

UA 212/91

Death Penalty/Unfair Trials

18 June 1991

KUWAIT;

1. Mankhi Jaber AL-SHAMMARI, aged 33, 'bidun' (stateless Arab)
2. Fatima Ramez TAFLA (f), aged 26, Lebanese
3. Farhan Majid KHALAF, 'bidun'
4. Ahmad Fadi AL-HUSSAINI, Lebanese, formerly chief editor of the Kuwaiti newspaper al-Qabas
5. Ibtisam Berto Sulaiman AL-DAKHIL (f) aged 35, Kuwaiti, former journalist with al-Qabas newspaper
6. Fawwaz Muhammad al-'Awadi BSEISO, aged 37, Jordanian, former language editor with al-Qabas newspaper
7. Suhail 'Abdallah HUSSAIN, aged 24, Jordanian, former employee of al-Qabas newspaper
8. 'Abd al-Rahman Muhammad As'ad AL-HUSSAINI, aged 39, Jordanian, former editor with KUNA (Kuwaiti News Agency)
9. Ahmad 'Abd MUSTAFA, aged 39, Jordanian, former producer for Kuwaiti Television,
10. Hassan Dawud SULAIMAN (full name and details unknown)
11. Muhsin Hadi (full name and details unknown)
12. Yusuf Mustafa (full name and details unknown)
13. Hamda As'ad YUNIS (f), aged 55, Jordanian

Thirteen death sentences were passed by Kuwait's Martial Law Courts between 8 and 17 June 1991, five of them *in absentia*. All the defendants were charged with collaboration with Iraqi authorities during the seven-month occupation of Kuwait. They have no right of appeal against the sentences to a higher tribunal.

Their sentences will be referred to Kuwait's Crown Prince, Shaikh Sa'ad al-Abdallah Al-Sabah, who is empowered to reduce or uphold the sentences. The Crown Prince's decision is made after a panel of three legal counsel has reviewed each case, and made recommendations which are not binding.

The charges against the defendants (as listed above) are as follows:

- **Defendant 1:** Charged with joining Iraq's Popular Army during the occupation.
- **Defendant 2:** Charged with informing on her Kuwaiti husband, which reportedly led to his arrest and execution by Iraqi forces.
- **Defendant 3:** Charged with theft and collaboration with Iraqi forces during the occupation (no further details available).
- **Defendants 4-9:** Charged with collaboration with Iraqi authorities as employees of the Iraqi occupation newspaper al-Nida'.
- **Defendants 10-12:** Charged with collaboration with Iraqi authorities during the occupation (no further details available).
- **Defendant 13:** Charged with collaboration with Iraqi authorities in Kuwait, reportedly for running a school during the occupation and editing material for the newspaper al-Nida'.

BACKGROUND INFORMATION

Following the withdrawal of Iraqi forces from Kuwait on 26 February 1991, the

Kuwaiti authorities introduced Martial Law regulations and set up special courts to hear the cases of individuals charged with 'collaboration' with Iraqi authorities and with crimes committed during the occupation period. Of the hundreds of people arrested by the Kuwaiti authorities since 26 February 1991, an estimated 200 are being brought to trial on a variety of charges. The trials, which began on 19 May 1991, are being held in public and are attended by families of the defendants, representatives of non-governmental organisations and Western embassies, as well as the media.

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Amnesty International's observer attended hearings and trials heard before the Martial Law Courts between 20 May and 1 June 1991. In a public statement on 11 June 1991, Amnesty International appealed for the commutation of any death sentences passed, and declared that the trial proceedings were unfair and should be halted until they are brought into line with international standards for fair trial. Amnesty International believes that so far the trials have been defective in all the critical phases; in the pre-trial period, during the hearings themselves, and in the lack of defendants' right to appeal to a higher tribunal.

RECOMMENDED ACTION: Telexes/faxes/express and airmail letters:

- Appealing for the commutation of the 13 death sentences.
- Reiterating Amnesty International's call for the trials to be halted until the proceedings are brought into line with international standards.
- Reiterating Amnesty International's call for a review of all verdicts and sentences passed since 19 May, including the 13 death sentences.
- Urging the authorities to grant all detainees currently in pre-trial detention access to their relatives, lawyers, independent doctors and judges who are empowered to rule on the legality of their pre-trial detention.

APPEALS TO:

N.B. Due to the continuing difficulties of postal communication with Kuwait, appeals should be directed to Kuwaiti diplomatic representatives in your country. You may also request that your letters/telexes to the authorities listed below, be forwarded to them by the Kuwaiti embassy in your country.

Appeals should, where possible, be sent by **fax** via the Kuwaiti Embassy in Riyadh, Saudi Arabia, to the authorities listed below;

Fax No. of Kuwaiti Embassy, Riyadh : + 966 1 488 3682

Please forward to;

- His Highness Shaikh Sa'ad al-'Abdallah al-Sabah
Crown Prince
- His Excellency Hammud al-Jaber Al-Sabah
Minister of Interior
- His Excellency Mr. Ghazi al-Sammar
Minister of Justice

- Mr. Hamed al-'Othman
Attorney General and acting Public Prosecutor

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 30 July 1991.