



ماات للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights



Under Siege Freedom of Expression in the Gulf Regions

(Qatar, Bahrain & Kuwait)

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An Introduction

There is no doubt that freedom of opinion and expression and other related rights such as the right to peaceful assembly and the right to obtain information are among the fundamental rights affirmed by international charters and declarations of human rights. Although international law recognizes these rights and obligates states to take measures and put in place the necessary mechanisms to achieve and protect their exercise, in reality, there are many restrictions and obstacles imposed by countries to restrict the exercise of these rights, especially in Gulf States such as Qatar, Bahrain, and Kuwait, where freedom of opinion is extensively violated. This is particularly evident in the countries' vaguely-worded laws on public security, which are frequently used to punish the freedom of expression that is legally guaranteed in international human rights law. Although these countries have long had some laws that punish critics, which is in conflict with the right to freedom of opinion and expression, they are still imposing more repressive laws, such as the anti-terrorism or the cybersecurity laws, which are largely used to silence all dissenting voices and put critics and human rights defenders behind bars.

In addition, these countries usually use vaguely-worded laws and loose terms that lack the slightest guarantees of freedom of expression, such as the concept of false news, or the dissemination of false information, with the aim of imposing a comprehensive ban on the dissemination of information and harassment of opposition and human rights defenders and preventing any opinions that may oppose in one way or another the policies developed by these countries, which clearly contradict international standards and human rights laws.

In this report, we discuss how the right to freedom of opinion and expression is practiced in Qatar, Bahrain and Kuwait and highlight the situation of human rights defenders there. The report is concluded with a set of recommendations that Maat deem necessary for promoting the right to freedom of expression and opinion in a manner that is in line with the international standards regulating the situation of this right in the three countries.

The right to freedom of opinion and expression in international and regional charters

The right to freedom of opinion and expression is a complex right that includes the right to seek, receive and impart information and ideas of all kinds. Therefore, under the

flag of freedom of expression, there is a bundle of other related freedoms; such as freedom of expression, press freedom, media freedom, freedom of information, academic freedom, freedom of creation, digital freedoms, the freedom of association that include the rights of workers to organize, strike, and assembly. The exercise of these freedoms depends chiefly on ensuring the freedom of expression in the first place, given that it is the root freedom, upon which all other freedoms depend.

The international community has paid great attention to human rights and fundamental freedoms as a guarantee for achieving international peace and security. States are obligated to guarantee human rights and freedoms in their constitutions and domestic laws. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guaranteed the right to freedom of opinion and expression for individuals and states, as it is necessary for the realization of other human rights. The right to freedom of opinion and expression is a fundamental right in a number of international and regional agreements. **Article 19 of the International Covenant on Civil and Political Rights (ICCPR) is the basic international framework that codifies this right. It provides the following:**

- ☞ Everyone shall have the right to hold opinions without interference.
- ☞ Everyone shall have the right to freedom of expression; this right shall include 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.
- ☞ The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - For respect of the rights or reputations of others;
 - For the protection of national security or of public order (ordre public), or of public health or morals.¹

As for the 2004 Arab Charter on Human Rights (ACHR), it violated this basic principle in international law; it allowed for restrictions on freedom of opinion and expression. Article 32 of the Arab Charter states that:

¹ حرية الرأي والتعبير وفقاً للمعايير الدولية لحقوق الإنسان - صحيفة الرأي، الرابط، <http://alrai.com/article/520306.html>

- ☞ This charter guarantees the right to information and freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas of all kinds regardless of geographical borders.
- ☞ These rights and freedoms are exercised within the framework of the basic foundations of society and are subject only to restrictions imposed by respect for the rights or reputation of others, protection of national security, public order, public health or public morals.²

Restrictions on freedom of opinion and expression according to national constitutions and laws

National Constitutions of Qatar, Bahrain, and Kuwait have circumvented the protection of the right to freedom of opinion and expression. Although these Constitutions explicitly guarantee the right to freedom of opinion and expression for citizens, they left the issue of regulating this right to internal laws, which have always restricted the right to freedom of opinion and expression, imposed more arbitrary restrictions on its exercise, and considerably threatened anyone holding a dissenting or critical opinion of the views and orientations of the state and its ruler.

