

Mission permanente de l'Etat du Koweït

auprès de l'Office des Nations Unies

Genève

United Nations
High Commissioner for Human Rights
Palais Wilson
52, rue des Pâquis
1201 Geneva



الوفد الدائم لدولة الكويت

لدى الأمم المتحدة

OHCHR REGISTRY جنيف

19 SEP 2014

Recipients :..... SPD (Enclosure)

M 3917/2014

Geneva, 19 September 2014

The Permanent Mission of the State of Kuwait to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honor to refer to the letter addressed by the Office of the High Commissioner for Human Rights ref. KWT 2/2014 dated 31 July 2014, and co-signed by the following Special Rapporteurs:

- 1- Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- 2- Maina Kiai, Special Rapporteur on the right to freedom of peaceful assembly and of association;
- 3- Michel Forst, Special Rapporteur on the situation of human rights defenders;
- 4- Juan E. Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

In this regard, the Permanent Mission of the State of Kuwait would like to outline the following:

- 1- The above-mentioned letter addressed by the Office of the High Commissioner for Human Rights has been duly forwarded to the competent authorities in the State of Kuwait in order to verify the grounds of the information it contained.
- 2- Considering that the date of the reception of the letter has coincided with the summer holidays, in addition to the diversity of the inquiries requested by the Special Rapporteurs, the awaited reply by the competent authorities might require some additional and necessary time.
- 3- However, some of the inquiries contained in the letter of the Office of the High Commissioner can be addressed as follows:
 - The State of Kuwait guarantees the right to litigation and its related procedures.
 - The right to peaceful assembly is guaranteed by the Constitution of the State of Kuwait. Laws has been adopted to set that right in a legal frame, among which the law no. 65/1979.
 - Any assembly, even peaceful, has to be undertaken in the full respect of the law, in a way to "guarantee national security or public safety, public morals, or the protection of the rights and freedoms of others" – in conformity with the provisions of the International Covenant on Civil and Political Rights.

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جنيف

- Referring to an excessive use of force by the police during the period between 2 and 7 July 2014, is very far from the real and effective sequence of event. The police has taken action within the limits of the duties and responsibilities set by the law and aimed at guaranteeing public safety for all, protection of others and of their rights, and maintaining public order.
- The sureties inherent to the capacity of litigation in the State of Kuwait have contributed in rendering it accessible for all those who live on its soil, nationals and residents alike. The case of Mr. Abdelhakim Al-Fadli (non-Kuwaiti) clearly illustrates that.
- The right to litigation is re-affirmed in the Kuwaiti Constitution in its article (166) which stipulates that "the right to litigation is guaranteed to all"; as well as in its article (34) which states that "the accused is innocent until proved guilty in a Court of Law which shall guarantee him the necessary sureties to exercise his right of defense. The accused shall not be bodily or mentally injured".
- Moreover, article (75) of the Code of Criminal Procedures and Trials of the State of Kuwait states that "both the accused and the victim have the right to attend the procedures of the preliminary inquiry, each with his respective lawyer"; as for its article (120), it stipulates that "the person who is accused on a felony shall have the right to retain somebody to defend him. The court shall delegate a lawyer to carry on this mission, if the accused does not retain a lawyer. The person who is accused on a misdemeanor as well as other parties to dispute, shall always have the right to retain somebody to attend him or them".
- Please find annexed five copies of the book entitled "The Human Rights in the State of Kuwait – Fundamentals and Basis" to the attention of the Special Rapporteurs who have co-signed the letter of the Office of the High Commissioner for Human Rights. This book encloses clarifications to many of the inquiries of the Special Rapporteurs.
- As for the more specific issues raised by the Special Rapporteurs in the letter of the High Commissioner, we would like to re-affirm that we will forward the replies after having gathered the requested information from the competent authorities in the State of Kuwait.

The Permanent Mission of the State of Kuwait to the United Nations Office in Geneva avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.

J.G./n.o.

