

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

00 083

INCOMING

DATE RECEIVED: OCTOBER 03, 1991

NAME OF CORRESPONDENT: MR. JAMES C. HARRINGTON

SUBJECT: CONCERNS REGARDING REPORTS OF HUMAN RIGHTS
VIOLATIONS IN KUWAIT

ROUTE TO: OFFICE/AGENCY (STAFF NAME)	ACTION		DISPOSITION	
	ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
DEPARTMENT OF STATE	ORG	91/10/03	UJ	APR 18 23
REFERRAL NOTE:				

WS

COMMENTS: SEE ID 252476

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: _____

MI MAIL USER CODES: (A) _____ (B) _____ (C) _____

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*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                       *                       *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED          *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL *           OF SIGNER  *
*D-DRAFT RESPONSE      *C-COMPLETED        *           CODE = A   *
*F-FURNISH FACT SHEET  *S-SUSPENDED        *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                       *           OUTGOING  *
*R-DIRECT REPLY W/COPY *                       *                       *
*S-FOR-SIGNATURE       *                       *                       *
*X-INTERIM REPLY       *                       *                       *
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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
 (ROOM 75, OEOB) EXT-2590
 KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
 LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
 MANAGEMENT.



United States Department of State

Washington, D.C. 20520

October 23, 1991

Dear Mr. Harrington:

Thank you for your letter of September 25, in which you expressed concerns about post-liberation human rights abuses in Kuwait.

We have consistently made clear to the Government of Kuwait our belief that the rights of all residents of Kuwait should be respected, and that individuals should not be allowed to take the law into their own hands, regardless of the suffering they may have experienced. There remains a widespread perception among the Kuwaiti public that many Palestinians and other non-Kuwaitis actively assisted Saddam Hussein's troops during their brutal occupation of Kuwait. Given the horrors inflicted upon Kuwaiti families by Iraqi forces, the potential for individual acts of retribution persists.

A review of the Kuwaiti Government's actions in recent months indicates progress in bringing human rights violations to an end. With the conclusion of martial law on June 26, the government transferred all remaining collaboration cases to the regular judicial system, the majority to the State Security Courts. In an important departure from pre-invasion practice, the Government ruled that trials in the State Security Courts would be held in open sessions, and that all convictions would be subject to appeal to a higher court. We have welcomed both moves, and will continue to make clear to the Kuwaiti Government that future trials must be fair, and defendants afforded due process in accordance with international standards.

Shortly after liberation, the Kuwaiti Government authorized the ICRC access to all detention sites. The ICRC continues to monitor the procedures and conditions under which detainees are held, and to bring to the government's attention any unacceptable treatment. While some abuses continue to be reported, they appear to be isolated incidents.

Additionally, the Kuwaiti Government and the International Committee of the Red Cross (ICRC) signed an agreement in July to regulate all deportations of foreign nationals. Under the established guidelines, the ICRC is now supervising all deportations to ensure that no one is expelled involuntarily. Reports from the ICRC indicate that deportations are now proceeding smoothly and humanely.

Finally, we welcome the Kuwaiti government's decision to authorize the United Nations High Commission for Refugees (UNHCR) to open an office in Kuwait. The UNHCR will address the situation of vulnerable communities in Kuwait, such as the Bidoon (stateless residents and former residents of Kuwait), Iraqis, and Palestinians with travel documents which do not accord them right of residence elsewhere.

Clearly, the Kuwaiti authorities need to do even more to eliminate human rights abuses. The U.S. will continue to monitor the situation in Kuwait closely, and to make human rights an important part of our dialogue with the Kuwaiti Government. Thank you for writing to share your views.

Sincerely,



Richard K. McKee
Director, Office of
Arabian Peninsula Affairs

Enclosure:
Correspondence returned

T H E W H I T E H O U S E O F F I C E

REFERRAL

OCTOBER 8, 1991

TO: DEPARTMENT OF STATE

9118201
'91 OCT-08 10:09 PM

ACTION REQUESTED:

DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 275757

MEDIA: LETTER, DATED SEPTEMBER 25, 1991

TO: PRESIDENT BUSH

FROM: MR. JAMES C. HARRINGTON
LEGAL DIRECTOR
TEXAS CIVIL RIGHTS PROJECT
SUITE 340
227 CONGRESS AVENUE
AUSTIN TX 78701

SUBJECT: CONCERNS REGARDING REPORTS OF HUMAN RIGHTS
VIOLATIONS IN KUWAIT

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

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DOS

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TEXAS CIVIL RIGHTS PROJECT

227 Congress Avenue (Suite 340) Austin, Texas 78701-4021
(512) 474-5073

September 25, 1991

James C. Harrington
Legal Director

President George Bush
The White House
Washington, D.C.

Fara D. Sloan
Legal Assistant

Dear Mr. President:

I write out of great concern about reports of human rights violations in Kuwait. These violations call to question the ~~Kuwaiti government's~~ commitment to allowing, as you said, "human rights to find a home among all nations." I request your personal intervention with the Kuwaiti government to halt these abuses.

Reports from Kuwait highlight trials which fall far short of internationally recognized standards of fairness. The use of confessions possibly obtained through torture, the failure to inform the defendant of the charge at the time of the arrest, and the denial of the right to appeal sentences to a higher tribunal are violations of international law. Especially when the penalties are as high as the death penalty, the international community must respond.

Additionally, the reported practice of Kuwaiti authorities summarily expelling individuals to Iraq when these people will be at large risk of arbitrary imprisonment, torture, "disappearance" or execution demands an international response. This practice of sending people to a country in which they would be at risk of abuses of this type contravenes the principle of non-refoulement, which is binding in all states.

The suspension of human rights today in Kuwait is not an internal matter. Disregard of human rights anywhere is an issue which the international community has an obligation to remedy. I call on you to urge the Kuwaiti Authorities to review all sentences under the military tribunals, ensure all defendants a fair trial, impose no death sentences, halt the summary expulsions and implement asylum procedures and allow the International Committee of the Red Cross to review and inspect these procedures.

Sincerely,


James C. Harrington

cc: Ambassador Shiekh Jaber a Al-Sabah
Embassy of the State of Kuwait
2940 Tinden Street
Washington, D.C. 20008