

**[Please note: the verdict of 14 people accused in Kuwait of the Bush assassination plot is due on December 25. We will be leaving space on the front page to carry the results of this and to draw attention to the Focus article on Kuwait. This will come to you after January 4]**

Armenia: Lack of executioners means years waiting on death row

The number of men on death row in the former Soviet republic of Armenia has grown over the past four years to seven, apparently because the country lacks its own executioner.

AI is continuing to urge the commutation of all pending death sentences, and for concrete moves towards total abolition in line with worldwide trends.

Before the break-up of the USSR, those sentenced to death in Armenia were sent for execution to another republic as Armenia itself did not have the necessary facilities. According to the local press it is because of this that no executions have been carried out for four years.

The seven men are believed to include two sentenced to death in 1990, and visited by an AI delegation in 1992. A third man also interviewed at that time was recently murdered by a fellow inmate also awaiting execution. Previously held in solitary confinement, some inmates of death row are now said to share a cell as pressure on the limited facilities grows.

Brazil

Pictured above are survivors of last year's "Candelária massacre", attending the funeral of other street children victims. They are wrapped in blankets to hide their identities, and protected by a cordon of human right workers. There are continuing fears for the safety of child witnesses to the massacre, in which seven street children and a youth were killed by hooded men in downtown Rio de Janeiro. Three military policemen are in custody charged with the killings.

In November, some of the Candelária survivors, now living in the streets around Praça Mauá, were threatened by a group of unknown men. They named those who were survivors of Candelária. This followed death and bomb threats allegedly made by military police directly to two children who had given testimony in court, and who were temporarily housed at a "witnesses safe house."

Most of the 58 children present in Candelária on the night of the killings, in July 1993, remain on the streets, at risk of extrajudicial execution by members of the security forces. This is despite repeated appeals by AI to the state and municipal authorities to provide a long term place of safety for them.

China

At least eight journalists and government employees have been arrested or tried in China during 1993 on charges of allegedly "leaking state secrets". AI is concerned that several of those detained or tried are prisoners of conscience who are being held for the peaceful exercise of their right to freedom of expression and that others awaiting trial may be tried unfairly and in secret.

Freelance journalist Gao Yu was detained on 2 October 1993, two days before she was due to leave China to study abroad. On 13 October 1993 she was charged with "leaking state secrets to foreign organisations" but no information has been made available about the basis of the charge. Relatives have not been permitted to visit her in detention.

Another journalist, Xi Yang, is currently awaiting trial on charges of passing on "state banking secrets" to the Hong Kong newspaper he was working for. Arrested on 27 September 1993, he has been held incommunicado since then.

On 20 May 1993, at a secret trial, former Foreign Ministry employee Bai Weiji and his wife, Zhao Lei, were charged with "illegally providing national secrets to a foreigner". Bai Weiji was sentenced to ten years' imprisonment and Zhao Lei received a six year sentence. AI has received information that the information provided to the foreigner did not constitute a "state secret". Two other people were tried at the same time as accomplices.

In August 1993, Wu Shishen, a New China News Agency sub-editor, was sentenced at a secret trial to life imprisonment on charges of "selling state secrets to a foreigner". He was alleged to have sold the text of a speech by Communist Party General Secretary Jiang Zemin to a Hong Kong newspaper a week before it was delivered. Ma Tao, an editor at China Health Education News, was tried in connection with Wu Shishen's case and sentenced to six years' imprisonment for reportedly handing over copies of the speech to the journalist.

AI believes that the heavy sentence imposed on Wu Shishen after an unfair trial was politically motivated.

#### Kenya

Koigi wa Wamwere, a human rights activist and three times a political prisoner, was arrested on 5 November 1993 in Nakuru. He was charged with attempted robbery with violence, which is punishable with a mandatory death sentence. However, Amnesty International believes he may be a prisoner of conscience. His trial, set for 14 December was adjourned.

He was already on bail, along with others arrested for criticizing alleged government involvement in political violence and ethnic clashes in the Rift Valley and Western Kenya. Around 1,000 people have been killed and 300,000 forced off their farm-land since 1991. In many incidents, members of President Daniel arap Moi's Kalenjin ethnic group attacked Kikuyus, Luos and members of other ethnic groups regarded as supporting opposition parties.

