



# General Assembly

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## Human Rights Council

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Agenda item 6

### Universal periodic review

## **Written statement\* submitted by International Council Supporting Fair Trial and Human Rights, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2023]

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\* Issued as received, in the language of submission only.



## **The Human Rights Situation In Kuwait**

The authorities in Kuwait took serious steps in this new era, dissolving parliament, dismissing the government, and forming a new cabinet, in a move that created an atmosphere of satisfaction among the people, and was welcomed by human rights legislators, activists, and civil society. This was done in a step to eliminate tampering and fraud with electoral restrictions, which called for the optimism of the people that these steps would eliminate all grave violations, address shortcomings, and implement the recommendations of the Human Rights Council after restrictions were imposed on freedom of expression and opinion in Kuwait, as the Kuwaiti authorities exaggerated in its repressive practices targeting political activists and human rights defenders in Kuwait.

The latter is in addition to the restrictions imposed on academic freedom and freedom of the press, and the ban on some books and publications of political nature. Kuwaiti authorities have arrested government critics and activists and prosecuted them under articles in the Information Technology Crimes Act and the Penal Code, on charges that included statements deemed offensive to the emir. Moreover, many political and human rights activists have been targeted, interrogated, arrested and prosecuted simply for writing a post on social media or on websites.

Likewise, Kuwait has seen numerous authors and journalists criminally prosecuted, imprisoned, and fined for expressing their opinion. On the other hand, the criminal measures taken against journalists raise questions about the reality and extent of Kuwait's commitment to its legislation and constitution, in addition to the International Covenants on Civil and Political Rights. In this context, we also looked at Kuwaiti legislation related to associations, particularly Law No. 24 of 1962 regarding the organization of clubs and public benefit associations, and the difficulties Kuwaitis face in exercising their rights under Article 22 of the International Covenant on Civil and Political Rights, which Kuwait has ratified. It is considered necessary to point out that these restrictions are not permitted by Article 19, Paragraph 3, of the International Covenant on Civil and Political Rights.

In this context, it is the duty of the International Council Supporting Fair Trial and Human Rights to shed light on what happened regarding the Emir's pardon, which included a number of people who were forcibly displaced or because of accusations against them.

On November 22, 2022, the Government of Kuwait announced Emiri Decree No. 218/2022 issued by the Emir of the country, Sheikh Nawaf Al-Ahmad Jaber Al-Sabah, which included granting a special pardon for the crimes for which a number of people forcibly displaced outside their country or imprisoned due to accusations of committing the following crimes:

1. A hostile act against a foreign country
2. Broadcasting false news
3. Challenge the prince's rights
4. Offending judges
5. Misuse of the phone

The decree limited the date of the crimes from November 6, 2011 to December 31, 2021, which is one of the shortcomings of this amnesty and one of the reasons for its weakness.

And after the government published the details of the decree and assigned a committee headed by the Deputy Prime Minister and Minister of State for Cabinet Affairs and the membership of the Attorney General and the Undersecretary of the Ministry of Interior to prepare lists of those who meet the conditions, in order to complete the implementation of the royal wish and the Emir's initiative regarding providing amnesty for the children of citizens, in implementation of the provisions of Article 75 of the constitution. However, it is unfortunate that the forcibly displaced citizens and their families waited for more than two months for Kuwait to witness a clear governmental confusion regarding the execution of the decree and its implementation. This was apparent that this was due to political debates between the leadership and government on one hand, and the National Assembly and the people on the other, until the names of those included in the amnesty were leaked based on

the applicability of the articles of the decree issued and referenced, and 24 hours later, it came to our attention through our observers in Kuwait, that another decree was published in the Official Newspaper from 1/18/2023 with a new number 8/2023 without following the established constitutional mechanism, including the names deserving of amnesty according to the criteria set by Decree 218/2022 issued starting on 11/22/2022. And after deliberately omitting three of the beneficiaries, among them is Dr. Abdul-Hameed Abbas Dashti, President of the International Council Supporting Fair Trial and Human Rights, and this deliberately comes in a series of targeting him in a racial discriminatory manner, despite the applicability of all the criteria limited to Decree 2018/2022 that dropped all provisions which reflects the extent of the governmental administration's confusion and proves its inability to take practical reform steps in order to implement the recommendations (302) issued by the Human Rights Council in Geneva and obligating Kuwait to its international obligations.

And the International Council Supporting Fair Trial and Human Rights wishes the government of Kuwait to fully abide by its commitments and implement the recommendations issued by the review of the universal periodic report on the human rights file in Kuwait and to speed up the reform process and correct the course, especially by completing the general amnesty for prisoners of opinion with justice and absolute equality and without any form of hateful discrimination, respecting the right to freedom of opinion and expression, and cancelling all unjust sentences issued against activists, human rights defenders and those who exercise their rights in accordance with the Universal Declaration of Human Rights, the two international covenants and the constitution of Kuwait and the inclusion of all convicts and political refugees with a special amnesty in accordance with the aforementioned Decree No. 2018 issued on November 22 / 2022 / and affirming the avoidance of any kind of abhorrent racial discrimination by the authorities against the citizens of Kuwait and working with the rule of justice and equality between them in order to achieve the desired reconciliation and implement the recommendations of the Human Rights Council on discussing the universal periodic report of Kuwait and to achieve the desired welfare for the general public and contribute after this to the restoration of security in the Gulf and the region, and the achievement of international peace and security.

And to ensure that all rights enshrined in its constitution and in the International Covenant on Civil and Political Rights are respected and guaranteed. The International Council Supporting Fair Trial and Human Rights calls for the empowerment of all individuals within the territory of Kuwait and those under its jurisdiction to enjoy full human rights and not to practice any violations of their rights under any circumstances.

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