

OPINION No. 3/1997 (KUWAIT)

Communication addressed to the Government on 2 August 1996.

Concerning: Issam Mohammed Saleh al Adwan.

The State of Kuwait is a party to the International Covenant on Civil and Political Rights.

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by resolution 1997/50. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group conveys its appreciation to the Government for having forwarded the requisite information in good time.
3. (Same text as paragraph 3 of Opinion No. 1/1997.)
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source but, to date, the latter has not provided the Working Group with its comments. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto.
5. According to the communication submitted by the source, a summary of which was forwarded to the Government, Issam Mohammed Saleh Al Adwan, aged 19 at the time of his arrest, was reportedly arrested when a patrol of Kuwaiti military intelligence agents broke into his father's home during the night of 9 May 1991, threatened him at gun point and took him away. The members of the patrol that arrested Issam were identified as follows: Farid Alawadi (commander of the patrol), Khalid Alajami, Khalid al Haddad and Abbas Golomm. The source alleges that Issam Al Adwan remains in detention without charge in an unidentified State Security Intelligence jail (possibly Talha prison) and that his father's numerous appeals to the Kuwaiti authorities for his release during the past four years have remained unanswered. The source reports that a photo of Issam Al Adwan was shown to PLO members who had been imprisoned in Kuwait and were later released, and all of them confirmed that Issam Al Adwan had been with them in jail, but that he was later transferred to another jail. It has been further alleged that the high ranking government authorities approached by Al Adwan's father in the course of his attempts to locate the place of his son's detention, intentionally provided him with misleading and inconsistent information.
6. In its reply of 9 October 1996, the Government asserts that it has no knowledge of Issam Al Adwan's presence in a Kuwaiti prison. It reasserts its decision to facilitate visits to Kuwaiti prisons by any representative of the Centre for Human Rights or the International Committee of the Red Cross (ICRC), unconditionally and without need for prior authorization of such a visit. The Government informs the Working Group that proceedings were

instituted against the patrol following a complaint by Mr. Salah Ahmed Saleh, Issam Al Adwan's uncle and a Jordanian citizen, who contacted the authorities at midnight on 9 May 1991 after being told of the incident by Mrs. Safiya Hussein Ibrahim, Issam Al Adwan's mother, who was present when he was arrested. The investigation yielded no positive conclusions, the perpetrators of the abduction were not identified and the case was provisionally filed on 27 September 1991 and closed on 21 March 1994.

7. After having examined both the allegations by the source and the Government's reply, and noting that the source has sent no observations in response, the Working Group considers that it does not possess sufficiently precise and consistent information to render an opinion on the case.

8. In view of the foregoing, the Working Group decides to close the case and to transmit the file to the Working Group on Enforced or Involuntary Disappearances.

Adopted on 14 May 1997.