Amnesty International is continuing to call for an impartial investigation into the killings and for those responsible to be brought to justice.

## UNITED STATES OF AMERICA

In an open letter to the President of the United States of America, AI has called on the USA to halt all executions and to set up a Presidential Commission into the use of the death penalty. The organization wrote to President Clinton in January, calling for a moratorium on all executions until the Commission reports on its findings.

The letter reflects AI's deep concern at the increasing use of the death penalty by individual states and by moves to reintroduce the death penalty in federal law and to restrict prisoners' access to federal appeals courts.

As of the end of last year, 226 prisoners had been executed in the USA since executions resumed in 1977 -- 38 during 1993 alone. Four of these were juvenile offenders; many were mentally impaired. Another juvenile offender, Joseph Cannon, was scheduled to be executed in Texas on 26 January 1994.

Citing its own and other research which shows that death sentences in the USA are imposed disproportionately on the poor, on minorities, on the mentally ill or retarded, and on those without adequate legal counsel, the organization said that such a shameful state of affairs is a matter for the US federal authorities to investigate and remedy with the utmost urgency.

The organization believes the US Supreme Court can no longer be relied on to redress the inequities of the state system, and points out that state clemency authorities seldom grant mercy even the most deserving of cases. The US federal administration is the last resort for US citizens convicted of serious crimes whose constitutional human rights are being violated by state governments.

The letter specified 11 areas of concern which the organization believed the Commission should be encouraged to examine in detail, including the execution of juvenile offenders and the mentally impaired - which the USA continues to carry out despite international human rights standards which forbid such practices.

The organization said that it would welcome the opportunity to testify before the proposed Presidential Commission and hoped that other non-governmental organizations would also be invited to do the same.

## Malawi

AI representatives visited Malawi in November 1993, our first permitted visit for many years after three decades of campaigning against major human rights violations. Multi-party elections are due in May.

The delegates met members of the government and opposition parties, lawyers, religious and human rights groups. AI delegate Joseph Gitari is pictured above with ex-prisoner of conscience Chakufawa Chihana (left). AI welcomed recent human rights

improvements, including the release of all remaining political prisoners and the repeal during the AI visit of the law allowing indefinite detention without trial.

#### Pakistan

A journalist who was sentenced to 16 years' imprisonment for doing his job has been released -- following a worldwide publicity campaign by AI and other organizations.

Sailab Masud, arrested on 24 September 1993 in South Waziristan, a Federally-Administered Tribal Territory in Pakistan's border area, was tried under the Frontier Crimes Regulation of 1901 which provides for trial by jirga - a council of tribal elders.

The trial on 12 October, in which he had no legal counsel, was held in camera and took only a few hours. There was no possibility of appeal. He was convicted for allegedly collaborating with a drug dealer whom he had gone to interview.

Following national and international protests, the jirga was reconvened: it acquitted him of all charges, and he was released in mid-November.

#### Hungary

A woman who was five months pregnant lost her baby after she had been beaten and sprayed with tear gas when police officers used indiscriminate force against Roma in Örkény, a town 50 kilometres south of Budapest.

Fehér Péterné was one of dozens of Roma ill-treated by the police during an incident on 21 May, 1993. In December, AI called on the Hungarian authorities to investigate the incident and to bring to justice those responsible.

Around 20 police officers had gone to the Roma neighbourhood after a robbery. The police sealed off two streets where they intended to conduct the search.

Two plainclothes policemen checking Radics Márton's identity card twisted his arm behind his back, threw him against a car and handcuffed him. When his wife and other neighbours came out of their houses the police allegedly started to beat them.

A reinforcement of around 100 police officers arrived and -- according to eye-witness accounts -- they indiscriminately beat people and sprayed them with tear gas. They shouted: "We will make mincemeat out of the Gypsies, use the Gypsies for soap!"

