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ALERT SERIES

KUWAIT

HUMAN RIGHTS AFTER FEBRUARY 28, 1991

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TABLE OF CONTENTS

SUMMARY	1
BACKGROUND.....	2
EXPATRIATE POPULATION	3
CITIZENSHIP	3
DEPORTATIONS, DENIAL OF REENTRY and REFUGEE STATUS.....	4
PALESTINIANS.....	10
BEDOONS	13
CAPITAL PUNISHMENT	14
MARTIAL LAW and COLLABORATOR TRIALS	15
STATE SECURITY COURT	18
PRO-PARLIAMENT MOVEMENT	18
MAP of KUWAIT.....	21

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SUMMARYSUMMARY

On February 28, 1991, allied military forces ousted an occupying Iraqi army from Kuwait. Since that time, it has been reported that three principal groups appear to be facing or have faced either discrimination or human rights violations. First, numerous human rights abuses against suspected Iraqi collaborators, including executions, were reported during the period March through May 1991. A State Security Court was the official apparatus responsible for trying suspected collaborators, having taken this responsibility from the dissolved martial-law courts. Many suspected collaborators remained in prison for extended periods although all death sentences were commuted to life in prison when martial law was lifted in June 1991. Second, as part of an attempt to abate a perceived potential security threat, Kuwait has made re-entry nearly impossible for Palestinians and others who fled during the Gulf War, some of whom have "habitually resided" in Kuwait. Of those remaining in Kuwait, accounts of Palestinians and Bedoons (stateless individuals) facing official harassment and deportation, some in possible violation of international law, have been reported. Third, supporters of a pro-parliament movement have been violently suppressed and many of its supporters, including ex-parliamentarians, have been arrested or detained.

BACKGROUNDBACKGROUND

Kuwait is on the northwestern coast of the Persian Gulf, bordered to its north by Iraq and its south by Saudi Arabia. Kuwait had a pre-war population of approximately two million people.

Kuwait's Amirs of the al-Sabah family have governed the country for over 200 years. Sunni Moslems, which include those in the ruling al-Sabah family, are approximately 70% of the population. Approximately 30% are Shi'a Muslims with a small minority consisting of Arab Christians and practitioners of Eastern religions - Hindus, Sikhs and Buddhists.¹

The 1962 constitution provides for an elected National Assembly. In 1986, however, the Amir dissolved the Assembly, imposed prior censorship on the press and added to existing restrictions on political and civil rights of all Kuwaiti residents. Political parties were banned in pre-invasion Kuwait.²

On August 2, 1990, Iraq invaded Kuwait and occupied it until February 28, 1991. When compared to the seven months preceding the invasion, reports of human rights violations in Kuwait increased in the months immediately following the withdrawal of Iraqi forces. The most serious abuses were reported during the period from March to late May, 1991. The majority of those who are reported to have suffered human rights abuses are Palestinians, Iraqis and Bedoons (stateless individuals, many of whom trace their ancestry to nomadic Bedouins in the Kuwaiti and Arabian desert.)³

¹U.S. Department of State, Country Report on Human Rights Practices for 1990, (Washington: Government Printing Office, February, 1991), pp. 1507, 1514. Note that Amir and Emir are used interchangeably in various source documents.

²U.S. Department of State, Country Reports on Human Rights Practices for 1990, p. 1513.

³"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," 11 June 1991, p. 11. Note that various reports

EXPATRIATE POPULATIONEXPATRIATE POPULATION

Pre-war Kuwait relied heavily on an expatriate (non-Kuwaiti) population to run the day to day affairs of the country. According to the U.S. Committee for Refugees, approximately "28% of Kuwait's pre-invasion population were actually Kuwaiti citizens⁴ ... an estimated 320,000 Palestinians and 270,000 Bedoon, stateless Arabs, comprised the largest percentages the noncitizen population, though many among both groups had actually been born in Kuwait or lived there for decades."⁵ Smaller populations of expatriates included Armenians, Iranians, Afghans, Iraqis, Lebanese, Egyptians, Jordanians, Indians, Pakistanis, Bangladeshis, Thais and Sri Lankans.⁶

CITIZENSHIPCITIZENSHIP

Those born of foreign parents cannot become Kuwaiti citizens. The US Committee for Refugees states that "naturalization is rare, even in the case of Kuwaiti-born children of expatriates."⁷ Citizenship is limited to those residing in Kuwait before 1920 and their patrilineal descendants. According to the Encyclopedia of the Third World, Arabs are eligible for citizenship after living in Kuwait continually for 8 years and others may be eligible after 15 years. Permanent residence status is not extended to the expatriate population except in an

spell Bedoon as Bidoon and Bidun.

