

Who am I? Don't ask the days about me...

“I'M NOTHING BUT A PRISONER”

QATAR: RELEASE THE POET, MOHAMMED AL-'AJAMI

**AMNESTY
INTERNATIONAL**



Fanar, Qatar Islamic Culture Centre & mosque in Doha. Buena Vista Images © Getty Images

The petroleum and natural gas resources of Qatar, a hereditary monarchy of just over 2.2 million people, have made it one of the world's wealthiest countries and it exerts its influence across the Middle East and the world. Economic growth in the country means that migrant workers outnumber nationals eight to one. It has funded influential political groups across the Middle East, notably since the wave of political and social unrest that started in 2011, resulting in prickly relations with its neighbours. Yet it also hosts the largest United States of America (US) military facility in the Middle East and its own military has taken part in regional interventions, such as in Libya in 2011 and in Yemen this year. In just a few years, the Al-Jazeera broadcaster, based in the capital Doha, has become a global presence, alongside the country's airline and its investments in sports clubs. The 2022 Football World Cup will be held in Qatar and on account of the controversy arising from its successful bid, and its newfound global reach, the country is under international scrutiny as never before.



Mohammed al-'Ajami

Mohammed al-'Ajami © Private

Mohammed al-'Ajami (also known as **Mohammed Ibn al-Dheeb**), a well-known Qatari poet, is serving a 15-year prison sentence for writing and reciting a poem considered critical of the ruling family. He is a prisoner of conscience, held solely for peacefully exercising his right to freedom of expression.¹

Mohammed al-'Ajami was in Egypt, studying Arabic Literature at Cairo University, when on 24 August 2010 he recited a poem ('The Cairo Poem') in his apartment to a group of about seven people, of whom he knew only about three. He recited the poem in response to a poem recited by another individual present at his apartment. The poem was recorded and uploaded to YouTube by one of the seven and was circulated widely online.

More than a year later, on 16 November 2011, State Security agents arrested Mohammed al-'Ajami in Qatar. The authorities alleged that Mohammed al-'Ajami's recital of 'The Cairo Poem' was insulting to the Emir. His trial before the Criminal Court in Doha began on 26 March 2012. The government charged him with "publicly inciting to overthrow the ruling system", "publicly challenging the authority of

the Emir" and "publicly slandering the person of the Crown Prince" (taken together, these are sometimes termed as "insulting the Emir") by composing 'The Cairo Poem' and reciting it at public gatherings.

Mohammed al-'Ajami was sentenced to life imprisonment on 29 November 2012. The Appeal Court in Doha reduced his sentence to 15 years' imprisonment on 25 February 2013.

During his appeal the Public Prosecution's examination committee interpreted 'The Cairo Poem' as being insulting to the then Emir of Qatar, Sheikh Hamad bin Khalifa al-Thani, even though it referred to the Emir as "a good man" and expressed "thanks" to him.

The Court of Cassation upheld the verdict and 15-year sentence on 20 October 2013.

THE PLACE OF POETRY

Poetry has long been a part of the fabric of culture across much of the Arab world and beyond, and poets are often held in high esteem. Arab poets have used their craft to both eulogise and satirize rulers. The orally derived Nabati poetry of Mohammed al-'Ajami is challenging for many to understand, yet, as his case shows, it remains a powerful source of social and political commentary.

Mohammed al-'Ajami's 2011 work, 'The Jasmine Poem' became widely known during the uprisings across the Middle East and North Africa that year. Written during the social and political unrest that began in Tunisia in December 2010, it appeared to criticise Gulf states and read, "We are all Tunisia in the face of the repressive elite". Neither this nor the Cairo poem called for violence of any kind. 'The Jasmine Poem' continued:

We pray that what happened in Tunisia would happen in a country whose ruler has gone mad; who thought that glory lies within US forces,

We pray that what happened in Tunisia would happen in a country whose people are starving and whose government boasts of a financial boom,

We pray that what happened in Tunisia would happen in a country where you sleep as a citizen at night but wake up stateless the next morning,

We pray that what happened to the Tunisian regime would happen to a suppressive regime of some country

INVESTIGATION AND TRIAL MARRIED BY IRREGULARITIES

The investigation and his trial were marred by irregularities and lacked the most basic fair trial guarantees.