In **Qatar**, although the constitution guarantees in Articles 46, 47 & 48 the right to freedom of opinion and expression for citizens, as it stipulates that “everyone has the right to address public authorities,” that “freedom of opinion and scientific research is guaranteed,” and that “freedom of the press, printing and publication is guaranteed as well.” However, the Qatari constitution has restricted the exercise of these rights in accordance with the terms and conditions specified by law, which made these constitutional rights inactive and dependent on other restrictive laws.³

Many Qatari national laws have significantly restricted the individual's exercise of their peaceful right to freedom of opinion and expression. Among the laws restricting freedom of opinion and expression are the following: -

- The Media Law promulgated in 2012 and the Press and Publication Law of 1997, which regulates all issues related to the press. Article 46 thereof prohibits criticizing the Emir of Qatar and punishes it with a penalty not exceeding 6 months,

² مرفت رشموي، الحق في حرية الرأي والتعبير من منطلق القانون الدولي، منظمة العفو الدولية، الرابط،

<http://www.amnestymena.org/Magazine/Issue16/righttofreedom.aspx?media=print>

³ البوابة القانونية لقطر، المادة رقم 46 و 47 و 48 من الدستور القطري، للإطلاع على كامل مواد الدستور أنظر الرابط التالي:

<https://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=6677&lawId=2284&language=ar>

and Article 47 of the same law prohibits journalists from publishing any material that damage the superior interests of the State or that may violate public morals or disturb the economic conditions in the country.⁴

- Law No. (14) of 2014, Promulgating the Cybercrime Prevention Law significantly limits freedom of expression and opinion in Qatar. It criminalizes publishing false or incorrect news, or any content on the Internet that may be deemed violating the principles or social values or insult or slander others with a penalty not exceeding three years and a fine of not more than (500,000) riyals, without specifying what this false or incorrect news is, which opens the door wide for the criminal punishment of journalists and human rights defenders in Qatar.⁵
- The Qatari Penal Code issued by Law No. 11 of 2004, amended by Law No. 2 of 2020 contains in its articles many provisions restricting freedom of opinion and expression, which seriously contradict the provisions of the Qatari Constitution itself and the international human rights standards that guarantee freedom of expression and opinion. Article 134 thereof imposes a prison sentence of not more than five years on those who criticize the Emir or the deputy, and Article 136 of imposes a penalty of up to five years in prison or a fine of up to one hundred thousand riyals for spreading false rumors or news in bad faith, and whenever that is with the intention of harming the public interest of the state, affecting the social order, or stirring up public opinion, and Article 138 of the same law provides for the imprisonment of whoever insults through any public means the flag of the State or the flag of a non-hostile State, whether by destroying or lowering it, or by any other action expressing hate and disdain, in addition to Article 287 (bis) permitting the closure of newspapers in Qatar which are collecting money without permission.⁶

Hence, it can be said that the provisions of Qatari law explicitly contradict the provisions of the Qatari Constitution itself, as well as the provisions of Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and

⁴ البوابة القانونية لقطر، قانون رقم (8) لسنة 1979 بشأن المطبوعات والنشر، للاطلاع على كامل مواد القانون أنظر الرابط التالي:
<https://www.almeezan.qa/LawView.aspx?opt&LawID=414&language=ar>

⁵ البوابة القانونية لقطر، قانون رقم (14) لسنة 2014 بإصدار قانون مكافحة الجرائم الإلكترونية، للاطلاع على كامل مواد القانون أنظر الرابط التالي:

<https://www.almeezan.qa/LawPage.aspx?id=6366&language=ar>

⁶ البوابة القانونية لقطر، قانون رقم (11) لسنة 2004 بإصدار قانون العقوبات، للاطلاع على كامل مواد القانون أنظر الرابط التالي:

<https://www.almeezan.qa/LawPage.aspx?ID=26>

Political Rights, which states that everyone has the right to enjoy freedom of opinion and expression without restrictions.⁷