⁴Sources vary on their estimate of the percentage of those residing in Kuwait who are actually citizens. For example, the New York Times reports that "Only 40% of the Kuwait population are citizens, the rest are expatriates." John Kifner, "6 Kuwait Shiite Terrorists Condemned," The New York Times, 7 June 1987, cited in Canadian Immigration and Refugee Board Documentation Centre [hereinafter IRBDC] IRQ3505, 7 February 1990, p. 3.

⁵U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1991, p. 99.

⁶U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1986, p. 67 and U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1991, p. 99. Also see "Kuwaitis Find Recovery To Be Slow and Difficult," Christian Science Monitor, 24 July 1991, p. 1.

⁷U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1985, p. 64.

"exceptional case, which requires authorization by a high-level authority."⁸

On March 27, 1991, the U.S. Department of Justice awarded Temporary Protected Status (TPS) for Kuwaiti "nationals" due to conditions in Kuwait which were then preventing their return in safety. Due to Kuwait's strict definition of citizenship, however, few were likely to avail themselves of this status. On December 12, 1991, the Justice Department extended TPS to "aliens having no nationality, who last habitually resided in a designated state whose nationals are eligible for TPS benefits."⁹ If able to prove their statelessness and their having been a habitual resident of Kuwait, a Palestinian, Bedoon or other stateless person from Kuwait could qualify for TPS. The TPS designation for this group was terminated on March 23, 1992.

DEPORTATIONS, DENIAL OF REENTRY and REFUGEE STATUS DEPORTATIONS, DENIAL OF REENTRY and REFUGEE STATUS

Time magazine states that Kuwait had a pre-war population of 400,000 Palestinians and 100,000 other foreigners. "To the best of Kuwait's ability, almost all of these expatriates will be driven out or refused permission to return. It does not matter if they were born in Kuwait."¹⁰ The New York Times reported that the number of expatriate workers will be reduced so that the "Kuwaitis will no longer be a minority in their own country... the Palestinians ...will largely be replaced by Indians, Bangladeshi's, Sri Lankans and Filipinos on short-term contracts."¹¹ In November, 1991, the Los Angeles Times reported that the "country is still undergoing a ritual

⁸Encyclopedia of the Third World (New York: Facts on File, Inc., 1987), p. 1115, reported in Canadian IRBDC Folio # KWT2198, p.1, and # KWT1566. The U.S. Department of State Country Reports on Human Rights Practices for 1988, p. 1402, states that "Kuwait does not extend permanent resident status to its expatriate population."

⁹Immigration Technical Corrections Act of 1991.

¹⁰Michael Kramer, "Kuwait: Back To The Past," Time, 5 August 1991, p. 35.

¹¹Chris Hedges, "A Year Later, Kuwait Sinks Into Malaise," New York Times, 2 August 1991, pp. A1, A6.

cleansing, ridding itself of any but the most pliant outsiders."¹² The Washington Post reported a UNHCR official stating that "'undesirables,' particularly the Palestinians, the Sudanese and the Iraqis, have been blacklisted" in Kuwait.¹³

Justifying the deportations since the close of the Gulf war, Kuwait's Ambassador to the United States, Saud Nasser al-Sabah, stated that, "If people pose a security threat, as a sovereign country, we have the right to exclude anyone we don't want."¹⁴

Regarding their legal rights, the U.S. State Department stated in its 1988 Country Report that "Non-Kuwaitis are given due process under the law but have few other civil and political rights."¹⁵ The State Department also reports that, "In 1989, the Government promulgated a series of measures which, inter alia, dropped stateless persons from the census rolls and stripped them of civil identification cards... Those who could neither claim other citizenship nor produce documentation of Kuwaiti citizenship were left in limbo, without the legal right to work, attend school, obtain official documents, or the practical ability to travel in and out of Kuwait."¹⁶ The U.S. Committee for Refugees states that, "Expatriates generally are denied civil and political rights accorded citizens, and, with the exception of stateless Palestinians, are required to be sponsored by a Kuwaiti citizen."¹⁷

During 1985, citing "political beliefs" and heightened security concerns, Kuwait deported

¹²Nick Williams Jr. "Old Ways Die Hard," The Los Angeles Times, 26 November 1991, page A1.