At least nine people were injured. Among them was Lakatos Lászlóné, who breaths through a tracheotomy tube. She fainted and was taken to a hospital after an officer beat her, ripped the tube from her throat, and sprayed tear gas into her face.

Thirteen-year-old Radics Krisztián was taken to the police station in Dabas together with eight men. The boy was locked up in a cell from 9pm until 1.30am, when his mother found him unconscious. He said he had been beaten by the police. The bruises on his body were described in a medical certificate issued after the incident.

#### TUNISIA

A new AI report makes only one recommendation to the Tunisian Government - simply end human rights violations. Few governments

have been more eager to use the language of human rights than Tunisia. It has ratified nearly every UN human rights instrument and has an ombudsman and human rights offices in several government ministries and departments. Yet over the last three years thousands of suspected political opponents have been subjected to arbitrary arrest, held illegally in prolonged incommunicado detention, tortured or ill treated, and imprisoned after unfair trials. Deaths in custody as a result of torture have gone unresolved. In its report\* AI describes the failure of the Tunisian Government and its human rights machinery to investigate and stop the human rights violations brought to its attention since 1991. The report concludes that AI "now feels unable to recommend that the Tunisian Government set up any more human rights bodies since those in place so signally fail to achieve their purpose".

\*Tunisia: Rhetoric versus reality: the failure of a human rights bureaucracy (AI Index: MDE30/01/94).

#### UNITED NATIONS

The United Nations (UN) Commission on Human Rights is currently holding session in Geneva (31 January to 11 March). This is its first meeting since the UN World Conference on Human Rights held in Vienna in June 1993.

The commission should consider how it reviews annual progress towards the full implementation of the Vienna Declaration and the Programme of Action. These stress that human rights are universal and that it is the legitimate concern of the international community to promote and protect them. AI hopes that these fundamental principles will be reflected in the debates, particularly on the human rights situation in individual countries, and that the Commission will review its progress every year.

Last year the Commission addressed the human rights situation in 24 countries where AI has substantial concerns. All of these -- but particularly Iraq and the former Yugoslavia -- urgently need effective action from the UN.

This year AI is asking the Commission to additionally scrutinize the situations in Algeria, China including Tibet, Indonesia, Peru and Turkey. In all these countries grave and systematic violations of human rights persist.

The Vienna Declaration and Programme of Action called on governments and the UN to take priority action on human rights violations against women. AI strongly supports the creation of a Special Rapporteur on violence against women, but believes it is also important for all the Commission's country and thematic mechanisms to take much greater account of the particular types of violation directed specifically against women.

#### Bahrain

Countless reports of the forcible exile of Bahraini nationals from Bahrain have been received since the early 1980s, AI said in a report released in December.

During 1993 many returning Bahraini nationals have been

questioned on arrival at the airport about their past political activities or publications, before being forcibly returned to the country of their former residence. No reasons have been given and there is no opportunity to appeal against the decision or challenge its legality through the courts.

Dr 'Abd al-'Aziz al-Rashid, a medical doctor, attempted to return to Bahrain in November 1993. He was expelled shortly after his arrival and was then refused entry to Kuwait, and twice to Syria. After each refusal he was returned to Bahrain. In the space of little more than a week he was expelled from Bahrain - his own country - four times. On the final occasion he was given a one-year passport before being put on a flight to the United Arab Emirates, where he was admitted.

Al-Sayyid Hashem al-Moussawi, a former political prisoner tried in 1988, was released in April 1993 after completing his sentence - and was immediately forcibly exiled from Bahrain.

AL opposes forcible exile on political grounds. While it welcomed the Amir's statement, on Bahrain's National Day, that 64 nationals resident abroad could now return, the organization called on the Bahraini authorities to issue a public declaration that all Bahraini nationals are entitled to return to Bahrain and to permit this in practice.

\* Banned from Bahrain: Forcible exile of Bahraini nationals, MDE 11/04/93, issued 16 December 1993

#### Worldwide Appeals

##### Cyprus

Salih Askero\_ul, a conscientious objector in the Turkish-held zone of northern Cyprus, was sentenced to three months' imprisonment for failing to enlist for military service, and a further three years for "making propaganda against the armed forces". His Greek partner, Yiota Nikolaou, and their newly born daughter, Melissa, were expelled to the southern part of the island. The Turkish-Cypriot authorities are not permitting them to cross into northern Cyprus to visit Salih Askero\_ul in prison, or to contact him by phone.