In **Bahrain**, the Constitution guarantees freedom of opinion and expression for citizens in its Articles 22 and 23. It stipulated that “freedom of conscience is absolute, and the state guarantees the inviolability of places of worship” and that “freedom of opinion and scientific research is guaranteed, and every person has the right to express his opinion and publish it by speech, writing or whatever means.” However, the Constitution provided in Article 24 the exercise of these rights is in accordance with the terms and conditions laid down by Bahraini law, and accordingly, such constitutional rights have become restricted in application by other laws that limit their enforcement in most cases.⁸

There are many Bahraini laws that significantly restrict freedom of opinion and expression that is legally guaranteed in the Bahraini Constitution itself, and in international human rights charters and laws, including: -

- Law No. (47) of 2002 on the organization of the press, printing and publishing, provides for imprisonment of up to five years in the case of publishing anything that insults the person of the king or that might endanger the security of the state or incite the overthrow of the system.⁹
- Anti-cybercrime law, which limits freedom of expression and information circulation on the Internet.
- The penal code amended in February 2014, which stipulates in many of its articles prison sentences for individuals exercising their right to expression and opinion. Article 214 thereof provides that a punishment of imprisonment for a period of no less than one year and no more than seven will be inflicted upon any person who offends in public the Monarch of the Kingdom of Bahrain, the flag or the national emblem. In Article 215, imprisonment for a period not exceeding two years for anyone who publicly insults a foreign country or a foreign organization based in the State of Bahrain. Besides, it stipulates in Article 216 that imprisonment for a period not exceeding 3 years or a fine not exceeding 500 dinars is inflicted upon

⁷ المادة 19 من الإعلان العالمي لحقوق الإنسان، الرابط: <http://hrlibrary.umn.edu/arab/b003.html>

⁸ المادة رقم 22 و23 و24 من دستور مملكة البحرين، للإطلاع على كامل مواد الدستور أنظر الرابط التالي:

<https://www.wipo.int/edocs/lexdocs/laws/ar/bh/bh020ar.pdf>

⁹ مؤسسة الكرامة، الاستعراض الدوري الشامل، البحرين، الدورة الثالثة، سبتمبر 2016، للإطلاع على كامل التقرير أنظر الرابط التالي: https://www.upr-alkarama.org/sites/default/files/document/bahrain/session_27_-_may_2017/alkarama_upr27_bhr_a_main.pdf

anyone who offends the National Assembly, the army, courts, or government agencies in Bahrain. Article 160 stipulates a prison sentence of up to ten years for promoting a change in the state system or inciting hatred against the government.¹⁰ All these articles contain loose terms and are vaguely-worded to allow for further restrictions on the right to exercise freedom of opinion and expression.

In **Kuwait**, and despite the Constitution's stipulation of the citizens 'right to freedom of opinion and expression in Articles 36 and 37, that "freedom of opinion and scientific research is guaranteed, and every human being has the right to express his opinion and publish it in speech, writing or otherwise, and that "freedom of the press, printing and publication is guaranteed." However, it restricts the exercise of these rights in accordance with the terms and conditions stipulated by Kuwaiti law, which made the exercise of these rights dependent on other laws restricting their operation and their enforcement.¹¹ As there are a number of Kuwaiti laws that considerably impede individuals from exercising their right to expression and opinion, which are: -

- Anti-Communications Regulatory Law No. 37 of 2014, which aims to control the content of information displayed in the media.¹²
- Anti-Cybercrime Law No. 63 of 2016, which includes 21 articles aimed at reorganizing a number of activities through the use of the Internet in Kuwait. In reality, the Anti-Cybercrime Law contains in its articles provisions that considerably limit freedom of expression and opinion on the Internet, and also includes loose restrictions that target freedom of opinion and expression, and impose further restrictions and harassment by the authorities on the freedoms of individuals.