¹³Jennifer Parmelee, "Iraqi Kurds in Kuwait Occupy State of Limbo," The Washington Post, 4 January 1992, p. A14.

¹⁴Michael Kramer, Time, 5 August 1991, p. 35.

¹⁵ U.S. Department of State, U.S. Department of State Country Report 1988, (Washington: Government Printing Office, February, 1988), p. 1396.

¹⁶U.S. Department of State, U.S. Department of State Country Report 1990, p. 1515.

¹⁷U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1989, p. 83.

nearly 27,000 Iranian, Lebanese and Iraqis, the majority being Shi'ites.¹⁸ According to the U.S. Committee for Refugees, this event "raised the possibility that significant numbers of these people could have well-founded fear of persecution upon return to their home countries" as some of those deported may have already been refugees.¹⁹ During 1986, the estimated number of annual deportations peaked at 27,000 for reasons often attributed to violations of immigration or residency regulations. A U.S. Committee for Refugees report, however, stated 30,000 were to lose their jobs (and subsequent permission to remain in the country) for "economic reasons."²⁰ In 1987, tighter restrictions on entry, residence and naturalization of foreigners was imposed.²¹ Subsequent years have seen fewer deportations, although "as many as 25,000 are estimated to have been deported during 1989."²² According to the U.S. State Department, "there are no figures available on the number of deportations in 1990 prior to the invasion. The majority of routine deportations involved immigration and residency violations. Official figures in 1989 showed a continued decline in the number of expatriates employed in the public sector...."²³ In its 1990 Country Conditions report, the State Department reported that by the time of the Iraqi invasion, Kuwait had reportedly cut the population of stateless in half from an estimated

¹⁸The discovery of a buried arsenal of guns and bombs linked to Shi'ites was cited as an example of the increased security threat, per Canadian IRBDC, Folio # IRQ3505, p. 3.

¹⁹U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1985, p. 63.

²⁰U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1986, p. 67. U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1987, p. 70.

²¹"Kuwait Tightens Entry Regulations for Foreigners," Reuters, 5 August 1987, reported in Canadian IRBDC # KWT2198, p. 2.

²²U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1989, p. 83.

²³U.S. Department of State, Country Conditions on Human Rights Practices for 1990, p. 1510.

270,000.²⁴

Human Rights Watch states that, "Roughly half of Kuwait's pre-war Palestinian population of 350,000 fled the country during the Iraqi occupation and is not being allowed to return."²⁵ According to Middle East Watch:

By July 1991 only about 100,000 Palestinians remained in Kuwait, some 70,000 of whom had Jordanian citizenship. Another 30,000 were stateless, with Egyptian Syrian and Lebanese travel documents but no citizenship or automatic residency rights in these countries, or, alternatively, in Kuwait, the land of their birth (Palestine), or the Israeli-occupied Gaza Strip. Of this group, the largest number were Palestinians holding Egyptian travel documents and lacked the Israeli-issued identity cards that would enable them to return to the Gaza Strip.... The head of the PLO office in Kuwait... said in July [1991] that of the remaining stateless Palestinians, 27,000 carried Egyptian travel documents.²⁶

A Jordanian official was reported by Middle East Watch to have said that in July, 1991, there were 20,000 to 30,000 Gazans in Kuwait "who will have difficulties," presumably due to their possible difficulty in relocating. Middle East Watch continues:

Of the remaining Palestinians with only *laissez-passers*, about 4,000 are believed to be holding Lebanese documents.... By the end of September, 1991, Kuwait's Palestinian population had dwindled still further - to an estimated 50,000 to 80,000... the Palestinians remaining in Kuwait who hold only Egyptian, Lebanese and Syrian *laissez-passers* have no documents that would enable them to return to... Palestine of the British Mandate or the Israeli-occupied territories... Only Palestinians who hold Israeli-issued identity cards have a right to permanent residence in the Gaza Strip or the West Bank.²⁷

In early July, 1991, the New York Times reported that the International Committee of the

²⁴U.S. Department of State, U.S. Department of State Country Report 1990, p. 1515.

²⁵"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 8-9. Time estimates the number of Palestinians who fled totaled approximately 230,000. Michael Kramer, Time, 5 August 1991, p. 35.

²⁶Middle East Watch, Nowhere to go: The Tragedy of the Remaining Palestinian Families in Kuwait, 23 October 1991, p. 16.

²⁷Middle East Watch, Nowhere to go: The Tragedy of the Remaining Palestinian Families in Kuwait, 23 October 1991, p. 16.

