

March 6, 2000

His Highness Sheikh Jaber Al Sabah  
The Emir of Kuwait  
*by facsimile:* 965 539 3069

Your Highness:

The Committee on Academic Freedom in the Middle East and North Africa (CAF MENA), on behalf of the Middle East Studies Association of North America, is writing to express its deep concern with regard to a number of recent indications that intellectual and academic freedom are increasingly at risk in Kuwait. We are particularly disturbed by the January 22 sentencing in a Kuwaiti court of Dr. `Aleya Shu`ayb, a professor of philosophy at Kuwait University, to two months in prison for her writings. This followed the October 1999 sentencing of Dr. Ahmad al-Baghdadi, another Kuwait University professor, to one month in prison for an article he had published in a student newspaper.

The Middle East Studies Association comprises 2700 academics worldwide who teach and conduct research on the Middle East and North Africa. The association publishes the respected *International Journal of Middle East Studies* and is committed to ensuring respect for principles of academic freedom and human rights throughout the region.

During the last decade, Kuwait has taken many steps to establish a reputation as a leader in the region with regard to issues of freedom of thought and expression, and your government has promoted an atmosphere of tolerance for academics and ordinary citizens alike. The conviction and sentencing of these academics, however, takes place in a climate of growing constraints on the right to freedom of expression. Dr. Shu`ayb was sentenced, along with her publisher, Yahya al-Rubay`an, for publishing and distributing her 1993 book of poetry, *Spiders Bemoan a Wound*, without a permit. According to the court, the book "included expressions that violate God, and indecent and shameless expressions", although the ruling did not specify what these expressions were. Dr. Shu`ayb has asserted that the court ignored affidavits she had obtained from Islamic legal scholars attesting that her poetry did not touch on religion.

The same ruling also sentenced novelist Laila al-`Othman to a similar term. All three individuals have appealed the ruling and are out on bail. CAF MENA understands that an appeals court has announced that it will issue a decision on March 26.

While the complaints against Shu`ayb and al-Rubay`an were apparently initiated by individual Kuwaiti Islamists, the government prosecutor's office made the decision to bring the case to court to seek a conviction. Such prosecutions and rulings thus convey official approval and support for an atmosphere of intimidation against free, innovative and original thinking and writing by Kuwaitis associated with the country's most prestigious institutions. Dr. Shu`ayb was judged guilty of "publishing views that ridicule" religion under Kuwait's Press and Publications Law, the same law that was used to imprison Dr. Ahmad al-Baghdadi in October 1999 and was the basis for court proceedings against several other journalists and writers in 1998 and 1999.

CAF MENA thus regards the convictions of Dr. Shu`ayb and Dr. al-Baghdadi as indications of a disturbing erosion of freedom of expression, and clear violations of the basic human rights of Kuwaiti writers and thinkers. Intimidation, censorship and state suppression of intellectual activities contravene the International Covenant on Civil and Political Rights (ICCPR), which Kuwait as a signatory is pledged to uphold, as well as Kuwait's own constitution, which expressly protects these rights.

As an organization committed to defending the basic rights of all members of the academic community, it is not the intention of CAF MENA to support or dispute the particular opinions, ideas or research findings at issue on these cases. Rather we are committed to the view that the peaceful expression of thought and opinion should not be subject to criminal prosecution. To the extent that the Press and Publications Law allows for the imprisonment of individuals, including academics, for the contents of their writings, it directly violates this principle and threatens the university as an arena for independent thought and for the nurturing of a responsible and productive society.

We earnestly hope that the court of appeals will exonerate Dr. Shu`ayb, as well as Mr. al-Rubay`an and Ms. al-`Othman, and thereby uphold the right to freedom of expression. If it fails to do so, however, we urge you to act on Kuwait's legal obligation to implement the provisions of the ICCPR by pardoning them and clearing their reputations. We also urge you to ensure that the government does not pursue such prosecutions in the future. Finally, we ask that you take steps to secure the repeal of those provisions of the Press and Publications Law that contravene international human rights norms and law as set forth in the Universal Declaration of Human Rights and ICCPR.

Thank you for your consideration of this important matter.

Respectfully,

Mark J. Lowder  
Acting Executive Director

CC. Crown Prince & Prime Minister, Sheikh Saad al-Abdulla Al-Salem Al Sabah  
Minister of Justice, Dr. Saad Jassem Youssef Al Hashel  
Minister of Awqaf & Islamic Affairs, Dr. Adel Khaled Al Sebeih  
Minister of Education & Higher Education, Dr. Youssef Hamad Al Ibrahim  
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