Salih Askero\_ul is the first conscientious objector to be imprisoned by the Turkish-Cypriot authorities in northern Cyprus (although the Hellenic Republic of Cyprus has for many years imprisoned conscientious objectors and continues to do so). He was called to appear for military service on 24 September, 1993. Instead he gave a press conference, explaining the reasons for his refusal to serve in the armed forces, but stating his willingness to serve an equivalent term in alternative civilian service.

Three days later Salih Askero\_ul turned himself over to the authorities and on 12 November he was sentenced by a military court to a total of three years and three months.

Please send appeals, in English if possible, expressing regret at Salih Askero\_ul's imprisonment for the expression of his peaceful beliefs and calling for his immediate and unconditional release, to Mr Rauf Denkta\_, Leader of the Turkish Cypriot Community, Cumhuriyet\_kanl\_\_\_\_, Lefko\_a - KIBRIS, via Mersin 10, Turkey.

South Korea

Ahn Hak-sop: Prisoner of Conscience held over 40 years

Ahn Hak-sop, 63, a former student and soldier in the North Korean army, has been imprisoned in South Korea since 1953 after being convicted of espionage. Amnesty International believes that he is a prisoner of conscience, held solely because of his refusal to formally denounce communism.

Ahn Hak-sop was captured by the South Korean armed forces in Kanghwa province on 26 April 1953 after his North Korean army unit was destroyed. He was interrogated by a special police unit, badly beaten and accused of being a North Korean spy.

He was sentenced to life imprisonment by a military court in 1953. Prosecutors reportedly based the charge of espionage on the fact that he was captured alone, close to the border, and that his family did not come forward to identify him (they were prevented from doing so because they were accused of being the relatives of a "communist spy").

Ahn Hak-sop has refused to sign a statement of "conversion" renouncing alleged communist beliefs. As a result, he has been held in solitary confinement for most of his 40-year imprisonment and denied the possibility of release or parole. He is reported to be in poor physical and mental health caused by torture, prolonged imprisonment in poor conditions and lack of contact with other people. He is now held in Taejon Prison.

◆ Please send courteous appeals urging the government to immediately and unconditionally release Ahn Hak-sop to: President Kim Young-sam/The Blue House/1 Sejong-no/Chongno-gu/Seoul/Republic of Korea.

Syria

Seven prisoners of conscience, arrested more than 20 years ago, continue to be detained without charge or trial in al-Mezze Military Prison in Damascus. One of them, Muhammad 'Id 'Ashawi, aged 63, is a former Minister of Foreign Affairs, and the other six: Dafi Jam'ani, 'Abd al-Hamid Miqdad, Haditha Murade, 'Adel Na'issa, Fawzi Rida and Mustafa Rustum, most of whom are now in their sixties, are all former Ba'th Party officials.

All seven were among a group of former government and Ba'th Party officials who were arrested between 1970 and 1972 for refusing to cooperate with Hafez al-Assad's government, which took power in a bloodless coup in 1970. Many of them have since been released, mainly on health grounds, and some have died in custody

or shortly after release, including three who have died within the last 15 months. Dr Nour al-Din al-Atassi, former President, and Muhammad Rabah al-Tawil, former Minister of Interior, died respectively in December 1992 and April 1993, following their release in August 1992. Salah Jadid, former Army Chief of Staff and Assistant Secretary General of the Regional Command of the Ba'th Party, died suddenly in al-Mezze Prison on 19 August 1993.

In light of the emerging pattern of deaths among this group of prisoners, Amnesty International is greatly concerned about the well-being of the seven remaining detainees who are said to be suffering from various health ailments. One of them, Muhammad 'Id 'Ashawi, is reported to have been suffering from acute anaemia, rheumatism, and a stomach ulcer.

