

EXTERNAL (for general distribution)

AI Index: MDE 17/08/93

Distr: UA/SC

20 October 1993

Further information on UA 180/93 (MDE 17/02/93, 4 June 1993) - and follow-up (MDE 17/04/93 10 June 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
Hadi 'Odeh Harjan al-Shummari: Iraqi, aged 42
'Ali Khdair Bday 'Abed al-Majidi: Iraqi, aged 65
Jabbar Nasser 'Inad: Iraqi, aged 43
Daydan 'Atiyya al-Khalidi: Iraqi, aged 38
Jabbar Habib Muhammad al-Kan'ani: Iraqi, aged 56
Badr Jiyad Thamer Mutlaq al-Shummari: Kuwaiti, aged 30
Ahmad Jabbar Habib Muhammad al-Kan'ani: Iraqi, aged 21
Nasser 'Abd al-Ridha Hussain al-Mil: Kuwaiti, aged 43
Salem Jiyad Thamer Mutalq al-Shummari: Kuwaiti, aged 22

On 30 October 1993 the State Security Court will pass verdict on the 14 people accused of participation in an alleged assassination attempt on the former United States president, George Bush. Amnesty International fears that, if convicted, 12 of the 14 could be sentenced to death, as the Public Prosecutor has demanded. The organization is also concerned that the trial has not met internationally recognised standards for a fair trial.

Amnesty International calls on the Kuwaiti authorities to intervene immediately in order to ensure that these 14 defendants currently on trial are afforded all of the internationally recognized guarantees for fair trial. This should include a new trial in which the right of access to defence counsel at all stages of the proceedings, and the full right of appeal, are guaranteed. In any event, Amnesty International urges the authorities to ensure that any defendants convicted in this case are not sentenced to death.

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

At the start of the trial, on 5 June 1993, Ra'ad 'Abd al-Amir 'Abddud al-Asadi and Wali 'Abd al-Hadi 'Abd al-Hassan al-Ghazali admitted some of the charges against them. One of the seven court-appointed defence lawyers intervened requesting that these admissions be disregarded since none of the defendants had been allowed access to lawyers before the trial. At the second session of the trial on 26 June, the

two defendants mentioned above reiterated the statements they had made earlier, while other defendants denied the charges against them.

On 1 July 1993 Amnesty International issued a press release (NWS 11/75/93) outlining its concerns about the violation of the defendants' rights during pre-trial detention. In addition to being denied the basic right to have a lawyer defending them at all stages of the proceedings, the organization believes that the defendants' right to a fair trial may have been seriously jeopardized by other factors. Even before the trial began, Kuwait's Public Prosecutor announced at a press conference on 16 May 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 ...", so putting into question the defendants' right to be presumed innocent until proven guilty according to the law.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English or your own language:

- urging that the death penalty not be imposed on any of the 14 defendants;
- urging that the defendants receive a re-trial in accordance with international standards;
- asking for assurances that the defendants are humanely treated and protected from any form of ill-treatment while in custody;
- reiterating Amnesty International's unconditional opposition to the death penalty.

APPEALS TO:

1) 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: + 965 243 0121

Salutation: Your Highness

2) His Excellency Mshari al-'Anjari
Minister of Justice and Legal Affairs
Ministry of Justice and Legal Affairs
P O Box 6, Al-Safat, Kuwait City, Kuwait

Telegrams: His Excellency Mshari al'Anjari, Kuwait City, Kuwait

Faxes: +965 246 6957

Salutation: Your Excellency

3) Mr Muhammad 'Abd al-Hay al-Bannay
Public Prosecutor
Ministry of Justice and Legal Affairs
P O Box 6, Al-Safat, Kuwait City, Kuwait

Telegrams: Mr Muhammad 'Abd al-Hay al-Bannay, Ministry of Justice, Kuwait City, Kuwait

Faxes: + 965 246 6957

Salutation: Dear Sir

4) Lieutenant Colonel Muhammad al-Fahed
International Organizations Liaison Office
Ministry of Interior

Al-Safat, Kuwait City, Kuwait

Telegrams: Lieutenant Colonel Muhammad al-Fahed, Ministry of Interior, Kuwait City, Kuwait

Faxes: + 965 257 0880

Salutation: Dear Lieutenant Colonel

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 5332233

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

Faxes: +965 2416538

2) Newspaper:

Al-Qabas

P O Box 21800

Kuwait City 13078, Kuwait

Faxes: +965 4834355

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 30 November 1993.