Red Cross (ICRC) and the Kuwaiti Government had made arrangements to let the Red Cross monitor deportations of foreigners. The agreement was intended to insure that deportees are not forcibly deported in violation of international laws. The New York Times also reported the ICRC as stating that previous deportations might have been in violation of the Geneva protocols and other international agreements.²⁸ Regarding deportations to Iraq and elsewhere, Amnesty International reported in July, 1991, that some of those being held in the al-Shuwaikh district of Kuwait "had reportedly expressed a fear of being sent back to Iraq where they believed they would face imprisonment, torture or execution."²⁹

On July 21, 1991, Baghdad radio reported that a group of 12 Iraqis, 26 Jordanians, 25 Stateless persons, two Sudanese and one Somali were received from Kuwaiti authorities near the Safwan border. This was the fifth group of deportees to Iraq; those deported since March, 1991, totalled 1,500 Iraqi and "Arab citizens." The radio report stated that "marks of torture and beatings on the bodies of the deportees" were seen as they were received by the Iraqi and Palestinian Red Crescent committees. Another group of Arab deportees from Kuwait was received in Iraq on July 23rd after having been detained and their property confiscated by the Kuwaiti authorities. On July 31, Baghdad Radio reported a new group of 75 "Arabs" were received by the ICRC and Iraqi Red Crescent at Safwan, and that "deportations will continue until mid-November [1991] when more than 20,000 Arabs will be expelled."³⁰ In October, 1991, Middle East Watch reported that according to Palestinians still in Kuwait, about 2,000

²⁸John Cushman, "Kuwait to Let Red Cross Act As Mediator in Deportations," New York Times, 8 July 1991, p. A3.

²⁹Amnesty International, Amnesty International Weekly Update, #MDE 18/WU 05/91, 25 July 1991.

³⁰"Iraqi, Arab Deportees Arrive From Kuwait," Baghdad INA as quoted in Foreign Broadcast Information Service [hereinafter FBIS] Daily Report: Near East & South Asia, 23 July 1991, p. 35; "Red Cross Receives Arab Deportees From Kuwait," Baghdad INA as quoted in FBIS 24 July 1991, p. 21; "Iraqi, Arab Deportees From Kuwait Arrive 30 Jul," [sic] Baghdad INA as quoted in FBIS 31 July 1991, p. 21.

Palestinians have been deported to Iraq.³¹

Regarding refugee status, the United Nations High Commissioner for Refugees has not been allowed to set up a permanent office in Kuwait City. (As of January, 1992, the UNHCR had a small office in Kuwait with limited "mission status;" its primary purpose was to deal with protection issues.) Without a full UNHCR presence, "people who face deportation have a hard time obtaining refugee status..." which makes resettlement more difficult.³² The U.S. Committee for Refugees states that, "Kuwait is not a party to the UN Convention or protocol on refugees and chooses not to recognize the existence of refugees from among its foreign workers... there are probably many whose circumstances would qualify [non-Kuwaitis in Kuwait] as refugees."³³ UNHCR has commented that Kuwait was not necessarily interested in whether a potential paid worker would otherwise qualify as a refugee; indeed, those working in Kuwait were never registered as refugees as there was no UNHCR office in Kuwait. Additionally, there was a measure of security in their having jobs, however temporary in nature.³⁴ According to the Washington Post, even with the establishment of a UNHCR presence in Kuwait by the end of 1991, few Palestinians applied for refugee status, the reason "attributed to a fear of persecution and hopes of keeping or regaining jobs in Kuwait." Most of those who did apply for refugee status in Kuwait were Iraqis.³⁵

Also regarding the possible refugee status of those displaced by the Gulf War, the U.S.

³¹Nowhere to go: The Tragedy of the Remaining Palestinian Families in Kuwait, p. 16.

³²John Cushman, New York Times, 8 July 1991, p. A3.

³³U.S. Committee for Refugees, U.S. Committee for Refugees World Refugee Survey 1985, p. 64.

³⁴Conversation with Patricia Weiss Fagan, UNHCR Public Information Officer, Washington, D.C., 3 September 1991.

³⁵Jennifer Parmelee, The Washington Post, 4 January, 1992, p. A14.