In this context, Article 4 of the Anti-Cyber Crime Law stipulates a penalty of imprisonment or a fine for anyone who "creates a website to publish, produce, send or store information or data for the purpose of using, distributing or presenting it to others via the Internet, in the manner that violates public morals." Article 6 thereof stipulates imprisonment for a period not exceeding one year and a fine of up to 20,000 dinars for

¹⁰ المواد رقم 160، 2015، 214، 216 من قانون العقوبات البحريني، للإطلاع على كامل مواد القانون أنظر الرابط التالي: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=v&docid=589b5cbe4>

¹¹ المادة رقم 36 و 37 من دستور دولة الكويت، للإطلاع على كامل مواد الدستور أنظر الرابط التالي:

https://constitutionnet.org/sites/default/files/constitution_of_kuwait_1962_-_arabic.pdf

¹² قانون رقم 37 لسنة 2014 بإنشاء هيئة تنظيم الاتصالات وتقنية المعلومات (37 / 2014)، للإطلاع على كامل مواد القانون أنظر الرابط التالي:

<https://law.almohami.com/%D9%82%D8%A7%D9%86%D9%88%D9%>

anyone who criticizes the head of state, shows contempt for the state's constitution, insults the judiciary, infringes their integrity and impartiality, violates public morals, or incites a disturbance of public order or a violation of the law even if no crime does occur, in addition to Article 7 of the same law stipulating imprisonment for up to 10 years in case of publishing any material that incites the overthrow of the government.¹³

Hence, the right to freedom of opinion and expression, which is legally guaranteed in the Kuwaiti Constitution and in international human rights instruments, has been restricted to a large extent by a number of vaguely-worded laws that have subjected the critics of the government policies and human rights defenders in Kuwait to harassment and prosecution by the Kuwaiti authorities.

The major violations of freedom of opinion and expression

Journalists and human rights defenders in Qatar, Bahrain and Kuwait are constantly targeted and prosecuted by the authorities, which is clearly evident in the cases of arbitrary detention, forced detention and unfair trials that they are subjected to in these countries based on national laws that are not in line with international standards and covenants to which these three countries are party.

The International Covenant on Civil and Political Rights ratified by the three countries, in addition to the Universal Declaration of Human Rights, has guaranteed freedom of association, which is manifested through the right to establish and join trade unions, and freedom of opinion and expression, which contained articles affirming the need to respect the rights and the independence of journalists, human rights defenders and civil society activists.¹⁴

In Qatar, human rights defenders, including trade unionists, lawyers, journalists and opinion activists, have been subjected to widespread violations during the past years. In January 2018, a meeting of the Federation of Nepali journalists on press freedom held in Qatar was interrupted by police who arrested two journalists, interrogated them and then deported them.¹⁵ In October 2018, the Qatari authorities detained two journalists working for the Times of Swaziland in an attempt to prevent

¹³ Kuwait: New Cyber Crimes Law restricts expression and targets online activists, 21 January 2016, available at: <https://www.article19.org/resources/kuwait-new-cyber-crimes-law-restricts-expression-and-targets-online-activists/>

¹⁴ إعلان حماية المدافعين عن حقوق الإنسان، الجزية، 9 مارس 2016، الرابط: [https://www.aljazeera.net/encyclopedia/encyclopedia-](https://www.aljazeera.net/encyclopedia/encyclopedia-humanrights/2016/3/9)

[humanrights/2016/3/9](https://www.aljazeera.net/encyclopedia/encyclopedia-humanrights/2016/3/9)

¹⁵ استعراض حالة حقوق الإنسان في الشرق الأوسط وشمال أفريقيا خلال عام 2018، منظمة العفو الدولية، قطر، الرابط:

<https://www.amnesty.org/ar/latest/research/2019/02/human-rights-in-the-middle-east-and-north-africa-2018>

them from investigating the involvement of Qatari diplomats in an armed incident in the Swaziland capital, Mbabane.¹⁶

At the beginning of 2019, the Qatari authorities arrested two Egyptian journalists, Walid Abdel Aziz and Ali Mohamed Salem, without clear charges and without informing their family of the reasons for the detention.¹⁷ In February 2019 the Qatari authorities arrested the human rights activist, Latifa Al-Musifri, for publishing cases of injustice and persecution practiced by the government against certain groups.¹⁸