PRE-TRIAL DETENTION

Following his arrest on 16 November 2011, Mohammed al-'Ajami was held incommunicado for three months before he was allowed visits from his family and lawyer. Despite petitions to the judge about his treatment, throughout the pre-trial investigations he was held in solitary confinement in a very small cell, in which he could not lie down without pressing against the lavatory. According to information available to Amnesty International, during this time in solitary confinement interrogators forced him to sign a document later relied upon for his conviction, which stated, falsely, "the poem was read in a public place in the presence of the press". The lawyer of Mohammed al-'Ajami asserted to the court that this was not true and that the poem was recited only in private.

The first session of the lower court trial was not held until 26 March 2012, four months after Mohammed al-'Ajami's arrest, a considerable period of time for a case which was, after all, in connection with the recitation of a poem that did not call for violence of any kind.

UNFAIR TRIAL

Mohammed al-'Ajami's trial before the Doha Criminal Court was held in secret without any explanation and despite his lawyer's objections and complaints.

In violation of the principle of the independence of the judiciary – which requires that officials with judicial functions are completely autonomous from those responsible for prosecution - the judge presiding over Mohammed al-'Ajami's case had also conducted the pre-trial investigation. For this reason, during the first session at Doha Criminal Court on 26 March 2012, Mohammed al-'Ajami's lawyer requested that the judge remove himself from the case. The judge rejected the lawyer's request and the impartiality of the tribunal was compromised.

Mohammed al-'Ajami's lawyer was prevented from attending two court sessions because he objected to the trial being behind closed doors. On 18 July 2012, the court imposed a lawyer in lieu of the one Mohammed al-'Ajami had chosen, in a move that does not appear to have been based in law. The new lawyer reportedly told the court that he was unwilling to represent the poet and that the lawyer appointed by Mohammed al-'Ajami "was his rightful lawyer."

At the session of 10 October 2012, the presiding judge confirmed the ban on the lawyer chosen by Mohammed al-'Ajami and on 22 October 2012 he was expressly denied access to the court.

On 22 October 2012, during the last trial hearing, the court expelled Mohammed al-'Ajami for being unruly. In his absence, the court proceeded to schedule the judgement to be held on 29 November 2012. Mohammed al-'Ajami was not informed of the date and on the day of the verdict, the prison authorities did not bring him to court. Nevertheless, the judge pronounced to the court "on the attendance of Mohammed al-'Ajami, we have sentenced him to life".

He is serving his sentence in the Central Prison, south-west of Doha.

'POEM FROM A PRISON CELL' (EXTRACT)²

By Mohammed al-'Ajami, May 2014

Translated By: Katrien Vanpee, Kareem James Abu-Zeid

*Who am I? Don't ask the days about me—
I'm nothing but a prisoner
in an isolation cell
Here in my country, oppression
is what takes our rights away
Here, ignorance
determines our convictions
Here, the people
no longer have a voice, cannot
spell out the language of reproach
My country, if insight required an apology
I'd never stop apologizing*



Mohammed al-'Ajami
© Private

LEGAL BASIS OF THE ARREST AND CHARGES

Article 19 of the Universal Declaration of Human Rights (UDHR) states,

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Qatar is a state party to the Arab Charter on Human Rights. Article 26 of the Charter states, *"Everyone has a guaranteed right to freedom of belief, thought and opinion."*

Amnesty International understands that Mohammed al-'Ajami was tried under Articles 134 and 136 of the Qatari Penal Code³.

Article 134 states that: *"The penalty of imprisonment for a period not exceeding five years shall apply to anyone who challenges by any public means the exercise by the Emir of his rights or authorities or criticizes him."*

Article 136 provides for:

"[...] perpetual imprisonment [...] to anyone who instigates by public means to overthrow the regime of the country, undertakes such propaganda or calls by public means to adopt a doctrine aiming to destroy the fundamental values of the State, to change the social or economic system prevailing in the country by use of force or through any illegal means."

Amnesty International believes that these charges are contrary to both the UDHR and the Arab Charter on Human Rights. They do not constitute internationally recognizable criminal offenses and unlawfully restrict the right to freedom of expression. Amnesty International believes that the charges and conviction against Mohammed al-'Ajami are unfounded. They constitute an arbitrary basis for imprisonment based solely on his peaceful exercise of the right to freedom of expression.

