

EXTERNAL (for general distribution)

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Further information on UA 180/93 (MDE 17/02/93, 4 June 1993) and follow-ups (MDE 17/04/93, 10 June 1993, MDE 17/08/93, 20 October, MDE 17/10/93, 13 December, MDE 17/05/94, 6 June 1994 - 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
 Badr Jiyad Thamer Mutlaq al-Shummari, Kuwaiti, aged 30

On 20 March 1995, the Court of Cassation upheld the death sentences passed on Ra'ad 'Abd al-Amir 'Abbud al-Asadi and Wali 'Abd al-Hadi 'Abd al-Hassan al-Ghazali. The death sentences would have to be ratified by the Amir of Kuwait before they can be carried out. These two are among the six men named above who were sentenced to death on 4 June 1994 by the State Security Court following their conviction on charges of participation in an alleged assassination attempt on the former United States President, George Bush, during his visit to Kuwait in April 1993. Also on 20 March 1995, death sentences imposed on Salem Nasser Subaih Rumi al-Shummari and Bandar 'Ujail Jaber al-Shummari were reduced to life imprisonment; 'Adel Isma'il 'Issa al-'Utaibi had his sentence reduced to 15 years' imprisonment. In the case of Badr Jiyad Thamer Mutlaq al-Shummari, the Court of Cassation overturned his conviction on attempted assassination but upheld his conviction on alcohol smuggling and five years' imprisonment.

Amnesty International believes that the trial failed to meet international standards for fair trial. The defendants were denied the basic right to have a lawyer defending them at all stages of the proceedings. The right to be presumed innocent until proven guilty according to the law was jeopardised by statements made by Kuwait's Public Prosecutor at a press conference on 16 May 1993. Other observers have also criticized the fairness of the proceedings. For example, In its human rights report for 1994, the United States State Department states that the trial "did not meet internationally accepted standards ...".

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

Amnesty International has repeatedly drawn attention to its concerns about procedures followed by the State Security Court, stating that they do not conform to international standards for fair trial, and that the defendants are denied the full right to appeal available in ordinary criminal cases. Defendants tried before the State Security Court have the right to a limited review of their cases by the Court of Cassation, while criminal cases may be reviewed before the Court of Appeal on issues of fact and law followed by a further review of possible legal errors by the Court of Cassation.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters:

- urging the Amir of Kuwait to commute the two death sentences upheld by the Court of Cassation;
- calling for a retrial in which the right of access to defence counsel at all stages of the proceedings and the full right of appeal are guaranteed.

APPEALS TO:

1) His Highness Shaikh Jaber al-Ahmad al-Sabah
Amir of the State of Kuwait
Al-Diwan al-Amiri
Al-Safat

Kuwait City, Kuwait

Telegrams: Amir, Kuwait City, Kuwait

Faxes: +965 539 6434

Salutation: Your Highness

2) His Highness Shaikh Sa'ad al-'Abdallah al-Sabah
Crown Prince and Prime Minister
Al-Diwan al-Amiri

Al-Safat

Kuwait City, Kuwait

Telegrams: Prime Minister, Kuwait City, Kuwait

Faxes: +965 539 6434

Salutation: Your Highness

3) His Excellency Mshari al-'Anjari
Minister of Justice and Administrative Affairs
Ministry of Justice and Administrative Affairs
PO Box 6, Al-Safat, Kuwait City, Kuwait

Telegrams: Justice Minister, Kuwait City, Kuwait

Faxes: +965 246 6957

Salutation: Your Excellency

4) Mr Muhammad 'Abd al-Hay al-Bannay
Public Prosecutor

Ministry of Justice and Administrative Affairs

PO Box 6, Al-Safat, Kuwait City, Kuwait

Telegrams: Public Prosecutor, Kuwait City, Kuwait

Faxes: +965 246 6957

Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

1) Local human rights groups:

(a) Kuwait Association for the Defence of War Victims

P O Box 2211, Al-Salmiyya 22023, Kuwait

Faxes: +965 533 2233

(b) Committee for the Defence of Human Rights

The National Assembly (Parliament)

Kuwait City, Kuwait

Faxes: +965 241 6538

2) Newspaper:

Al-Qabas
PO Box 21800, Kuwait City 13078, Kuwait
Faxes: +965 4834 355

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 11 May 1995.