Committee for Refugees commented in September 1990:

The U.N. High Commissioner for Refugees (UNHCR) notes that persons from refugee-producing countries (Sri Lanka, Vietnam, China, Romania and Sudan, for example) who have been working in the gulf region now may be unemployed but unwilling to return home due to a well-founded fear of persecution. In addition, UNHCR reports, there are "an undetermined number of recognized refugees who left first-asylum countries to work in the Gulf region and will now be obligated to return to these countries of first asylum, often to refugee camps where they cannot work and will require assistance." Two examples are Ethiopians and Somalis.³⁶

PALESTINIANS PALESTINIANS

As discussed, the number of Palestinians in Kuwait immediately before the war was approximately 400,000³⁷ with their numbers declining in the years before the war. For some of the 100,000 or more Palestinians who fled the country during the Iraqi occupation, their inability to re-enter Kuwait has left them again stateless. Palestinians, who once supplied a sizeable proportion of the work force, are being replaced by Asians, Egyptians and more "[p]olitically `reliable'" workers.³⁸ Human Rights Watch reports that apart from official violence, Palestinians and Bedoons are encountering other forms of persecution. Those who remain in Kuwait are being subjected to "pressures seemingly designed to drive them out of the country," such as not being allowed to resume their jobs and harassment at checkpoints,³⁹ being fired from their jobs and being unable to obtain new ones.⁴⁰ For those who want to leave and take their possessions, a

³⁶U.S. Committee for Refugees press release, "Growing Numbers of Refugees and Displaced Persons in the Middle East," 25 September 1990.

³⁷Nowhere to go: The Tragedy of the Remaining Palestinian Families in Kuwait, p.3. In this report, Middle East Watch estimates the number of Palestinians to be between 350,000 and 400,000 making it "the largest Palestinian Community in the Gulf." See p. 3.

³⁸Judith Miller, "Nowhere To Go," New York Times Magazine, 21 July 1991, p.13.

³⁹"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 9.

⁴⁰Found in both "Palestinians In Time Of Trouble," The Economist, 27 July 1991, p. 39., and Michael Kramer, Time, 5 August, 1991 p. 35.

complicating factor, as of June, 1991, is the lack of a land route to Jordan, as Saudi Arabia has refused overland transit to Amman (Jordan) and "Iraq has allowed it only sporadically."⁴¹ Once in Jordan, finding work is difficult; unemployment was nearly 20% before the arrival of this latest group.⁴² Jordan has absorbed some 200,000 Palestinian refugees in recent months,⁴³ and some Palestinians have entered Iraq.⁴⁴

Human Rights Watch states that those Palestinians tracing their roots to Gaza⁴⁵ and those who hold Egyptian travel documents are not necessarily given permission to reside in Egypt, and Israel refuses to allow them to return to Gaza.⁴⁶ The Egyptian Consul in Washington, D.C. states that people who hold Egyptian travel documents, or *laissez-passeurs*, are not considered citizens of Egypt and are not allowed to permanently reside, work or own property there. Nor are these Palestinians welcome in Jordan. Middle East Watch reports that:

"The legal status of Palestinian's with regard to citizenship and residency status depends for the most part on where they were living in 1948 and 1967. Palestinians typically carry Israeli identity cards and travel documents, Jordanian passports, or are "stateless," holding only travel documents (*laissez-passeurs*) issued by Syria, Lebanon or Egypt. In the current situation in Kuwait, if the authorities choose to let the residency rights of these stateless Palestinians expire, Kuwait's post-war practices indicate that they will face deportation to Iraq."⁴⁷

⁴¹Michael Kramer, *Time*, 5 August 1991, p. 35.

⁴²*The Economist*, 27 July 1991, p. 39.

⁴³Judith Miller, *New York Times Magazine*, 21 July 1991, p.13.

⁴⁴Conversation with Patricia Weiss Fagen, UNHCR Public Information Officer, Washington D.C., 31 July 1991.

⁴⁵Estimates of the number tracing their roots to Gaza range between 20,000 and 40,000. Judith Miller, "Nowhere To Go," *New York Times Magazine*, 21 July 1991, p. 14., and *The Economist*, 27 July 1991, p. 39

⁴⁶"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 9.

