

£KUWAIT: @AMNESTY INTERNATIONAL CALLS FOR HALT TO UNFAIR TRIALS

Amnesty International said today (11 June) that proceedings in Kuwait's collaboration trials are unfair and should be halted until they can be brought into line with international standards.

"The trials so far have been defective in all the critical phases - in the pre-trial period, during the hearings themselves and afterwards in the lack of defendants' right to appeal to a higher tribunal," Amnesty International said. "We're appealing to the Kuwaiti authorities to call a halt to the trials until all the defendants can be guaranteed fair trial."

Amnesty International's call comes after a preliminary report back by its delegate to the trials and in the wake of the first death sentence handed down by the Martial Law Court at the weekend.

The human rights organization has called for that sentence to be commuted.

"Unfair trials are bad enough in cases where defendants face penalties of imprisonment," Amnesty International said, "but they are absolutely intolerable where the penalty is death."

In its message to the Kuwaiti government, Amnesty International also says extensive human rights violations are continuing in the Emirate and that the Kuwaiti authorities "do not appear to have taken effective steps to end arbitrary arrests, 'disappearances', torture or deaths in custody."

The organization's trial delegate said he personally saw two prisoners who appeared to have been tortured when he visited Ward 18 of al-Farwaniya Hospital. One elderly man had bruises on his neck and lacerations across his chest as if he had been repeatedly whipped. "The second man had injuries on his thighs and holes burned in the soles of his feet - hospital staff said this was done with a cigarette lighter," the delegate said.

Allegations of torture in custody is one of a range of Amnesty International's complaints about the trials. It says defendants have been kept cut off from the outside world between their arrest and trial, mostly denied access to families, lawyers or independent doctors.

Many detainees receive inadequate medical attention in detention and had difficulty documenting torture or mistreatment. Although the Martial Law Court has referred defendants who alleged torture in open court to forensic experts, in some cases this has been up to three months after the alleged torture.

And the judges of one panel said they would not accept reports of torture made by ordinary doctors close to the time of the torture if the much later forensic report was inconclusive.

Another major criticism is that Kuwaiti law does not require detainees to be told of their rights at the time of arrest or the nature of and reason for the charges against them. Amnesty International's delegate could find no evidence that this had happened.

"But it's essential - particularly when emotion runs high and there is a danger that the desire for revenge may impede the course of justice - that defendants be informed of their rights so that they can exercise them effectively."

Defendants have not had adequate time and facilities to prepare a defence and judges of some of the panels have rushed through proceedings.

On 1 June defendants in the trial of employees of the Iraqi occupation newspaper al-Nida were not able to cross-examine the chief witnesses against them whose identities were concealed from the prosecution and the court.

In some cases charges in the trials seem to be grossly disproportionate to the offence, Amnesty International says.

Its delegate cites the case of a plumber and an electrician appearing in the al-Nida case. The electrician was said to have been asked by the Iraqi authorities to repair a toilet cistern. He called a plumber, who carried out the repair.

"For these actions, the two men could not face the death penalty on charges relating to external state security," the delegate says.

Once tried and convicted by the Martial Law Court there is no right of appeal to a higher tribunal, as required by international standards. Instead, the convicted prisoner's fate is left to a decision by Crown Prince Shaikh Sa'ad Al-'Abdallah Al-Sabah, who can reduce, confirm or even increase the sentence.

Amnesty International said the Justice Minister told its delegate the Crown Prince's decision would be made after a panel of three legal counsel had reviewed the case and made recommendations. "But this is not a sufficient guarantee - especially since the panel's recommendations are not binding."

Amnesty International says it does not challenge the authorities' right to try people for offences committed during the Iraqi occupation - "but they must receive fair trials according to internationally accepted standards. This is not happening now."

In its message to the government Amnesty International again expresses concern about continuing human rights violations. It says its delegate received dozens of credible reports from many sources of arbitrary arrests,

torture, "disappearances", deaths in custody and possible extrajudicial executions.

Amnesty International says such reports were confirmed by the Crown Prince's statement to the Ministry of the Interior on 26 May that residents of Kuwait were living in "the shadow of terror, fear and fright" of being detained and tortured. Yet the Ministry appeared to have taken no adequate steps to end the violations.

The Minister of the Interior told Amnesty International's delegate that 40 people were under investigation for abuses against detainees and three cases had been sent to the prosecutors - but he declined to give details.

Amnesty International said it was examining lists sent by the authorities of over 850 detainees and details of where and why they were held. Most prisoners were being held in the Military Prison and the State Security Prison, with others held in over a dozen police stations. The organization said it was still waiting for information promised by the Minister on deaths in custody.