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Public Statement

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Kuwait: Investigation into death in custody required as a first step towards a greater observance of human rights standards

Amnesty International today called for an urgent and independent investigation into the death in custody of Amer Khlaif al-Enezi, aged 29.

Amer Khlaif al-Enezi, and five other men were detained by Kuwaiti security forces on 31 January 2005 following a nine-hour gun battle in which four gunmen were killed. Another unnamed individual reportedly later died as a result of the wounds he received in the course of the gun fight.

Amer Khlaif al-Enezi was reportedly initially questioned by security forces before being handed over to the public prosecutor for further questioning. He was already in a poor physical and psychological condition prior to being transferred to a military hospital suffering from breathing difficulties. He reportedly died around 21:00 hours on 8 February 2005 as a result of heart failure at the military hospital. Amer Khlaif al-Enezi had already "confessed" to all the charges brought against him. Details regarding his whereabouts and status from 31 January are not known.

The Kuwaiti authorities must urgently set up an independent judicial body to investigate the death in custody of Amer Khlaif al-Enezi. The body should be composed of individuals known for their impartiality and competence and should be independent of any institution or agency that might be the subject of the inquiry. A prompt, thorough, independent and impartial forensic examination should also be conducted. The judicial body should also be empowered to question any person, have full access to all documents necessary to its inquiries and ensure the protection of any witnesses and sources. The results and recommendations of this body should be made public, and those alleged responsible should be brought to justice in accordance with standards of fair trial and without the imposition of the death penalty.

Amnesty International unreservedly condemns acts of violence carried out by armed groups and recognises the rights and responsibilities of states to bring alleged criminals to justice. However, it is paramount that in doing so, states observe their human rights obligations in respect to the use of force, arrest, interrogation, detention and, if relevant, trial procedures.

Amnesty International urges the Kuwaiti government to ensure that the new powers granted to the security forces are in line with relevant international human rights law and standards, including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Up to 40 individuals have been detained during four clashes between security forces and armed groups since an outbreak of violence over the last month. Amnesty International urges the Kuwaiti authorities to respect and protect the rights of all those detained in accordance with obligations under the

International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Kuwait is a state party.

In particular, Amnesty International urges the Kuwaiti authorities to ensure that all persons detained have immediate access to a lawyer, doctor and their families. The organization calls for the detainees to be informed promptly of any charges against them and be brought before a judge to review the legality of their detention without delay. They should also be charged and brought to trial within a reasonable time or should be released.

Amnesty International urges the Kuwaiti authorities not to use these events as a pretext to limit the right of freedom of expression, and not to threaten to close or suspend newspapers which discuss issues of public interest related to the recent events.