In May 2014, speaking during the Universal Periodic Review, a state-lead human rights review conducted at the United Nations, a US diplomat called on Qatar to *"Release all prisoners of conscience, including the poet Mohammed al-'Ajami, and respect the rights of all individuals to freedom of expression"*.⁴ In June 2014, the government of Qatar rejected the criticism, stating that it *"believed in freedom of expression"*, adding that:

*"All measures taken against the poet Mohammed al-'Ajami were consistent with international rules. Mr. al-'Ajami had been given a fair trial and allowed to appeal the judgement to the Court of Appeal and the Court of Cassation."*⁵

On 31 March 2015, however, the UN human rights expert on the Independence of judges and lawyers, Gabriela Knaul expressed her concern *"by the allegations of violations of due process and fair trial guarantees"* in Qatar. She added, *"complaints of violations of due process and fair trial need to be investigated immediately and seriously by the relevant authorities and urgent measures taken to redress the situations"*. She concluded, *"Such measures of redress may include the revision of judgements and sentences and/or the granting of compensations"*.⁶

In a joint statement issued on 20 October 2015, three UN human rights experts called for the release of Mohammed al-'Ajami⁷, noting that: *"The grounds and legal provisions provided by the authorities to justify the arrest and sentence of Mr. al-Ajami are contrary to the Universal Declaration of Human Rights,"*. They stated that penalizing criticism of state figures *"is [...] incompatible with international standards, which protect the right to freedom of opinion and expression, including in the form of arts, and to take part in cultural life."*

RECOMMENDATION

The Government of Qatar should release Mohammed al-'Ajami immediately and unconditionally as he is a prisoner of conscience held solely for the peaceful exercise of his right to freedom of expression.



- Four UN Special Procedures raised the case of Mohammed al-'Ajami with the Qatari government by way of a joint communication dated 21 December 2012. They noted that the arrest, detention, and sentencing of Mohammed al-'Ajami may have been "solely related to the peaceful exercise of his right to freedom of opinion and expression." The Special Rapporteurs further noted concerns regarding the fairness of his trial and his treatment while in detention. The letter is referenced AL Cultural rights (2009) G/SO 214 (67-17) G/SO 214 (3-3-16), QAT 1/2012 and can be accessed at [https://spdb.ohchr.org/hrdb/23rd/public_-_AL_Qatar_21.12.12_\(1.2012\).pdf](https://spdb.ohchr.org/hrdb/23rd/public_-_AL_Qatar_21.12.12_(1.2012).pdf). The Qatari government replied to the UN on 14 February 2013, asserting that the government followed the proper procedures in the administration of justice in the case, and that the State "[keeps] in mind [its] obligations under international conventions and standards related to human rights and their implementation." (Can be accessed at [https://spdb.ohchr.org/hrdb/23rd/Qatar_14.02.13_\(1.2012\)_rescan.pdf](https://spdb.ohchr.org/hrdb/23rd/Qatar_14.02.13_(1.2012)_rescan.pdf)). Amnesty International believes that the Qatari government's response did not accurately represent the administration of justice in this case. We are not aware of any further action taken in this case.
- Read the full poem at: <http://www.pen.org/poetry/poem-prison-cell#sthash.qk3GE0A5.dpuf>
- This is accessible at: [http://www.qfcra.com/en-us/legislation/Laws/Law%20No.%20\(11\)%20of%202004%20\(Penal%20Code%20of%20Qatar\).pdf](http://www.qfcra.com/en-us/legislation/Laws/Law%20No.%20(11)%20of%202004%20(Penal%20Code%20of%20Qatar).pdf) See Part 2: Offences against the interior security of the state. He was also tried under Article 85 of the Penal Code. This is a technical provision under which *"If a plurality of offences is perpetrated for one purpose bound to each other in a way not subject to division, they shall be considered as one offence and a judgment bearing the most severe penalty provided for any of such offences shall be rendered"*.
- United Nations, Human Rights Council (HRC), 27th Session: Report on the Working Group on the Universal Periodic Review, UN index: A/HRC/27/15, para 125.7. Australia, Austria, France, Germany, Slovenia and Sweden made similar calls.
- A/HRC/27/15, para 118 and 119.
- HRC, 29th Session: Report on Special Rapporteur on the Independence of judges and lawyers, Gabriel Knaul, Addendum [on her] Mission to Qatar; section D. Fair trial, due process guarantees and administration of justice, para 53.
- On 20 October 2015, the Special Rapporteurs on freedom of expression, David Kaye; cultural rights, Farida Shaheed and the Special Rapporteur on the independence of judges and lawyers, Mónica Pinto, issued the joint statement.