

Columbia University in the City of New York



The Case of Hamad Al-Naqi (Kuwait Twitter Blasphemy Case)

Closed

Contracts Expression

MODE OF EXPRESSION

Electronic / Internet-based Communication

DATE OF DECISION

June 5, 2012

OUTCOME

Imprisonment

REGION & COUNTRY

Kuwait, Middle East and North Africa

JUDICIAL BODY

Supreme (court of final appeal)

TYPE OF LAW

Criminal Law

THEMES

Content Regulation / Censorship, Political Expression

TAGS

Blasphemy, Content-Based Restriction, On-line Expression, Social Media

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CASE ANALYSIS

Case Summary and Outcome

Hamad Al-Naqi, a Kuwaiti Shia blogger, was sentence by a Kuwaiti court to ten years imprisonment for violating Article 15 of the National Security Law and Article 111 of the Penal Code. These charges stem from comments that he posted on Tweeter that criticized the rulers of Saudi Arabia and Bahrain and insulted the Prophet Muhammed and his followers. His case was appealed on July 20, 2014, however, the lower court's decision and sentence was affirmed.

Columbia Global Freedom of Expression could not identify the official legal and government records on the case and that the information contained in this report was derived from secondary sources. It must be noted that media outlets may not provide complete information about this case. Additional information regarding this legal matter will be updated as an official source becomes available.

Facts

In March 2012, Hamad Al-Naqi posted comments to Twitter that were critical of the rulers of Saudi Arabia and Bahrain as well as the Prophet Muhammed and his followers. He was sentenced to ten years in prison on June 5, 2012. While in prison Al-Naqi has faced physical violence from other inmates. In response to this, authorities have placed Al-Naqi into solitary confinement. [1]

[1] *Kuwait: 10 Years for Criticizing Neighboring Rulers*, (June 7, 2012), <http://www.hrw.org/news/2012/06/07/kuwait-10-years-criticizing-neighborings-rulers>.

Decision Overview

On June 5, 2012, Kuwait's Court of First Instance held that Al-Naqi was guilty of "insulting the Prophet, the Prophet's wife and companions, mocking Islam, provoking sectarian tensions, insulting the rulers of Saudi Arabia and Bahrain and misusing his mobile phone to spread the comments." [1] The Court held that Al-Naqi had violated both Article 15 of the National Security Law as well as Article 111 of the Kuwaiti Penal Code.

Article 15 of the National Security Law prescribes a minimum three year sentence for "intentionally broadcasting news, statements, or false or malicious rumors...that harm the national interest of the state." [2] Additionally, Article 111 of the Penal Code states that a fine shall be imposed on anyone who "distributes, by any one of the public means specified in [A]rticle 101, opinions that include sarcasm, contempt, or belittling of a religion or a religious school of thought, whether by defamation of its belief system or its traditions or its rituals or its instructions." [3]

Al-Naqi was charged under both Article 15 and Article 111 for not only insulting the Prophet Muhammed, his followers. And the rulers of Saudi Arabia and Bahrain, but also for “spreading false information that was deemed to have tarnished Kuwait’s image abroad.” [4] The Court sentenced him to ten years in prison. His case was appealed on July 20, 20145 to the Kuwait’s highest court. However, the Court affirmed the lower courts sentencing.

[1] *Kuwait gets 10 years for Twitter blasphemy*, (June 4, 2012), http://articles.chicagotribune.com/2012-06-04/business/sns-rt-kuwait-prophetverdict-update-1l5e8h474w-20120604_1_shatti-sylvia-westall-kuwaiti-law.

[2] *Kuwait: 10 Years for Criticizing Neighboring Rulers*, (June 7, 2012), <http://www.hrw.org/news/2012/06/07/kuwait-10-years-criticizing-neighboring-rulers>.

[3] *Kuwait: 10 Years for Criticizing Neighboring Rulers*, (June 7, 2012), <http://www.hrw.org/news/2012/06/07/kuwait-10-years-criticizing-neighboring-rulers>.

[4] *Kuwait activists decry social media curbs*, (Aug. 25, 2012), <https://uk.news.yahoo.com/kuwait-activists-decry-social-media-curbs-090209892.html#0TQGZfd>.

DECISION DIRECTION



GLOBAL PERSPECTIVE



CASE SIGNIFICANCE



OFFICIAL CASE DOCUMENTS



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