

EXTERNAL (for general distribution)

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Death Penalty

10 June 1993

KUWAIT:

Jassem Hassan Sabhan: Iraqi, aged 37

'Abd al-Khaliq Mankhi Naji: Iraqi, aged 40

'Abd al-Wahed Hamid 'Abd al-Shah: Iraqi, aged 39

Amjad Ibrahim Hamad al-Shikhaiti: Iraqi, aged 30

'Abd al-Salam 'Abd al-Karim Sa'ud: Iraqi, aged 63

and

Colonel 'Ala' Hussain 'Ali al-Khafaji al-Jabr: said to be a
Kuwaiti national, sentenced to death *in absentia*

Amnesty International is concerned that the above six people have been sentenced to death and that if their sentences are upheld by the Court of Cassation five of them may face imminent execution. On 8 June 1993, the Kuwaiti News Agency quoted Kuwait's Foreign Minister as saying that these five death sentences and any other future death sentences will be carried out following ratification by the Amir.

On 6 June 1993, Kuwait's State Security Court sentenced to death the five Iraqi nationals named above. They were convicted on charges of "collaboration" with Iraqi forces during the occupation of Kuwait, including by participating in the activities of Iraq's Ba'th Party which worked towards legitimising the occupation, and receiving money from the hostile state in return for causing damage to Kuwaiti national interest. In addition, the first four defendants named above were accused of membership of Iraq's Popular Army in Kuwait and illegal possession of arms and ammunition; the fifth defendant, 'Abd al-Salam 'Abd al-Karim Sa'ud, was also charged with aiding Iraqi forces by revealing the location of depots of spare parts for Kuwaiti petroleum transport tanks and enabling them to seize these parts.

In another case, on 5 June 1993 the State Security Court sentenced to death *in absentia* Colonel 'Ala' Hussain 'Ali al-Khafaji al-Jabr. Said to be a Kuwaiti national, Colonel 'Ala' headed the nine-man 'Provisional Free Kuwait Government' set up by the Iraqi Government immediately following the invasion of Kuwait. However, less than a week later, on 8 August 1992, this provisional government was dismissed and Iraq announced the annexation of Kuwait. The trial of Colonel 'Ala', who is currently in Iraq, began last year but was adjourned several times before he was sentenced to death on 5 June. He was convicted on charges of "collaboration", which include: deliberately committing acts damaging to Kuwait's independence by heading the provisional government, assisting Iraq militarily in Kuwait, and declaring publicly his acceptance of Iraq's annexation of Kuwait.

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.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:

- expressing concern that the six people named above were sentenced to death on 5 and 6 June 1993;

- urging that these death sentences be commuted by the Amir if they are upheld by the Court of Cassation;

- reiterating Amnesty International's unconditional opposition to the death penalty and urging that no death sentences be carried out.

Page 2 of UA 185/93

APPEALS TO

1) His Highness Shaikh Sa'ad al-'Abdallah al-Sabah
Crown Prince and Prime Minister
Al-Diwan al-Amiri
Al-Safat, Kuwait City, Kuwait
Telegrams: His Highness Shaikh Sa'ad al-'Abdallah al-Sabah, Kuwait City, Kuwait
Faxes: + 965 243 0121

Salutation: Your Highness

2) His Excellency Mshari al-'Anjari
Minister of Justice and Legal Affairs
Ministry of Justice and Legal Affairs
P O Box 6
Al-Safat, Kuwait City, Kuwait
Telegrams: His Excellency Mshari al'Anjari, Kuwait City, Kuwait
Faxes: + 965 246 6957

Salutation: Your Excellency

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 5332233

2) Newspaper:
Al-Qabas
P O Box 21800
Kuwait City 13078, Kuwait
Faxes: + 965 4834355

3) Mr Muhammad 'Abd al-Hay al-Bannay
Public Prosecutor
Ministry of Justice and Legal Affairs
P O Box 6
Al-Safat, Kuwait City, Kuwait
Telegrams: Mr Muhammad 'Abd al-Hay al-Bannay, Ministry of Justice, Kuwait City, Kuwait
Faxes: + 965 246 6957

Salutation: Dear Sir

4) Lieutenant Colonel Muhammad al-Fahed
International Organizations Liaison
Office
Ministry of Interior
Al-Safat, Kuwait City, Kuwait
Telegrams: Lieutenant Colonel Muhammad al-Fahed, Interior Ministry Kuwait City, Kuwait
Faxes: + 965 257 0880

Salutation: Dear Lieutenant Colonel

(b) Committee for the Defence of Human Rights
The National Assembly (Parliament)
Kuwait City, Kuwait
Faxes: + 965 2416538

and to diplomatic representative of Kuwait accredited to your country. The World Conference on Human Rights is being held in Austria this month and you can enhance the power of your appeals by also sending copies to the diplomatic

representative of Kuwait in Austria during June at the following address:

Kuwait Embassy:

The Ambassador

Botschaft des Staates Kuwait

Universitätsstr. 5, 1010 Wien

Austria

Faxes: + 43 222 408 7263

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 July 1993.