have also occupied high-level offices such as the ministries of Education, Information and Justice, allowing them to chip away at freedoms using unconstitutional laws to do so.

They started small – first by segregating male from female university students and creating social committees that "promote virtue and prevent vice." Then they got bolder, with severe punishments meted out for anyone in media who "blasphemes" or "defames" the Amir, the monarch and head of state. Then they unveiled a draconian law that restricts what can be published and what books can be imported into the country.

More recently, they passed the Cyber Crime Law punishing anyone on social media the government deems "offensive." After this legislation went into effect, thousands are being prosecuted, 50 people have been imprisoned and 27 Kuwaitis forcibly exiled for criticizing the government or Islam.

I personally face charges of blasphemy due to a joke I posted on twitter:

Me: Dear God, it's almost my birthday.

God: I know.

Me: Can I have a Ferrari?

God: Be reasonable.

Me: Women's rights and gender equality?

God: What color Ferrari?

Not pleased with these fairly innocuous remarks, the Kuwaiti authorities summoned me for an interrogation and shortly after levelled the accusation against me. Soon, I will be forced to defend myself in court.

One of the 50 prisoners was a firefighter who tweeted that hearing the daily calls to prayer was like living under ISIS. The remark landed him in prison for six months, after which he was made to work for two months without pay.

A female Lebanese television presenter is now facing one year in prison and K.D 5000 (USD 16.500) in fines, after she said on a TV program: "God doesn't have time to answer the prayers of each and every one of us"<sup>4</sup>

And now we have the latest legislative achievement, the so-called Publication Law, which began to be enforced in 2007. It prevents the publication and distribution of any book that "violates public decency." If this isn't vague enough for you, it also allows an inspector, usually a conservative on the "Inspection Committee" to ban a book according to their personal whims of what constitutes indecency.

They've already banned books that contain the word "breast" or other mild forms of sexual content no matter how vague or indirect. Their jurisdiction to interpret this law extends to the visual arts as well, limiting what artists can exhibit, what filmmakers can produce, and what playwrights can showcase.

In the last five years, the boundaries of the ban grew rapidly, with iconic works of literature falling under the eye of the censors, notably international novels that have been sold in Kuwait for decades. Here are just a few: *One Hundred Years of Solitude* and *Love in the Time of Cholera* by Gabriel Garcia Marquez, Victor Hugo's *The Hunchback of Notre Dame, 1984* and the *Animal Farm* by George Orwell, and Fyodor Dostoyevsky's *The Brothers Karamazov*.

If you are thinking the ban is aimed at Western influence, you're wrong. Many famous Arab authors have been banned as well, including Gibran Khalil Gibran, Ghassan Kanafani, Nizar Qabani, Ahmed Matar, Abdul Rahman Al Muneef, and Ali Al Wardi. Local Kuwaiti writers were not exempt: *The Mice of Momma Hissa* by Saud Al Sanousi, Bothayna Al Essa's *The Maps That Lead Nowhere* and *The Taste of Wolf* by Abdulla Al Bosais, to name a few.

The ban also did not exclusively pertain to novels. Books on science, economics, theology, history, drama, and anthologies of political articles that had

<sup>4</sup> Erm News, May 2<sup>nd</sup> 2019, <https://www.ermnews.com/entertainment/arts-celebrities/1794156>. [Arabic].

hitherto been widely published in our newspapers have fallen under the suspicious eye of the government. For example the censors targeted *The Little Mermaid*, for children between five and seven, because the image of "Ariel," the iconic mermaid sporting a bikini, was considered too "revealing."

If they graciously provide a reason for their decisions, the censors are almost always vague what specifically offends. For example, Saud Al Sanousi's novel was banned because an inspector considered it upsetting to Sunni-Shiite relations. In the book, the author predicts a sectarian war, but ultimately aims to convey a message of coexistence. The idea is that the racism and hatred fueling sectarian tensions could end up destroying the entire community if not checked by citizens who come together to build stronger societal pillars.