Please send appeals for their immediate and unconditional release to: H.E. President Hafez al-Assad/President of the Republic/Presidential Palace/Damascus/Syrian Arab Republic

Amnesty International Newsletter - February 1994  
Focus

### **Introduction**

Three years ago this month, at the end of the Gulf War, Iraqi forces withdrew from Kuwait. This event is usually referred to as the "liberation" of Kuwait. For many people in Kuwait this period was not the beginning of freedom, but the end.

While many governments - including those whose forces had taken part in the Gulf War to remove Iraqi forces from Kuwait - urged the Kuwaiti Government to respect freedom and democracy now that the country's sovereignty had been restored, hundreds of Palestinians, Jordanians, Iraqis, members of the bidun community and others were being arbitrarily arrested as the Kuwaiti armed forces, police and armed civilians rounded up those they suspected of "collaborating" with Iraqi forces during the occupation. Many of them had lived and worked in Kuwait for generations and were arrested solely on the basis of their nationality or origin in retaliation for the position taken by their governments or leaders on the Iraqi invasion of Kuwait in August 1990.

Scores of those arrested died in detention after being tortured. Others were killed, or "disappeared" in custody and are still unaccounted for. Many were held in secret detention centres for months, detained without charge or trial. Three years on, hundreds are still being held, awaiting trial or deportation.

Those who do get to court face trials which do not meet international standards for fair trial, yet which have resulted in death sentences or long prison terms. One man has already been executed and 19 prisoners are now facing the death penalty. Over 140 people, including prisoners of conscience, are serving sentences of up to life imprisonment.

What has been done in Kuwait during the past three years to investigate these human rights violations and to bring their perpetrators to justice? The Kuwaiti Government's silence speaks



for itself.

[NOTE: the following is recommended for use in bold print outside the body of the main text on page one].

"When Kuwait was liberated our lives became even more difficult... At every checkpoint I passed I was abused. The only reason they abused us was because we had Iraqi passports. The Kuwaitis asked me why I had not returned to Iraq with the Iraqi Army. I explained that we had stayed in Kuwait because we were against the Iraqi Government. I explained that we had helped Kuwaitis at the time of the invasion. They did not listen to me. I was kicked and punched and beaten on my body with sticks and cables. The Kuwaitis had learned the way in which Iraqis had tortured people..." These are the words of a 34-year-old Iraqi Kurd, one of many who were arrested and tortured by Iraqi forces during the occupation on suspicion of helping Kuwaitis, only then to be again arrested and tortured -- this time by Kuwaiti forces -- on suspicion of having "collaborated" with Iraqi forces during the occupation.

#### **Kuwait's failure**

AI regrets that the Kuwaiti Government has not seen fit to act on any of the concerns raised with it over the past three years. Even more regrettable is the fact that the government did not see fit to apply to the conduct of its own law enforcement officials those international human rights standards which it justifiably called for during the occupation of the country.

In May 1991, apparently as a result of continuing adverse international media publicity, Kuwait's Crown Prince publicly stated that residents of Kuwait were living "in the shadow of terror, fear and fright", and that some of them had been taken to police stations where they could be "tortured". He called on the Ministry of Interior to remove "disillusioned and bad elements from its ranks". How this directive was to be implemented was never made clear, and AI believes that no serious efforts were made to do so.

The Kuwaiti government has failed:

- to conduct any serious investigations into cases of arbitrary arrest, prolonged detention without trial, torture, deaths in custody, "disappearances" and extrajudicial killings.
- to bring to justice any law enforcement officials responsible for these crimes, and despite its claims to AI that it has taken legal proceedings against some of them, it has to date provided no details or evidence of this.
- to compensate the victims of these human rights violations and their families.
- to ensure that trial proceedings before the State Security Court conform to international fair trial standards, and defendants continue to be imprisoned for prolonged periods or sentenced to death after unfair trials.
- to set up a judicial review of the cases of prisoners convicted

by the martial Law courts after manifestly unfair trials.

