

EXTERNAL (for general distribution)

AI Index: MDE 17/01/93

Distr: UA/SC

UA 165/93 Death Penalty

19 May 1993

KUWAIT:

'Abd al-Rahman Hassan Khafi: executed 5 May 1993

Ghaleb 'Abd al-Majid al-Turki (Iraqi): sentenced to death 23/5/1992

Muhsin Shawkat Taher Hussain (Iraqi): sentenced to death 23/5/1992

Huda Mustafa Iman (female): sentenced to death *in absentia* 7/12/92

Khalifa (full name unknown): sentenced to death 1992

Siham Ibrahim Hussain 'Ali (female) (Kuwaiti): sentenced to death 30/1/93

'Abd al-Rahman Hassan Khafi, an Iraqi national sentenced to death by Kuwait's State Security Court last year, was executed on 5 May 1993. According to information available to Amnesty International, this was the first recorded judicial execution to have been carried out in Kuwait since 1989. Amnesty International fears that this execution may signal the Kuwaiti government's willingness to carry out other death sentences imposed on prisoners convicted on charges of "collaboration".

Since April 1992, seven death sentences (including that of 'Abd al-Rahman Khafi) have been passed, one of them *in absentia*. Amnesty International welcomed the Court of Cassation's decision in December 1992 to reduce one of these death sentence to life imprisonment. The five other death sentences, passed on those named above, are currently before the Court of Cassation or awaiting ratification by the Amir.

On 5 April 1993 Amnesty International appealed to the Amir to exercise clemency and to commute these death sentences, and urging him not to ratify the death sentence imposed on 'Abd al-Rahman Hassan Khafi. To date Amnesty International has received no response.

'Abd al-Rahman Hassan Khafi was arrested following the withdrawal of Iraqi forces in Kuwait in February 1991, and was among some 150 defendants brought to trial before the State Security Court since April 1992. All faced charges of "collaboration" with Iraqi forces during the occupation of Kuwait. 'Abd al-Rahman Khafi was charged on six counts, including the premeditated murder of a Kuwaiti border guard, illegal possession of explosives, trading in arms and alcohol, and working with Iraq through his membership of the Arab Liberation Front (Jabhat al-Tahrir al-'Arabiyya). He was sentenced to death on 19 July 1992 following proceedings which failed to conform to international standards for fair trial. The death sentence was upheld by the Court of Cassation on 28 December 1992 and subsequently ratified by the Amir of Kuwait. 'Abd al-Rahman Hassan Khafi was hanged in the execution room at Kuwait Central Prison in the presence of a representative of the Public Prosecution, the prison director, a doctor and a religious cleric.

Amnesty International is concerned about the legal proceedings being followed before the State Security Court and that those named above are now at risk of execution.

BACKGROUND INFORMATION

No executions were known to have been carried out in Kuwait since 1989. A total of 29 executions have been recorded by Amnesty International between 1961 and 1989, many of which followed convictions for premeditated murder. Following the withdrawal of Iraqi forces from Kuwait in February 1991, there were no judicial executions but scores of extrajudicial executions were carried out by the Kuwaiti armed forces, security personnel and the police. In May and June 1991, 29 people charged with "collaboration" with Iraqi forces were sentenced to death after manifestly unfair trials before the Martial Law Court. However, the Amir commuted these sentences to life imprisonment on 26 June 1991.

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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 or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

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

- expressing regret about the execution of 'Abd al-Rahman Hassan Khafi on 5 May 1993;
- urging that the death sentences passed on the five other prisoners named above be commuted in the event that they are upheld by the Court of Cassation, and that no future death sentences be carried out;
- 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

Salutation: Your Highness

Telegrams: His Highness Shaikh Sa'ad al-'Abdallah al-Sabah, Kuwait City, Kuwait
Faxes: + 965 243 0121

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

Salutation: Your Excellency

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

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

Salutation: Dear Sir

Telegrams: Mr Muhammad 'Abd al-Hay al-Bannay, Ministry of Justice, Kuwait City, Kuwait
Faxes: + 965 246 6957

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

Salutation: Dear Lieutenant

Al-Safat

Colonel

Kuwait City, Kuwait

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

Faxes: + 965 257 0880

COPIES OF YOUR APPEALS TO:

1) Local human rights groups:

(a) Kuwaiti Association for the Defence of War Victims (b) Committee for the Defence of Human Rights

P O Box 2211, Al-Salmiyya 22023

Kuwait

Faxes: + 965 5332233

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 June 1993.