Prominent human rights lawyer Dr. Najeeb Al-Nuaimi has complained about a travel ban imposed on him in Qatar since 2017. Al-Nuaimi is considered one of the most prominent defenders of prisoners of conscience in Qatar, including the poet Mohammed Rashid Al-Ajmi, who was sentenced to life imprisonment in 2011 before he was released in 2016, after serving five years in prison for a poem he wrote criticizing the Emir of Qatar.¹⁹

On 16 April 2019, the Qatari authorities arbitrarily closed the Doha Centre for Media Freedom (DC4MF), thus canceling the employment contracts of its employees and journalists without prior notice and without any compensation commensurate with the number of years of their work.²⁰ In December 2020, journalist and blogger Faisal Muhammad Al-Marzouki was sentenced to three months' imprisonment with a stay of three years' suspension, and his Twitter account was seized following a tweet he posted in June 2020 in which he criticized the education system in Qatar.²¹

In January 2021, the Lawyers' Admission Committee issued a decision to remove lawyer Abdullah Ahmed Taher from the list of lawyers working without being subjected to investigation, which violates the independence of lawyers and human rights defenders in Qatar. This ruling came after "Taher" criticized Qatar Central Bank's decision

¹⁶ الدوحة تحتجز صحفيين اثنين في سفارة بإفريقيا، البوابة نيوز، 28 أكتوبر 2018، أنظر الرابط: <https://www.albawabhnews.com/3341789> بعد اعتقال مصريين.. البرلمان يتحرك دوليا ضد انتهاكات قطر، العين الإخبارية، 10 يونيو 2019، الرابط: <https://al-ain.com/article/egypt-qatar-terrorim>

¹⁷ تنظيم "الحمدين" يعتقل الناشطة لطيفة المسيفري لنشرها فضائحه، البوابة نيوز، 24 فبراير 2019، الرابط: <https://www.albawabhnews.com/3498182> ¹⁸ تنظيم "الحمدين" يعتقل الناشطة لطيفة المسيفري لنشرها فضائحه، البوابة نيوز، 24 فبراير 2019، الرابط: <https://www.albawabhnews.com/3498182> ¹⁹ قطر: محامي حقوق الإنسان الدكتور نجيب النعيمي يحتج على حظر السفر المفروض عليه، مركز الخليج لحقوق الإنسان، 30 أبريل 2018، الرابط: <https://www.gc4hr.org/news/view/1842>

²⁰ السلطات تغلق بصورة تعسفية مركز الدوحة لحرية الإعلام، مركز الخليج لحقوق الإنسان، 6 مايو 2019، الرابط: <https://www.gc4hr.org/news/view/2128> ²¹ السلطات تمارس قمع حرية التعبير للجميع وبضمنهم الصحفيون الموالون، مركز الخليج لحقوق الإنسان، 3 يناير 2021، الرابط: <https://www.gc4hr.org/news/view/2565>

to calculate the interest and profits of deferred installments due to the precautionary measures taken by the Qatari authorities to combat the Coronavirus.²²

Therefore, the Qatari government's violations against activists and human rights defenders in Qatar are clearly evident in the detention of journalists and lawyers on flimsy charges based on political considerations, the closure of the media, and the imposition of unjustified restrictions on the activities of civil society organizations and associations in a way that impedes their performance of their work.

In **Bahrain**, human rights defenders, including civil society activists, lawyers, journalists and social media activists, face systematic violations on a large scale, which has become evident in the series of arbitrary arrests and unfair trials committed by the Bahraini authorities over the past years. Bahrain's most prominent human rights defenders are in jail, facing ill-treatment. For example, prominent human rights defender and former President of the Bahrain Centre for Human Rights (BCHR), Abdulhadi Al-Khawaja, and Abduljalil al-Singace, leader in the unrecognized opposition group Al Haq, remain serving lengthy prison terms since their arrest in 2011 for their effective participation in the Bahraini uprising of 2011.²³ In February 2016, Bahraini courts sentenced the social media activists, Haji Ahmed and Boukhamis, to 5 years in prison, after they were accused of spreading false and provocative propaganda in wartime.²⁴