(What You Can Do

Write to the Kuwaiti authorities, urging them: to commute all death sentences imposed by the State Security Court; to ensure that trial proceedings before the State Security Court conform fully with international standards for fair trial, including by allowing defendants a full right of appeal; to set up a judicial review into the cases of all prisoners convicted before the Martial Law court; to conduct prompt, thorough and impartial investigations into all cases of torture, deaths in custody, "disappearances" and extrajudicial execution, to make the findings of these investigations public and bring to justice those found responsible. You can also send appeals on behalf of the individual cases highlighted in this Focus.

Please write to: His Highness Shaikh Sa'ad al-'Abdallah al-Sabah, Crown Prince and Prime Minister, Al-Diwan al-Amiri, Kuwait.

### **Fears remain over fate of 'disappeared' in Kuwait**

At al-Rigga cemetery on the outskirts of Kuwait City are dozens of unmarked graves.

In March and April 1991, when AI delegates examined the burial records at the cemetery, they found that scores of unidentified bodies had been buried there in the month following Iraq's withdrawal from Kuwait on 26 February. The records simply listed the dead as "unknown".

Since then, AI has repeatedly urged the Kuwait Government to investigate at least 62 recorded cases of people who "disappeared" between February and June 1991. There has been no substantive response. AI fears that some of the victims may have died under torture or have been extrajudicially executed - that some of them may in fact be among the "unknown", buried at al-Rigga cemetery. Others who have "disappeared" may still be held in incommunicado detention pending trial by the State Security Court, or possibly in detention centres prior to being expelled from Kuwait.

Families who have attempted to discover the fate of relatives who have "disappeared" have been referred from one detention centre or prison to another. They say that beatings, threats of arrest or deportation and other forms of intimidation were routinely used to discourage them.

The Kuwaiti Government's refusal to investigate such cases, as well as the dispersal of the families of those still missing, means that the true number and fate of those who "disappeared" may never be known.

◆ Dr Nazmi Salim Khurshid was arrested in March 1991, along with several other Palestinian doctors, at al-'Ardiyya Hospital. He was held at al-'Ardiyya police station before being transferred to the headquarters of the State Security Intelligence. AI was told by the Kuwaiti authorities in January 1992 that they were investigating his "disappearance". To date, they have not provided AI with any further information.

◆ Muhammad Ya'qub Hajj Mustafa al-Ya'qub, born 1970, a Palestinian with Jordanian nationality. A student, he "disappeared" after his arrest on 1 March 1991 at his home in al-Salmiyya by ten armed civilians who said they were taking him to al-Rumaithiyya police station and would bring him back in one hour; reports suggest he was transferred either to Kuwait Central Prison or to the headquarters of State Security Intelligence.

◆ Khalid Rashid Muhammad Agha-Mir, an Iraqi Kurd born in Kuwait in 1965, married with one child, worked as a cashier at al-Salam Gynaecological Hospital. He was arrested on 4 April 1991 at his home by armed civilians and soldiers; he was reportedly seen at al-Salmiyya police station and subsequently moved to an unknown destination.

### **Torture and deaths in custody**

#### **Case A:**

"The peeling areas and raw flesh areas on the back and thighs are consistent with the application of sulphuric acid, though some could also be caused by electric current as the peeling skin appearance is common to both".

#### **Case B:**

"There are definite indications of severe multiple beating on back, chest, abdomen and arms with objects of varying diameter. There are at least two human bite marks on the arm and several cigarette burns".

#### **Case C:**

"There has been very extensive beating of the upper part of the body with thin implements. There are at least three typical cigarette burns and a skin lesion which is consistent with a spark burn from mains electric current".

#### **Sudanese case (to go in photo caption):**

"... there was relatively little uninjured skin area remaining on the chest and upper arms; the appearances are of unusually heavy, multiple beating of a severity not seen in my previous experience" (AI pathologist). Thirty-five-year-old Butros Koko from Sudan was beaten with electric cables and hosepipe, and burned with cigarettes after his arrest in Kuwait in 1991.

The following extracts are taken from the medical report of an AI forensic pathologist who examined victims of torture during a two-week fact-finding visit to Kuwait in March and April 1991. All three were Palestinians accused of "collaboration" with Iraqi forces. Medical evidence obtained during the visit and subsequently confirmed that the torture of detainees, particularly during the period of martial law, was routine, widespread and brutal. Numerous victims testified that they were beaten, burned with cigarettes or acid, given electric shocks, subjected to mock executions and had their skin slashed with knives by Kuwaiti military and security personnel and, in some cases, by armed civilians.

