

UA 90/97

Fear of forcible return / Fear of torture

2 April 1997

KUWAIT Muhammad Mirza

'Abd al-Jalil al-Shuwaikh

Shaikh 'Abd al-Nabi al-Sitrawi

Rashed 'Abdullah Rashed

'Adel al-Hayki

'Ali al-Hayki

Hussain al-Hayki

Muhammad al-Hayki

'Issa al-Hayki

and two others

Eleven Bahraini nationals arrested in Kuwait are currently undergoing interrogation and risk being forcibly returned to Bahrain, where they may face serious human rights violations.

According to information received, all the detainees were arrested in the Hawalli district of Kuwait City on the night of 26 March 1997. Their current whereabouts are unknown although reports suggest they may be held in the custody of State Security (*Amn al-Dawla*) officials.

A Ministry of Interior statement issued on 30 March said that a group of "non-Kuwaitis" had been arrested for planning "to carry out illegal acts harmful to the security of [Kuwait]". According to media reports, the statement contained no details about the group, but stated that they were being investigated by the competent authorities. The Kuwaiti daily newspaper *al-Watan* reported on 31 March that the 11 men had been arrested for "gathering donations without permission and distributing illegal literature". The literature was allegedly hostile to the Bahraini government and its distribution said to be detrimental to Kuwaiti-Bahraini relations. On 2 April, the Bahraini daily newspaper *al-Ayyam* stated that those arrested were members of a group called *Hizbullah-Gulf*, described as an Iranian-backed subversive Shi'a Muslim organization. The newspaper said members of this group "had distributed videotapes and pamphlets harmful to the security of Bahrain and other Gulf states".

On 27 March Amnesty International requested urgent clarification from Kuwait's Minister of Interior about the reasons for the arrest and legal status of four of the detainees known to have been arrested at the time. Among other things, the organization urged that they not be forcibly returned to Bahrain where they risk falling victim to serious human rights violations. No response has been received to date.

BACKGROUND INFORMATION

A security agreement was signed by members of the Gulf Cooperation Council (GCC) in 1984 to "counter regional crime and terrorism". The only member state not to sign was Kuwait, which said that a clause concerning the extradition of offenders contravened its Constitution. The clause appears to allow any GCC state to deport political activists back to other GCC states on request, even if they may be at risk of grave human rights violations. Despite the position taken by Kuwait, in May 1996 a Bahraini national living in Kuwait was arrested "for political reasons" and forcibly returned to Bahrain after the authorities there had requested his extradition. Jamil 'Abd al-Ghani 'Abdullah was arrested on arrival and held incommunicado at an undisclosed location for one week.

Following interrogation he was released without charge and subsequently denied re-entry to Kuwait. He had been detained and tortured in Bahrain on a previous occasion in 1995.

In March 1997, four Bahraini nationals who were forcibly returned from the United Arab Emirates, and another who was forcibly returned from Saudi Arabia, were sentenced to terms of imprisonment after a grossly unfair trial before Bahrain's State Security Court. The five men had been arrested in mid-1996, on suspicion of membership of a prohibited organization, *Hizbullah-Bahrain*, and of complicity in an alleged coup plot. After their forcible return they were held incommunicado for over nine months. Some of them were also reportedly tortured to extract "confessions" from them, which were later used to convict them.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, Arabic or your own language:

- expressing concern about the arrest of the 11 Bahraini nationals, and requesting urgent clarification of the exact reasons for their arrest and legal basis for their continued detention;
- seeking assurances that they are being humanely treated and given access to their relatives and lawyers;
- urging that they be immediately released unless promptly charged with a recognizably criminal offence and brought to trial in accordance with international standards;
- urging that they not be forcibly returned to Bahrain where they risk prolonged incommunicado detention without trial and torture.

APPEALS TO:

1) His Excellency Shaikh Sabah al-Ahmad al Sabah
First Deputy Prime Minister and Foreign Affairs Minister
Al-Diwan al-Amiri
Al-Safat, Kuwait City, Kuwait
Faxes: +965 539 6434
Telegrams: Foreign Minister, Kuwait City, Kuwait
Salutation: Your Excellency

2) His Excellency Shaikh Mohammad
Khaled Al Sabah
Minister of Interior
Ministry of Interior
PO Box 11, Al-Safat 13002
Kuwait City, Kuwait
Faxes: +965 243 3317
Telegrams: Interior Minister, Kuwait City, Kuwait
Salutation: Your Excellency

COPIES TO:

1) Committee for the Defence of Human Rights
The National Assembly (Parliament)
PO Box 716, Al-Safat 13008,
Kuwait City, Kuwait
Faxes: +965 245 0952

2) Kuwaiti News Agency (KUNA)

Faxes: +965 246 9549

and to diplomatic representatives of Kuwait accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 May 1997.