On June 13, 2016, the Bahraini authorities arrested the human rights activist, the Founding Director of GCHR and President of the Bahrain Centre for Human Rights (BCHR), Nabeel Rajab. On 31 December 2018, the Court of Cassation in Bahrain upheld Rajab's five-year prison sentence for peaceful comments on his Twitter account about civilian deaths in Yemen by the Saudi Arabia-led coalition, and allegations of torture in Jaw prison was made. In June 2020, Rajab was freed to serve the remaining three years of his sentence at home under a provision of the law allowing non-custodial sentences. He will not be allowed to get involved in any human rights activities during this period of time.²⁵

²² قطر: يدعو مركز الخليج لحقوق الإنسان الحكومة إلى احترام استقلالية المحامين، مركز الخليج لحقوق الإنسان، 26 يناير 2021، الرابط:

<https://www.gc4hr.org/news/view/2587>

²³ البرلمان الأوروبي يتبنى قرارًا عاجلاً يطالب بالإفراج عن المدافعين عن حقوق الإنسان، مركز الخليج لحقوق الإنسان، 15 مارس 2021، الرابط:

<https://www.gc4hr.org/news/view/2641>

²⁴ مرصد البحرين لحقوق الإنسان، إفادة إلى الفريق العامل بشأن الاستعراض الدوري الشامل الثالث لدولة البحرين، 22 سبتمبر 2016، الرابط:

https://www.upr-info.org/sites/default/files/document/bahrain/session_27_-_may_2017/bhro_upr27_bhr_a_main.pdf

²⁵ حقوق الإنسان في منطقة الخليج والدول المجاورة في مواجهة الإغلاق وقيود إضافية، مركز الخليج لحقوق الإنسان، 24 مارس 2021، الرابط:

file:///C:/Users/ahmedshafra/Downloads/GCHR_-_Annual_Report_-_24_March_2021_Ar_FF.pdf

In 2017, the Ministry of Information Affairs in Bahrain closed the only remaining independent newspaper in the country, al-Wasat. In March 2019, human rights defender Ibrahim Sharif, leader of the political association known as Waad, was convicted of six months in prison for insulting Sudanese President Omar Al-Bashir, in a tweet he posted on his Twitter.²⁶

On May 15, 2019, the Bahraini authorities arrested lawyer Abdullah Hashem for posting a tweet that criticized the Bahraini authorities, and on June 30, 2020, the Bahrain Court of Appeal issued an 8-month prison sentence against prominent human rights defender Abdullah Al-Shamlawi, after his critical tweets offended the government.²⁷

In this light, the systematic violations committed by the authorities in Bahrain against human rights defenders are clearly evident, in contradiction to the state's international commitment in this regard.

In **Kuwait**, human rights defenders, including lawyers, social media activists, and journalists, are subjected to various violations by the Kuwaiti authorities, such as humiliating and degrading torture, revocation of nationality, and arbitrary detention based primarily on considerations of politicized and unfair trials. On May 15, 2015, the Kuwaiti Monetary Court sentenced a former member of the Kuwaiti Parliament, Musallam Al-Barrak, to two years in prison for insulting the Emir, and in February 2018, the Court of Cassation upheld prison sentences issued against 13 people for publishing and chanting excerpts and quotes from Musallam Al-Barrak's speech.²⁸

On February 28, 2018, the Kuwaiti authorities arrested the social media activist who runs the "The Marxist: Supporter of the People" twitter account, after identifying his identity. He was known for his bitter criticism of the rampant corruption in the State of Kuwait, as well as his criticism of the failure of government agencies and their officials to carry out their duties towards society. The social media activist was released in March 2020 on a 1,000-dinar bail.²⁹ In July 2018, the Court of Cassation upheld the convictions of 16 human rights defenders, politicians and protesters, including 8 deputies in the

²⁶ استعراض حالة حقوق الإنسان في الشرق الأوسط وشمال أفريقيا خلال عام 2019، منظمة العفو الدولية، قطر، الرابط:

<https://www.amnesty.org/download/Documents/MDE0113572020ARABIC.PDF>

²⁷ حقوق الإنسان في منطقة الخليج والدول المجاورة في مواجهة الإغلاق وقيود إضافية، مركز الخليج لحقوق الإنسان، 24 مارس 2021، الرابط:

<file:///C:/Users/ahmedshafra/Downloads/GCHR - Annual Report - 24 March 2021 Ar FF.pdf>

²⁸ حالة حقوق الإنسان في الكويت، ماعت للسلام والتنمية وحقوق الإنسان، مايو 2019، الرابط:

https://www.upr-info.org/sites/default/files/document/kuwait/session_35_-_january_2020/maat_upr35_kwt_a_main.pdf

²⁹ الكويت: إطلاق سراح المغرد الماركسي نصير الشعب واستمرار حبس محامي حقوق الإنسان هاني حسين، مركز الخليج لحقوق الإنسان، 27 أبريل 2020، الرابط:

<https://www.gc4hr.org/news/view/2340>

Kuwaiti Parliament, on charges related to participating in the 2011 demonstrations.³⁰ In October 2019, the criminal court sentenced human rights activist Abdullah Saleh to three years in prison on charges of insulting the Emir.³¹

On January 28, 2020, the Fourth Circuit Criminal Court issued prison sentences, in some cases to life imprisonment, against 16 human rights defenders, describing them as "illegal residents."³² On February 8, 2020, security personnel from the General Directorate of Residence Affairs Investigation arrested human rights defender and journalist Hamza Al-Hammadi from Yemen, following his participation in a seminar entitled, "Human Rights and Civil Society in the Gulf Cooperation Council (GCC) Countries".³³

On February 19, 2020, the Kuwaiti authorities arrested human rights defender Hani Hussein, and accused him of publishing news about the separating region between Kuwait and Saudi Arabia and violating the national unity law, but the Kuwaiti authorities released him in April 2020 on a bail of 5,000 Kuwaiti dinars.³⁴ On March 10, 2020, the Cybercrime Department summoned the journalist Abdul Aziz Al-Shaban, who was investigated for his tweet in which he criticized normalization with Israel,³⁵ and on July 20, 2020, the Court of Appeal sentenced Nasser Al-Duwailah, a former member of the Kuwaiti Parliament, to six months imprisonment and a fine of two thousand Kuwaiti dinars for insulting the UAE on his Twitter account.³⁶ On November 18, 2020, the Kuwait Anti-Cybercrime Department summoned the human rights defender, Hadeel Bou Qurais, and investigated her about her peaceful activities on the Internet, and she was charged with public insulting and defamation, following tweets she published in August 2020 on her Twitter account.³⁷

³⁰ https://www.upr-info.org/sites/default/files/document/kuwait/session_35_-_january_2020/kbct_upr35_kwt_a_main.pdf

³¹ استعراض حالة حقوق الإنسان في الشرق الأوسط وشمال أفريقيا خلال عام 2019، منظمة العفو الدولية، قطر، الرابط: <https://www.amnesty.org/download/Documents/MDE0113572020ARABIC.PDF>

³² حقوق الإنسان في منطقة الخليج والدول المجاورة في مواجهة الإغلاق وقيود إضافية، مركز الخليج لحقوق الإنسان، 24 مارس 2021، الرابط:

file:///C:/Users/ahmedshafra/Downloads/GCHR_-_Annual_Report_-_24_March_2021_Ar_FF.pdf

³³ حقوق الإنسان في منطقة الخليج والدول المجاورة في مواجهة الإغلاق وقيود إضافية، مركز الخليج لحقوق الإنسان، 24 مارس 2021، الرابط:

file:///C:/Users/ahmedshafra/Downloads/GCHR_-_Annual_Report_-_24_March_2021_Ar_FF.pdf

³⁴ الكويت: سجن محامي حقوق الإنسان هاني حسين، مركز الخليج لحقوق الإنسان، 22 فبراير 2020، الرابط: <https://www.gc4hr.org/news/view/2328>