Al Essa's novel tells the story of a boy who was kidnapped while on the *Hajj* or holy pilgrimage with his parents in Mecca; he is then trafficked and sexually abused. The reason for the ban, the Ministry of Information explained, was because the story could offend neighboring Saudi Arabia where it takes place. It did not matter that the work is actually solid in the kingdom, even in Islam's holiest city!

The ministry prohibited Kuwaiti playwright Hiba Hamada's manuscripts because one character is named "Ali" and another "Aisha" – both are very popular in Kuwait. The use of such names in a children's play will deepen the Sunni-Shiite rift, the ministry charged, as Ali is a predominantly Shiite name, but not exclusively so, and Aisha is mostly popular among Sunnis, but again, not exclusively so.

There is an appeals process – you might be wondering – but it is fairly corrupt. Every time the media criticizes the ministry for another prohibition, the head minister frequently replies that censored authors have the right to object before the body's appeals committee. But this is where things get comical. The "appeals committee" is the same body that issued the ban in the first place. Furthermore, appeals are almost always turned down. If the author wants to continue the challenge further in court, and that body rules in favor of writers, the ministry can turn appeal the court's decision. Justice, it seems, runs circular in these parts.

Nevertheless, we must place all trust in the ministry because its committee of inspectors supposedly comprises highly educated academics and members of the Kuwaiti Writers' Society, we are told, even though it does not want to reveal their names.

Information Minister Mohammed al-Jabri, previously a parliamentarian, became something of a national joke in 2014 when he announced in a press conference that he will not allow Mawlana Jalal ad-Din Muhammad Rumi into Kuwait for a literary event dedicated to this famed Sufi poet. "*Mawlana*" in Arabic means "our lord." The video of the minister refusing

the Persian poet's entry into the country – a man who died some 800 years ago – and angrily stating that there is no Lord but Allah, became a popular gif.

When a number of activists and I met with the minister, we requested he change the book inspections rules to be post-publication rather than prior to publication, as is the procedure with newspapers. We also asked him to end the book ban and replace inspectors with writers and highly educated individuals, instead of religious radicals who occupied the posts. He flatly declined our requests, even though they are all in line with the constitution.

Our fourth protest on November 14 coincided with the opening day of Kuwait's national book fair, held annually. It is perhaps not surprising the fewer publishers participate in the yearly fair due to the tightening censorship, costing the organizers thousands of Kuwaiti Dinars. The effect is just to encourage Kuwaitis to buy books abroad from the Sharjah and Riyadh book fairs, both held within weeks from each other.

This last protest came after the ministry's absurd announcement that it might permit the sale of some banned works in the fair if these same books are on sale in neighboring Gulf countries. It was just a conciliatory ploy as none of the banned books were ever released for the fair. Moreover, to allow only books permitted by neighboring states was a slap in the face given that Kuwait, as I always like to remind people, was once the most progressive state in the region.

Let's face the censorship beast squarely in the face and say that banning books is dangerous because it essentially means snuffing out education. It is a dirty government business that will end up turning Kuwaiti society into a very shallow, unthinking and easily controlled society.

And now the latest punch in the gut for anyone who cares about free speech and expression. The Kuwaiti Supreme Court has ruled that anyone protesting for any cause will be banned from employment both in the public and private sector. The court provided that any employment candidate is required to have a clean record of crimes maligning their honor and integrity, categorizing the act of protesting as such crime. In addition to this the ministry of information recently announced it is planning to close down any Twitter account that isn't personalized or registered with the owner's real name. But at this point, do you need further proof that the government is intent on dissolving our once-cherished freedoms?

