

EXTERNAL (for general distribution)

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Further information on UA 180/93 (MDE 17/02/93, 4 June 1993) - and follow-up(s): MDE 17/04/93 10 June 1993, MDE 17/08/93 20 October 1993, MDE 17/10/93 13 December 1993) - Fear of Death Penalty/Legal Concern/Fear of Torture

KUWAIT:Ra'ad 'Abd al-Amir 'Abbud al-Asadi: Iraqi, aged 33
Wali 'Abd al-Hadi 'Abd al-Hassan al-Ghazali: Iraqi, aged 36
Salem Nasser Subaih Rumi al-Shummari: Iraqi, aged 34
Bandar 'Ujail Jaber al-Shummari: Iraqi, aged 24
'Adel Isma'il 'Issa al-'Utaibi: Iraqi, aged 44
Badr Jiyad Thamer Mutlaq al-Shummari: Kuwaiti, aged 30

On 4 June 1994, the State Security Court sentenced six men to death following their conviction on charges of participation in an alleged assassination attempt on the former United States president, George Bush, during his visit to Kuwait in April 1993. The sentences are due to be reviewed before the Court of Cassation within the next 30 days. If the sentences are upheld they will have to be ratified by the Amir of Kuwait before they are carried out. Seven other defendants in the trial were sentenced to prison terms ranging from 10 years to 6 months, and Nasser'Abd al-Ridha Hussain al-Mil, a 43-year-old Kuwaiti was acquitted.

Amnesty International believes that the trial has failed to meet internationally recognized standards for a fair trial. The defendants were denied the basic right to have a lawyer defending them at all stages of the proceedings. The right to be presumed innocent until proven guilty according to the law was jeopardised by statements made by Kuwait's Public Prosecutor at a press conference on 16 May 1993 in which he stated that the defendants were "*criminals who allied with the devil and conspired with him to try to assault Kuwait's honoured guest ... [and that] investigations proved without doubt that it was the Iraqi intelligence service which moved this rotten group of accused persons to execute the plans of the evil Iraqi regime ...*". In addition, statements made by the US Government justifying the air strike on Baghdad on 26 June on the grounds that its investigations provided "*compelling evidence*" that there was an Iraqi intelligence assassination plot, and the statement of the Kuwaiti authorities welcoming the air strike, appear to further undermine the defendants' presumption of innocence.

Amnesty International opposes the death penalty in all cases as a violation of the right to life, and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as enshrined in the Universal Declaration of Human Rights.

BACKGROUND INFORMATION

Amnesty International has repeatedly drawn attention to its concerns about procedures followed by the State Security Court, stating that they do not conform to international standards for fair trial, and that defendants are denied the full right to appeal available in ordinary criminal cases. Defendants tried before the State Security Court have the right to a limited review of their case by the Court of Cassation, while criminal defendants may have their case reviewed before the Court of Appeal in issues of fact and law followed by a further review of possible legal errors by the Court of Cassation.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail

letters either in English or in your own language:

- urging that the death sentences passed on Ra'ad 'Abd al-Amir 'Abbud al-Asadi, Wali 'Abd al-Hadi 'Abd al-Hassan al-Ghazali, Salem Nasser Subaih Rumi al-Shummari, Bandar 'Ujail Jaber al-Shummari, 'Adel Isma'il 'Issa al-'Utaibi and Badr Jiyad Thamer Mutlaq al-Shummari be commuted in the event that they are upheld by the Court of Cassation;
- calling for a retrial in which the right of access to defence counsel at all stages of the proceedings, and the full right of appeal are guaranteed.

APPEALS TO:

1) His Highness Shaikh Jaber al-Ahmad al-Sabah
Amir of the State of Kuwait
Al-Diwan al-Amiri
Al-Safat
Kuwait City, Kuwait

Telegrams: His Highness Shaikh Jaber al-Ahmad al-Sabah, Kuwait City, Kuwait
Faxes: +965 539 6434
Salutation: Your Highness

2) His Highness Shaikh Sa'ad al-'Abdallah al-Sabah
Crown Prince and Prime Minister
Al-Diwan al-Amiri
Al-Safat
Kuwait City, Kuwait

Telegrams: His Highness Shaikh Sa'ad al-'Abdallah al-Sabah, Kuwait City, Kuwait
Faxes: +965 539 6434
Salutation: Your Highness

3) His Excellency Mshari al-'Anjari
Minister of Justice and Administrative Affairs
Ministry of Justice and Administrative Affairs
PO Box 6, Al-Safat, Kuwait City, Kuwait

Telegrams: His Excellency Mshari al-'Anjari, Kuwait City, Kuwait
Faxes: +965 246 6957
Salutation: Your Excellency

4) Mr Muhammad 'Abd al-Hay al-Bannay
Public Prosecutor
Ministry of Justice and Administrative Affairs
PO Box 6, Al-Safat, Kuwait City, Kuwait

Telegrams: Mr Muhammad 'Abd al-Hay al-Bannay, Kuwait City, Kuwait
Faxes: +965 246 6957
Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

1) Local human rights groups:

(a) Kuwait Association for the Defence of War Victims
PO Box 2211, Al-Salmiyya 22023, Kuwait

Faxes: +965 533 2233

(b) Committee for the Defence of Human Rights
The National Assembly (Parliament)
Kuwait City, Kuwait

Faxes: +965 241 6538

2) Newspaper:

Al-Qabas

PO Box 21800, Kuwait City 13078, Kuwait

Faxes: +965 4834 355

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 18 July 1994.