Among the victims were young boys and men over 70 years of age, the majority of them Palestinians, Jordanians, Iraqis, and

Sudanese. Other victims included members of the bidun community, stateless Arabs, many of whom were born in Kuwait and have lived and worked there for years, but who continue to be denied the most basic civil and political rights.

In some cases the victims were rushed to hospitals for emergency treatment, where tight security controls were enforced and treatment generally administered by Kuwaiti doctors. Despite the difficulties in gaining access to such victims, AI did obtain hospital records on some cases. These, together with testimonies from non-Kuwaiti doctors, indicated that during the period of martial law there was a high incidence of 'patients' being admitted to hospitals suffering from kidney failure resulting from "crush syndrome" -- a condition frequently associated with traumatic damage to muscle tissue, such as severe beatings.

AI believes that in many such cases the victims were picked up and tortured solely on the basis of their nationality or origin. Among the medical records obtained by AI were those of two Kuwaiti nationals who had been arrested and beaten: they had apparently been mistaken for Palestinians. Others did not survive such treatment and died or were otherwise killed while in custody.

Ahman Jassem al-Thajil, an 18-year-old Shi'a Muslim and member of the bidun community, died on 6 March, 1991 after three day's detention in al-Rumaithiyya police station. His body was then taken to the morgue at Mubarak Hospital, where two doctors testified to AI that they had seen the body and that it bore the marks of severe beatings.

Despite numerous public appeals to the Amir of Kuwait and government officials, the wave of torture and killings continued throughout the period of martial law. As far as AI is aware, the Kuwaiti Government has failed to investigate a single report or torture or killing connected with that period, has failed to bring to justice anyone found responsible for such abuses, and has failed to compensate a single victim.

AI continued to receive reports of torture after martial law was lifted at the end of June 1991 but the incidence of such cases gradually decreased by the end of that year. In 1992 and 1993 there were new reports of torture unrelated to the Gulf conflict. In June 1992, a Sri Lankan national, Colompurage Asoka Pathmakumara, died on the way to al-Farwaniyya Hospital, apparently after being tortured at Jlaib al-Shuyukh police station. He had been arrested in May after being accused of robbery, an accusation which his wife strongly denies. A death certificate issued by the Ministry of Public Health gave the cause of death as "bruises on the back and foot and fractures in the right thigh, internal haemorrhage and shock". His wife pressed the authorities to clarify the circumstances of his death, but without success. In December 1992 the Justice Ministry told AI that the death of the Sri Lankan detainee was not unlawful and was the result of injuries sustained when he fell from a building while attempting to escape. The Ministry conceded that he had been beaten "lightly" during interrogation to extract a confession, and said that seven

policemen had been referred to the Criminal Court on torture charges. However, despite AI's repeated requests, the government has to date failed to provide details of legal proceedings being followed in the cases of the seven policemen implicated in the torture of Colompurage Asoka Pathmakumara.

◆ Hisham ben Soltana, an airline steward of dual British and Tunisian nationality, was reportedly tortured in July 1992 while held for over two weeks at Messila Civil Defence Centre. After his release he said he had been beaten repeatedly and burned with cigarettes while in custody, and denied access to British consular officials until the moment of his release.

### **Death and prison sentences after unfair trials**

Detainees who were brought to trial within the first few months after the Iraqi occupation of Kuwait was ended found themselves facing a martial law court on charges of "collaboration" with Iraqi occupation forces. An AI delegate who attended a number of sessions before the court concluded that "the trials were defective in all the critical phases - in the pre-trial period, during the hearings themselves and afterwards in the lack of defendant's right to appeal to a higher tribunal. In some cases, defendants were never told what charges they faced." Over a one month period, between 19 May and 20 June 1991, 164 defendants were tried, 42 of them in absentia.