The Kuwaiti Authorities' tactics to silence its people ranges from: persecution and imprisonment, prohibiting public demonstrations, shutting down social media accounts, dissolving nongovernmental societies and organizations and prohibiting their

activities<sup>5</sup>, and implementing travel bans. The most drastic form of punishment has been the stripping away of one's citizenship. This final measure includes the stripping away of an individual's passport, civil ID, and citizenship, without which one cannot access one's civil rights, this measure does not only affect the individual himself but his family too, as citizenship in Kuwait is gained by being borne to a Kuwaiti father.

In addition to the above, Kuwait does not grant its nationals who have sought asylum in foreign countries due to prosecution for their political and religious views, the right to defend themselves in the Kuwaiti courts via their local attorneys. The charged must attend their court hearing in person, putting them in greater risk of a travel ban and a harsh jail sentence.

The three main accusations Kuwaiti individuals have been charged with are:

1. Defamation of the Emir, this is an elastic offence including any speech directed to the Emir even when the speech does not hold any intention of offence. I was personally accused of defamation in 2012 for writing that the Emir is responsible for all the corruption in Kuwait. When the Emir holds all true legislative and executive power, and is the main decision maker in the country, why is it considered defamation to hold him accountable for the deterioration of the state? Other accused of defamation such as *Saqr Al Hashash* was charged with 90 years in prison<sup>6</sup>, *Al Hashash* is now a political refugee living in the Netherlands.

2. Blasphemy and insulting Islam: this charge has been used against any individual who expresses an unpopular opinion regarding Islam, or anyone criticizing the Muslim sects *Shia and Sunna*. *Mohammed Al Mael* (19 years old) was charged with 10 years imprisonment for criticizing the Sunni sect, and *Fuwad Al Rifae* received 8 years in jail for criticizing the Shia sect. *Al Mael* is now a refugee in the UK, and *Al Rifae* in the UAE.

3. Criticizing or offending neighboring states: any criticism towards a neighboring state on media is punished with imprisonment. *Abduhameed Dashti* (a former PM) is sentenced with 62 years in prison for criticizing Saudi Arabia, and *Abduallah Al Saleh* is sentenced with 38 years for the same charge<sup>7</sup>. The former fled to Switzerland, and the latter to the UK.

<sup>5</sup> Kuwait's Liberal Society, later named Kuwait's Liberty Society was shut down by Kuwait authorities due to the society members' unpopular opinions in the conservative state, June 29<sup>th</sup> 2018, <https://www.alhurra.com/a/-حل-444336/مجلس-إدارة-جمعية-الحرية-.html>. [Arabic].

<sup>6</sup> The Upper Hand Organization, *A Report on the Development of Kuwait's Political Refugee 2011-2019*, <https://uhorg.com/files/documents/UHO28041901.pdf>.

<sup>7</sup> Al Rushaid, A., 'A Report prepared by Kuwaiti Human Rights Activist Anwar Al Rushaid, Presented at the Vienna Convention', March 2019.

Every time a harsh sentence is announced in the papers, it is as if a small stone is dropped in a lake causing few ripples, a few public statements from PMs promising to take action, promising to amend these restricting and unjust laws. Small, weak groups calling themselves liberals, or human right activists call for change on social media, but a few days later, all is forgotten and all is back to normal again. Freedom of speech has become so restricted in Kuwait that the mere 'retweeting' of a controversial tweet can land you in prison.

I decided it wasn't safe for me to stay in Kuwait and longer, fearing for my thirteen year old daughter if I was imprisoned. I left Kuwait with my daughter and sought asylum in the United States late December 2018. The Kuwaiti court's decision was to "seize stating the penalty" in regards to the charges pressed against me of blasphemy, insulting Islam and misuse of phone. The authorities have appealed the court's decision, considering it too lenient. My appeal date is October 6th 2019.

### Conclusion:

Kuwait faces serious fears of slipping into oppressive authoritarian rule as its people lose faith in its leadership, their representatives, and its sixty-year-old constitution. As Kuwaiti people fear demonstrations and speaking-up on social media to express their opposition, the bottled up resentment they feel due to the butchering of their liberties may bring the small state to dangerous consequences.

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