⁴⁷*Nowhere to go: The Tragedy of the Remaining Palestinian Families in Kuwait*, p. 14. The UNHCR stated in January, 1992, that approximately 25,000 Palestinians with Egyptian travel documents remained in Kuwait. (Vicky

Kuwaiti authorities grant residency rights to non-residents by regularizing their status and stay for residency through the issuance of security cards. After several extensions the cards are to be issued in May, 1992, with the deadline for registration having been extended several times to May, 1992. Although all those not issued documents could possibly face deportation, this date may be extended once more.⁴⁸

Several reports suggest that for the most part that Palestinians did not support the Iraqi invasion of Kuwait,⁴⁹ and that "Palestinians are at the mercy of what is widely regarded as a disorganized, inept and vindictive Kuwaiti government."⁵⁰ Judith Miller in an account in The New York Times describes an American-educated Palestinian, born in Kuwait, who was stopped and arrested at a Kuwaiti checkpoint with no reasons given. He was asked to confess to collaboration, severely beaten and held for 21 days. His father had lived in Kuwait for 40 years. The same account describes a Palestinian waiting in line to register as a foreigner being "plucked" out of the line by a Kuwaiti soldier, beaten and dragged into the Ministry of Interior building where he had not emerged by mid-afternoon.⁵¹

BEDOONSBEDOONS

The pre-war population of Bedoons or stateless people is estimated to be 240,000. Some 90% of the rank and file soldiers in the Kuwaiti army and a substantial number of the police were

Butler, UNHCR Public Information Officer, Washington. D.C., phone conversation of 6 January 1992.)

⁴⁸Aziz Abu Hamad, Senior Researcher, Middle East Watch, phone interview, January, 1992, and Andrew Whitley, Executive Director, Middle East Watch, lecture to I.N.S. Asylum Training Program, 13 March 1992.

⁴⁹The New York Times and The Economist cited Kuwaiti Government and independent sources when they reported that an estimated 10% of the Palestinians collaborated with the Iraqis, 80% just tried to get by and 10% actively resisted. Judith Miller, "Nowhere To Go," New York Times Magazine, 21 July 1991, p. 13, and The Economist, 27 July 1991, p. 39.

⁵⁰The Economist, 27 July 1991, p. 39.

⁵¹Judith Miller, New York Times Magazine, 21 July 1991, pp. 14-15.

Bedoons.⁵² Most have been denied permission to resume their pre-war jobs as many were thought to have collaborated with the Iraqis because they "chose" to serve in Iraq's "popular army," a policing unit, rather than face imprisonment. Human Rights Watch stated in June, 1991, that 5,000 Bedoons, half being children, were stranded in Adbeli, a displaced persons camp near Iraq; another 3,000, most believed to be Bedoons, have registered with the International Committee for the Red Cross in Baghdad seeking to return home to Kuwait, with Kuwait refusing permission, to date.⁵³ According to The Los Angeles Times, "Some Bidouns of Iraqi ancestry went north during the occupation and are now stranded in the demilitarized zone separating Kuwait and Iraq. Kuwaiti authorities refuse to accept them, suggesting they could comprise an Iraqi fifth column." Previously, the Bodouns "made up the majority of [the Kuwaiti] army's enlisted ranks."⁵⁴

CAPITAL PUNISHMENTCAPITAL PUNISHMENT

Before August 2, 1990

The U.S. State Department reported no killings or disappearances instigated or condoned by the Kuwaiti Government during 1990, prior to the invasion.⁵⁵ Amnesty International reports that Kuwaiti Government officials carried out political arrests in early 1990 including at least 26 suspected opponents of the government who were detained without charge or trial for up to three

⁵²"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 12-13.

⁵³"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 12-14.

⁵⁴Nick Williams, Jr., The Los Angeles Times, 26 November 1991, page A1.

⁵⁵U.S. Department of State, Country Conditions on Human Rights Practices for 1990, p. 1508.

weeks. Additionally, "13 suspected opponents of the Amir of Kuwait, all Shi'a Muslims, were arrested in February [1990] and detained without charge or trial at Amn al-Dawla Prison in Kuwait City, where some were reportedly tortured or ill treated" and released on bail in March. The Amnesty International 1991 Report lists three among them who had been previously detained.⁵⁶

After February 28, 1991

An unknown number of victims in 20 "collective" or mass graves of the Al-Riqqa Cemetery near Kuwait City were seen by a May, 1991, Human Rights Watch delegation. Fifty four bodies were "unidentified" in records kept at the cemetery. The delegation reported that "there are a number of factors pointing to official responsibility for the 54 [deaths]. That the killings appear to have occurred since March 6 -- after the initial wave of private vengeance killings following liberation had largely subsided -- suggests that more organized forces are to blame."⁵⁷ For example, research by the delegation suggests that one victim was likely to have been killed at the Sabah al-Salem Police Station after torture. "A series of documented post - liberation killings in police and military custody substantiates this view" and several of these are detailed in the delegation's report.⁵⁸ Human Rights Watch report states that the mass graves at al-Rigga do not reflect the full extent of the killings in liberated Kuwait. The PLO is reported in Time to have said that it estimates about 400 Palestinians were killed in March 1991.⁵⁹ In May,

⁵⁶ Amnesty International, Amnesty International Report 1991, p. 140.