AI called for the trials to be halted immediately until they were brought in line with international standards, but the Kuwaiti Government did not respond. The trials continued, and 29 defendants were sentenced to death while 72 others received custodial sentences ranging between one year and life. Forty-five other defendant were acquitted. Some of the defendants were convicted solely on the basis of "confessions" extracted under torture, others on the basis of hearsay testimony from secret witnesses -- in some cases after having been denied access to a defence lawyer until the start of the trial.

None had the right to appeal. The fate of those convicted was left in the hands of Crown Prince Shaikh Sa'ad al-'Abdallah al-Sabah who, in his capacity as Martial Law Governor, was empowered to reduce, confirm or even increase the sentences. AI believes that mounting international pressure on Kuwait during this period led to the commutation of the 29 death sentences, a step which AI welcomed. The Crown Prince also reduced a number of custodial sentences.

Nevertheless, at least 59 prisoners convicted by the Martial Law court are currently serving terms of imprisonment in Kuwait Central Prison following manifestly unfair trials. Some of them are prisoners of conscience. AI has consistently called for a judicial review of all these cases to be set up. The Kuwaiti Government has refused to do so.

Balgis Hafez Fadhil, a 29-year-old Iraqi, used to work for a television company that produced cultural programs, based in Kuwait but involving all Gulf countries. She is now serving a 10-year prison sentence for "collaboration" with the Iraqi authorities. She was charged in connection with the much publicized al-Nida' newspaper case the only newspaper which the Iraqi

authorities allowed to be published during the occupation. Along with 14 others, she was tried before the Martial Law Court in 1991. She denied all charges in court. Six of the defendants -- including one woman -- received death sentences which were later commuted to life imprisonment.

Defendants held on "collaboration" charges who had not been tried when martial law was lifted at the end of June 1991 remained in detention until April 1992 when the trials resumed, this time before the State Security Court. In the interim period Kuwait's State Security Law was amended, giving the defendants certain limited rights denied them under Martial Law. These included the right to appeal on points of law, and the right to complain against continued detention before a newly-established review court. However, defendants were still not able to appeal on questions of fact (although this is allowed in ordinary criminal cases), and preventive detention could still be repeatedly renewed by the review court, in some cases without the presence of a defence lawyer.

At least 19 people -- including seven Iraqis and 10 Jordanians of Palestinian origin -- now face possible execution after being sentenced to death by the State Security Court in 1992 and 1993. One execution of an Iraqi national, convicted of murder and membership of the pro-Iraq Arab Liberation Front, was carried out in May 1993. This was the first recorded judicial execution in Kuwait since 1989.

The verdict on another 14 people -- charged in connection with an alleged plot to assassinate the former President of the United States of America (USA), George Bush -- was due on December 25. The prosecution had already asked for the death penalty to be imposed on all 11 Iraqis and one of the three Kuwaitis standing trial. In July 1993, AI called for a re-trial. Among other things, the organization was concerned about the violation of the defendants' rights during pre-trial detention, including being denied the basic right to have a lawyer defending them at all stages of the proceedings.

### **Human rights work blocked by authorities**

AI members have been active in Kuwait since 1986, when they began sending appeals on behalf of individual prisoners and promoting those human rights falling under AI's mandate. Their work has expanded to include participation in AI campaigns worldwide and the promotion of human rights awareness and education. Activities undertaken by AI's membership on human rights issues have included an art exhibition, a film festival and a series of seminars.

The work of other human rights groups in Kuwait, however, has been effectively blocked by the government. In August 1993 the Council of Ministers issued a decree ordering the dissolution of all unlicensed organizations, including several human rights groups working on behalf of some 650 Kuwaitis still missing after the Gulf War and believed to be held in Iraq. Chief among them is the Kuwaiti Association to Defend War Victims, whose repeated

applications for a licence have been met with silence. In taking this decision, the government effectively ignored a National Assembly resolution adopted in December 1992, urging that non-governmental groups working for the "disappeared" Kuwaitis be legalised and supported financially. To date the government has not responded to widespread protests against its decision by the families of the "disappeared" and the parliamentary Hostages and Missing Committee, whose members subsequently resigned.

(3636 words)