³⁵ حقوق الإنسان في منطقة الخليج والدول المجاورة في مواجهة الإغلاق وقيود إضافية، مركز الخليج لحقوق الإنسان، 24 مارس 2021، الرابط:

file:///C:/Users/ahmedshafra/Downloads/GCHR_-_Annual_Report_-_24_March_2021_Ar_FF.pdf

³⁶ World report 2021, kuwait Events of 2020, Human Rights Watch, Entry date January 30, 2021, published January 4, 2021 posted on the following link: <https://www.hrw.org/world-report/2021/country-chapters/kuwait>

³⁷ الكويت: مدافعة حقوق الإنسان هديل بو قريص تواجه المحاكمة، مركز الخليج لحقوق الإنسان، 29 مارس 2021، الرابط: <https://www.gc4hr.org/news/view/2662>

In light of the above, the widespread violations committed by the authorities of the three countries (Qatar - Bahrain - Kuwait) against human rights defenders, including opinion activists, lawyers, journalists and social media tweeters, are clearly evident, and represent clear violation of international human rights charters and standards, including the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the Declaration on the Protection of Human Rights Defenders.

Conclusion & Recommendations

In sum, it can be said that there is a series of arbitrary laws that have considerably restricted the exercise of the right to freedom of opinion and expression in Qatar, Bahrain and Kuwait, and the work of human rights defenders there, including opinion activists, journalists, trade unionists, and lawyers, which seriously contradicts international human rights laws and charters, such as the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, enshrining the rights of individuals to enjoy freedom of opinion and expression without restrictions or conditions. In this context, **Maat for Peace, Development and Human Rights** urges the State of Qatar, Bahrain and Kuwait to consider the following recommendations with the aim of promoting the enjoyment of the right to freedom of opinion and expression.

➤ **Recommendations submitted to the State of Qatar:**

- To amending the Anti-Cyber Crime Law No. 14 of 2014, the Media Law issued in 2012, and the Press and Publication Law of 1997, to be in line with international human rights standards.
- To repealing Articles 134, 136 & 138 of the Qatari Penal Code No. 11 of 2004, which is amended by Law No. 2 of 2020, which contains provisions restricting the right of individuals to opinion and expression, in order to bring them in line with international human rights standards.
- To stop using loose and vague terms in national legislation and laws for the purpose of their use by public prosecutors and judges to restrict freedom of opinion and expression.
- To immediately and unconditionally release all detainees, and prisoners of conscience in Qatar, topped by the activist Latifa Al-Misfiri and the two Egyptian journalists, Walid Abdel Aziz and Ali Muhammad Salem.

- To lift the travel ban imposed on the prominent lawyer and human rights defender Dr. Najeeb Al-Nuaimi and to allow him express his views.

➤ **Recommendations submitted to the State of Bahrain:**

- To amending Law No. (47) of 2002 regarding the regulation of the press, printing and publishing, the Anti-Cyber Crime Law, and Articles 214, 215 and 216 of the Penal Code, as amended in February 2014, to bring them in line with international human rights standards.
- To stop the practice of forcibly closing or suspending media outlets.
- To immediately release all detainees and prisoners of conscience arrested since the 2011 uprising.
- To stop the prosecution of activists and political opposition.
- To revise all national laws and replace the loose terminology and the vaguely-worded phrases with clearer ones so that they are not invoked by prosecutors and judges to restrict individuals' freedom of expression and opinion.

➤ **Recommendations submitted to the State of Kuwait:**

- To amend the Telecommunications Regulatory Law No. 37 of 2014, and the Anti-Cybercrime Law No. 63 of 2016, to bring them in line with international human rights standards.
- To take serious steps to revise the Press and Publication Law in a manner that guarantees freedom of opinion and expression.
- To establish a national media mechanism to reduce government censorship of all kinds of media.
- To stop the prosecution of opinion activists, human rights defenders and political opposition.
- To immediately release prisoners of conscience detained in Kuwait, topped by Al-Bedoon activists, and to stop prosecuting them.
- To revise all national laws and replace the loose terminology and the vaguely-worded phrases with clearer ones so that they are not invoked by prosecutors and judges to restrict individuals' freedom of expression and opinion.