⁵⁷"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 7. For the above account of the 54 unidentified, see pp. 2-5.

⁵⁸"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 6-7.

⁵⁹Michael Kramer, Time, 5 August 1991, p. 35.

Kuwait's Crown Prince acknowledged that prisoners were being "mistreated" and vowed to prosecute those responsible.⁶⁰ In November, 1991 The Los Angeles Times reported that abuses against alleged collaborators had largely been brought under control by Kuwaiti security.⁶¹

MARTIAL LAW and COLLABORATOR TRIALS

MARTIAL LAW and COLLABORATOR TRIALS

Immediately after liberation, martial law was established in Kuwait and remained in effect until June 26, 1991. Restrictive practices during this time included the right of police to arrest and detain without charge, and the use of martial law courts, where there was "no right of appeal," to try those accused of collaborating with the Iraqis.⁶² A July 25, 1991 Amnesty International Action Appeal noted that many have "disappeared," or been arrested for allegedly "collaborating" with Iraqi forces, without their relatives having been informed. The appeal alleges that many were believed to be held in secret or incommunicado detention where they could be subject to torture during interrogation. The appeal cited the case of the beating by Kuwaiti Security Forces of a Dr. Nazmi Salim Khurshid, resulting in a coma and paralysis. Khurshid is a Palestinian who holds Lebanese travel documents.⁶³ Amnesty International reported that "... four defendants ["political detainees"] acquitted by the State Security Court in June, 1990, also alleged that they had been tortured to force them to make confessions."⁶⁴

⁶⁰"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 7.

⁶¹Nick Williams, Jr., The Los Angeles Times, 26 November, 1991 p. A1.

⁶²"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 24.

⁶³Amnesty International USA, "Urgent Action" appeal, 25 July 1991.

⁶⁴Amnesty International, Amnesty International Report 1991, p. 141.

After the lifting of martial law, some restrictive laws remained in place including those limiting public assembly and free speech.⁶⁵ Prior censorship of the press, which began after the dissolution of parliament in 1986, also remained in effect.⁶⁶

At the conclusion of martial law, the Crown Prince of Kuwait commuted to life imprisonment the death sentences of 29 people tried and sentenced to death by the martial law courts. All other sentences issued by the martial-law courts were endorsed by the Justice Minister.⁶⁷ Three hundred and twenty-five people, including those sentenced to death, had been convicted of collaborating with the Iraqi occupation forces. The 325 are primarily Iraqis, Jordanians and Palestinians.⁶⁸

A series of collaborator trials were carried out between May 19 and June 26, 1991 by martial law courts.⁶⁹ These were trials primarily of individuals who were alleged to have worked with the Iraqis, or to have been involved in the publishing of the newspaper *al-Nida* put out by the Iraqis while in Kuwait. Regard for due process in the early stages of the collaborator trials was lacking. Enential improvements in the process were noted by those observing the proceedings. Human Rights Watch reports that as of June, 1991, "wholly summary proceedings" have been curtailed, yet "serious due process problems remain" including "frequent deference to

⁶⁵"Kuwait Cancels 4 Month Reign of Martial Law," *Washington Times*, 26 June 1991, p. A8.

⁶⁶"Kuwait Has No Plans to Lift Censorship," *Washington Times*, 29 July 1991, p. A2.

⁶⁷Middle East Watch, 26 June 1991 press release. The commuting of the sentences was seen as a possible reaction to pressure from "western alliance partners who had repeatedly expressed concern about the trials and other human rights abuses in Kuwait" since the occupation ended. "Kuwait Lifts Collaborators' Death Sentences," *New York Times*, 27 June 1991, p. A 13.

⁶⁸"Kuwait Lifts Death Sentences Against 29," *Los Angeles Times*, 27 June 1991, p. A1.

