
AMNESTY INTERNATIONAL

NEWS SERVICE 35/94

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NEWS SERVICE ITEMS: EXTERNAL - KUWAIT

PLEASE NOTE: Enclosed is a revised version of the Kuwait news service item sent out in News Service 32/94. The index number and embargo date of the original item are the same but there have been some changes to the text, the altered sections of text are underlined in the version included in this news service. Sorry for any confusion caused by these alterations.

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Kuwait - 24 February - SEE NEWS SERVICE 170

Women - 8 March - SEE NEWS SERVICE 161/26

TARGETED AND LIMITED NEWS RELEASES

European Parliament & Political killings/"disapps" Handbook - 23 Feb

SEE NEWS SERVICE 22/94 - Update - Pierre Sané's speech to the European Parliament and the press conference organized by Johannes at the AI EC office in Brussels are both going ahead as planned. I will distribute the speech via the news service as soon as possible. For the press conference Johannes will be using the news service item on the handbook launch (see News Service 25/94) plus a news release he has prepared based on parts of Pierre Sané's speech, which he has distributed to EC member sections.

****South Korea - 9 March**** - SEE NEWS SERVICE 32/94

****South Africa (Bophuthatswana) - 11 March**** - A document will be coming in the weekly mailing and there will be a news service item to accompany it.

****Hong Kong - 13 April**** - This is the launch date of a report calling for a Human Rights Commissioner for Hong Kong. There will be a news release to accompany this report and a press conference will be held by the Hong Kong section attended by members of the IS Hong Kong research team.

****Turkey - 6 April**** - SEE NEWS SERVICE 26/94

FORTHCOMING NEWS INITIATIVES

Saudi Arabia - 10 May - NOTE CHANGE OF DATE - more details to follow

Colombia - 16 March - SEE NEWS SERVICE 123 + UAs AMR 23/56+57/93

South Africa - 31 March - POSTPONED INDEFINITELY

News Service 35/94

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KUWAIT: AMNESTY INTERNATIONAL CALLS FOR END TO HUMAN RIGHTS VIOLATIONS CONTINUING SINCE THE END OF THE IRAQI OCCUPATION IN 1991

Amnesty International today called on the Kuwaiti Government to end the serious human rights violations which still continue three years after the end of the Iraqi occupation on 26 February 1991.

Following the withdrawal of Iraqi troops, Kuwaiti armed forces, police and armed civilians were responsible for widespread human rights violations. Hundreds of people suspected of "collaboration" with the Iraqi forces were arbitrarily arrested, detainees were routinely tortured and others were extrajudicially executed or "disappeared".

"Three years on, Amnesty International is aware of only two law enforcement officials responsible for these crimes who have been brought to justice. The Kuwaiti Government has failed to apply even the minimum international standards to its law courts and scores of suspected 'collaborators', detained since 1991, continue to be sentenced to prison terms after grossly unfair trials," said Amnesty International.

In a report published today, the human rights organization said that over 120 people, including prisoners of conscience, accused of "collaboration" with Iraqi occupation forces are currently serving prison sentences after unfair trials. Nineteen are under sentence of death and one person has been executed. Some were convicted by the temporary Martial Law Court - now abolished - and others by the State Security Court, which is continuing to sentence scores of defendants to death and to prison terms after trials which fail to satisfy international minimum standards. Amnesty International is calling for a halt to all trials before the State Security Court until all defendants can be guaranteed a fair trial.

Over the past three years, Amnesty International has repeatedly raised its concerns with the Kuwaiti authorities about, among other things, the unfairness of trials before the Martial Law Court and the State Security Court, and the continued detention of those acquitted. The Government has taken no serious action and replies from the authorities have failed to address most of Amnesty International's concerns or to provide requested information.

Following the withdrawal of Iraqi forces on 26 February 1991, the Amir of Kuwait declared a three-month period of Martial Law, later extended to 26 June 1991. A special Martial Law Court was established to try cases of individuals suspected of "collaboration" with Iraqi occupation forces, charged with state security crimes and ordinary crimes. Kuwaiti government forces and armed civilians - often acting with the knowledge or acquiescence of government officials - immediately began carrying out a campaign of arbitrary arrests, torture and extrajudicial killings of individuals suspected of "collaboration" with the Iraqi authorities. Close to 1000 people - the vast majority of whom were non-Kuwaitis - were arbitrarily detained and at least 62 of these "disappeared" between 26 February and the end of June 1991.

Medical evidence obtained during a visit to Kuwait by an Amnesty International forensic pathologist in March and April 1991 confirmed that the torture of detainees, particularly during the period of martial law, was routine and widespread. Numerous victims testified that they were beaten, burned with

cigarettes or acid, given electric shocks, subjected to mock executions and had their skin slashed with knives by Kuwaiti military and security personnel and, in some cases, by armed civilians. Amnesty International believes that in many cases the victims were picked up and tortured solely on the basis of their nationality or origin.

According to information provided by the authorities, 164 detainees were tried by the Martial Law Court before it was dissolved on 26 June 1991; 118 were convicted, of whom 34 had been tried in absentia; and 29 of those convicted were sentenced to death. After widespread criticism of the trials by many observers, the 29 death sentences were commuted and some prison sentences were reduced.

Defendants tried by the Martial Law Court were denied access to their families, lawyers and independent medical attention, many were tortured and all were denied the right to prompt access to a judge. Many defendants were unaware of the charges against them until the day of the trial. The charges and the state security crimes were frequently so vague and broadly-defined that it was difficult to prepare a defence. Defendants did not have adequate time or facilities to prepare their defence and often did not see the evidence against them or learn the identity of prosecution witnesses. Judges were not independent or impartial and failed to investigate claims of torture adequately. Those who were convicted were denied the right to appeal.

The cases of more than 450 defendants which had not been tried by the Martial Law Court before it was dissolved were transferred to another special court, the State Security Court, which began trying cases of alleged "collaborators" in April 1992. Although there were a number of changes in the procedure of the State Security Court in September 1991, which led to the release of at least 150 defendants before trial by May 1992, the State Security Court proceedings do not meet international standards for fair trial.

By the end of January 1994 at least 95 defendants had been convicted by the State Security Court and 47 acquitted. Twenty-four of those convicted were sentenced to death, including two in absentia. One person, an Iraqi national, has been executed after an unfair trial. Two death sentences were reduced by the Court of Cassation, one to life and one to six months' imprisonment. Trials against scores of others detained since early 1991 are continuing. Some of those acquitted by the State Security Court are still in detention.

Amnesty International is urging the Government of Kuwait to set up a judicial review of the cases of all prisoners convicted after unfair trials by special courts, to commute all death sentences imposed by the State Security Court and to halt all trials in that court until all defendants can be guaranteed a fair trial. The human rights organization is asking for the immediate release of all those who were acquitted or whose charges were dropped by the special courts, but who still remain in detention.

Amnesty International is also calling on the Kuwaiti authorities to conduct impartial and thorough investigations into all cases of arbitrary arrest, torture, deaths in custody, "disappearances" and extrajudicial executions, to make the findings of these investigations public and bring to justice those found responsible.

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