

EXTERNAL (for general distribution)

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Further information on UA 212/91 (MDE 17/06/91, 18 June 1991) - Death  
Penalty/Unfair Trials

KUWAIT:

1. Mankhi Jaber AL-SHAMMARI, aged 33, 'bidun (stateless Arab)
2. Fatima Ramez TAFLA, (f), aged 26, Lebanese
3. Farhan Majid KHALAF, age unknown, 'bidun'
4. Ahmad Fadi AL-HUSSAINI, age unknown, Lebanese, formerly chief editor of the Kuwaiti daily newspaper al-Qabas
5. Ibtisam Berto Sulaiman AL-DAKHIL, (f), aged 35, Kuwaiti, formerly a journalist with al-Qabas newspaper
6. Fawwaz Muhammad al-'Awadi BSEISO, aged 37, Jordanian, formerly a language editor with al-Qabas newspaper
7. Usama Suhail 'Abdallah HUSSAIN, aged 24, Jordanian, formerly an employee of al-Qabas newspaper
8. 'Abd al-Rahman Muhammad As'ad AL-HUSSAINI, aged 39, Jordanian, formerly an editor with KUNA (Kuwaiti News Agency)
9. Ahmad 'Abd MUSTAFA, aged 39, Jordanian, formerly a programme 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

plus new names,

14. Samir Khalif ABBUD, age and nationality unknown, he was convicted of joining Iraq's Popular Army and collaboration
15. Sabah Muhammad Hassan TAHER, age unknown, Iraqi
16. Ma'mun Sami Muhammad MAS'UD, age unknown, Palestinian
17. 'Imad Sami Muhammad MAS'UD, age unknown, Palestinian and the brother of Ma'mun, (No. 16)
18. Ra'ed 'Abd al-Ra'uf HAMID, age unknown, Jordanian
19. Ra'ed Mufid 'IZZAT, age unknown, Jordanian
20. Bilal 'Abd al-Rahim Abu HAMID, age unknown, Palestinian
21. Ayman Muhammad Ahmad MAS'UD, age unknown, Jordanian
22. Salem HASHUSH, bidun, age unknown
23. Khalil Jum'a 'Ali AL-'ABBUDI, aged unknown, Iraqi
24. Sa'ad Lafi DU'AIJ, age unknown, bidun
25. Marzuq Muhammad MARZUQ, age unknown, bidun
26. Nayef Jassir AL-'ANAIZI, age unknown, bidun
27. 'Ubaid Rashed 'UBAID, age unknown, bidun
28. Hashem Saher THAHER, age unknown, bidun
29. Fahd 'Abdallah FAHD, age unknown, bidun

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The 29 death sentences passed against the persons named above by Kuwait's Martial Law Courts between 8 and 20 June 1991, of which 14 were passed in absentia, were all commuted to life sentences by the Crown Prince, Shaikh Sa'ad al-Abdallah Al-Sabah, on 26 June 1991. The Martial Law Regulations were lifted the same day.

Further to the 13 death sentences passed between 8 and 17 June, an additional 16 people had been sentenced to death between 17 and 20 June, bringing the total number of death sentences passed to 29. All the defendants had been charged with collaboration with the Iraqi authorities during the occupation of Kuwait.

#### **BACKGROUND INFORMATION**

The martial law courts were abolished with the official lifting of the Martial Law Regulations in Kuwait on 26 June 1991. It is unclear at present how many defendants are still awaiting trial, but it is believed that there may be several hundred. According to a recent statement by Kuwait's Acting Public Prosecutor, Hamed al-'Othman, all pending cases not heard before the martial law courts will now be referred to either ordinary criminal courts or the State Security Court. The State Security Court will reportedly retain the three civilian judges from the martial law courts. Amnesty International has had longstanding concerns about trial procedures before Kuwait's State Security Court. These concerns relate to the period before the occupation by Iraqi forces. These procedures do not conform to international standards for fair trial, and defendants have no right of appeal to a higher tribunal. The Amir of Kuwait, Shaikh Jaber al-Ahmad al-Sabah, is empowered to uphold or commute death sentences passed by the State Security Court. Amnesty International therefore remains concerned about the fairness of trials by the State Security Court and the possibility of future death sentences.

#### **FURTHER RECOMMENDED ACTION: Telexes/faxes/express and airmail letters:**

- welcoming the commutation of the 29 death sentences and urging that no further death sentences be passed;
- urging that proceedings do not continue before either the ordinary criminal courts or the State Security Court until the authorities grant assurances that all subsequent trials will conform to international standards for fair trial;
- reiterating Amnesty International's call for a review of all verdicts and sentences passed since 19 May, including those of the 29 defendants named above;
- 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 9 August 1991.