

UA 286/01

Fear of torture

7 November 2001

KUWAIT

Tiodi Magiliar Tomaro (m), Filipino
Mary-Jane Vitios (f), Filipina, aged 26
Nooriza Talib Ashak (f), Filipina, aged 34
Loridos Seri Esper (f), Filipina, aged 41
Rosalie Teesor Baklidia (f), Filipina, aged 38
Jamie Bernardo (m), Filipino, aged 38
Ojaro Rubia (m), Filipino, aged 31

The seven Filipino nationals named above were arrested after the 10 October murder of a Canadian citizen. On 6 November the Kuwaiti Interior Ministry announced that they had "confessed" to involvement in the murder. All had allegedly been tortured to force them to confess. Amnesty International is concerned that they may face further torture, and if convicted may face the death penalty on the basis of their "confessions".

BACKGROUND INFORMATION

Canadian aircraft technician Luc Ethier, who was working in Kuwait for a US-based corporation, was shot dead on 10 October while walking with his wife through a busy shopping area about 20 kilometres south of Kuwait City. His Filipina wife, Mary-Jane Vitios, was hit three times but survived.

The Kuwaiti authorities charged Kuwaiti national Majed al-Mutairi with the murder on 22 October, after Mary-Jane Vitios identified him as her husband's killer. A few days later, Majed al-Mutairi's lawyer issued a statement saying that he had only confessed to the murder after being tortured by the security forces and that, since there was no evidence against him, he should be released.

On 6 November the authorities announced that Mary-Jane Vitios and the six other Filipino nationals named above had confessed to involvement in the murder of Luc Ethier. According to an official statement, Mary-Jane Vitios had "collaborated" with the other Filipinos to collect her husband's life insurance money, and her confession had "sealed the case". Majed al-Mutairi was released last night.

Amnesty International recognizes the rights and responsibilities of governments to bring to justice anyone suspected of a recognizably criminal offence, but is unconditionally opposed to the use of torture or ill-treatment to obtain confessions in any circumstances.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at allegations that the eight people named above were tortured to force them to confess, and urging the authorities to order a prompt and impartial investigation, as required by Article 7 of the International Covenant on Civil and Political Rights, to which Kuwait is a state party;
- urging that all the accused receive a fair trial in accordance with international standards, and that confessions obtained under duress are not used in evidence against them;
- seeking assurances that they are being treated humanely and have access to lawyers of their own choosing, their families and any medical care they

may require, and that they protected from any form of ill-treatment while in custody.

APPEALS TO:

1) His Highness Shaikh Jaber al-Ahmad al-Sabah
Amir of the State of Kuwait
Al-Safat, Kuwait City, Kuwait
Fax: + 965 539 6434
Salutation: Your Highness

2) His Highness Shaikh Sa'ad al-'Abdullah al-Sabah
Crown Prince and Prime Minister
Al-Diwan al-Amiri
Al-Safat, Kuwait City, Kuwait
Fax: + 965 539 6434
Salutation: Your Highness

3) His Excellency
Shaikh Mohammad al- Khalid al- Sabah
Minister of Interior
Ministry of Interior
P O Box 11, al- Safat
Kuwait City, Kuwait
Fax: + 965 243 3317
Salutation: Your Excellency

4) His Excellency Dr Saad Jassem Yousef al-Hashel
Minister of Justice and Legal Affairs
Ministry of Justice and Legal Affairs
PO Box 6, Al-Safat 13001
Kuwait City, Kuwait
Fax: + 965 246 6957
Salutation: Your Excellency

COPIES TO:

Local human rights group
Chairman, Abdel Muhsin Jamal
Committee for the Defense of Human Rights
The National Assembly (Parliament)
Kuwait City
Fax: + 965 241 6538

Newspapers

Al-Qabas
PO Box 21800
Kuwait City 13078
Fax: + 965 483 4355

Al Watan
PO Box 1142
Al-Safat
Kuwait City
Fax: + 965 483 5426

Kuwaiti News Agency (KUNA)

Fax: + 965 246 9549

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 19 December 2001.