⁶⁹U.S. Department of State, *Country Report on Human Rights Practices for 1991*, (Washington: Government Printing Office, February, 1992), p. 1472.

coerced confessions," lack of first-hand witnesses and lack of right to appeal.⁷⁰ A widely reported case involved the handing down of a 15 year prison sentence imposed on Adan Abboud Hassen Ali who was accused of wearing a Saddam Hussein T-shirt during the occupation. After reviewing the opinion of the court, Human Rights Watch concluded that the wearing of the T-Shirt was a "legitimate act[s] of expression which should not form the basis of a criminal conviction."⁷¹

STATE SECURITY COURT STATE SECURITY COURT

The U.S. State Department reports in its Country Condition Report for 1991 stated that the State Security Court proceedings served as the basis for the martial law court proceedings, and included certain problems with the proceedings such as the failure by the courts to take into account all evidence before issuing a sentence, and issuing sentences disproportionate to the crimes considered.⁷² In their Country Condition Report for 1990, the U.S. State Department reported that prior to the Iraqi invasion, no death penalties were handed down by the State Security Court during 1990. However, in 1991 before the Iraqi invasion, "due process problems remained" and "State Security Court proceedings did not meet international standards for fair trial."⁷³ The State Security Courts presently have responsibility for trying suspected Iraqi collaborators having assumed this function from the dissolved martial-law courts.⁷⁴

⁷⁰"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 15.

⁷¹"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 16-19.

⁷²U.S. Department of State, Country Conditions on Human Rights Practices for 1991, p. 1472.

⁷³U.S. Department of State, Country Conditions on Human Rights Practices for 1990, p. 1511.

⁷⁴Conversation with Kenneth Roth, Middle East Watch, New York, NY, 23 August 1991.

PRO-PARLIAMENT MOVEMENT PRO-PARLIAMENT MOVEMENT

The Amir of Kuwait dissolved the Kuwaiti Parliament in 1986 amid domestic tension created by the Iran-Iraq war. Concurrent with the dissolution of Parliament was the imposition of prior censorship of the press, and a banning of meetings of five or more.⁷⁵ A "pro-parliament" movement, which by 1990 included large segments of the Shi'a and Sunni merchant classes, Islamic fundamentalists, intellectuals, and ex-deputies⁷⁶ was opposed by the government, and political arrests were attributed to this.⁷⁷ Human Rights Watch states that the government responded violently to dispel meetings, and jailed former parliamentarians.⁷⁸ Amnesty International reported that 13 prominent advocates of parliamentary democracy were arrested and released on bail in May 1990. The 13 were later pardoned by the Amir.⁷⁹ The assassination of a "prominent opposition leader" and a Kuwaiti who was "criticizing the Kuwaiti government and the Royal Family" in late February and early March 1991 have "fueled Kuwaiti apprehensions about the intentions of their government" regarding the restoration of democratic rule.⁸⁰

Responding to requests by former members of the National Assembly and others, the Emir reconvened the assembly in exile in mid-October, 1990, in Saudi Arabia, and a Kuwaiti

⁷⁵"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 26-27.

⁷⁶U.S. Department of State, Country Conditions on Human Rights Practices for 1990, p. 1514. The Los Angeles Times reports that the opposition includes democrats, Islamists and Pan-Arabists. See Nick Williams, Jr., The Los Angeles Times, 26 November, 1991 page A1.

⁷⁷U.S. Department of State, Country Conditions on Human Rights Practices for 1990, p. 1510.

⁷⁸"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," p. 25.

⁷⁹Amnesty International, Amnesty International Report 1991, p. 140.

⁸⁰"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 27-29.

interim National Assembly met in early July, 1991.⁸¹ However, The Christian Science Monitor reported that the "opposition says the 75-seat National Assembly is an illegitimate form of representation, because it has no legislative power. One-third of its members are picked directly by the emir."⁸² New elections are to be held in October, 1992, however, Middle East Watch says that "most Kuwaitis... believe that the date is too distant, considering the important decisions that Kuwait must make in the next 16 months."⁸³ By the end of 1991, however, that date had become "a visible political milepost down the road." The sense of political "urgency of April has subsided in autumn" [of 1991].⁸⁴

4/24

⁸¹"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 26-27.

⁸²"Kuwait's Assembly to Meet Amid Protests," The Christian Science Monitor, 9 July, 1991 p. 3.

⁸³"Human Rights In Kuwait: Testimony of Kenneth Roth before the House Foreign Affairs Subcommittees on Europe and the Middle East and Human Rights and International Organizations," pp. 26-27.

⁸⁴Nick Williams, Jr., The Los Angeles Times, 26 November, 1991 p. A1.

Map from Central Intelligence Agency, Public Affairs Office