



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE
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**List of issues prior to the submission of the
second periodic report of KUWAIT***

Article 3

1. The Committee notes that, in accordance with the principle laid down in article 46 of the Kuwaiti Constitution, political refugees cannot be extradited.¹ However, the Committee would like to receive information on relevant safeguards which will ensure that decisions on the return or expulsion of foreign nationals other than in response to a request for extradition will not result in a violation of the Convention.² Also, with regard to extradition, please inform the Committee whether there are any legislative safeguards that will ensure that foreign nationals other than political refugees will not be extradited where there are substantial grounds to believe that such persons would be in danger of being subjected to torture in the State requesting the extradition.³

2. Please inform the Committee whether foreign nationals who are to be expelled are entitled to receive advance notice regarding the decision on expulsion and to express themselves in writing or orally before the expulsion can be ordered. In this context, the Committee would also like to know whether a foreign national whose expulsion is ordered will be able to appeal the decision on expulsion before the Kuwaiti Courts.

3. Please provide information on how the State party determines whether third countries to which individuals are to be returned, expelled or extradited do not pose a risk for those individuals to be tortured.

* The present list of issues was adopted by the Committee at its thirty-ninth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

¹ CAT/C/37/Add.1, para.57.

² See also CCPR/CO/69/KWT, para.19.

³ CAT/C/37/Add.1, para.57.

4. Please indicate in what cases the State party would seek diplomatic assurances from a third country to which an individual is to be extradited, returned or expelled. Please also provide examples of cases in which the authorities did not proceed with the extradition, refoulement or expulsion of an individual for fear that the person concerned would be tortured. On the basis of what information were any such decisions taken?

5. Please provide data disaggregated by age, sex and nationality for the past five years on:

- (a) The number of asylum applications registered;
- (b) The number of successful asylum applications;
- (c) The number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin;
- (d) The number of deportations, with an indication of (i) the number of deportations relating to asylum-seekers, and (ii) the countries to which deportations were made.

Article 4

6. The Committee takes note of the provisions on the conduct of public officials and on the violation of physical integrity contained in the Kuwaiti Penal Code, and of the provisions on arrest, interrogation and detention contained in the Code of Criminal Procedure. However, please inform the Committee whether the State party is considering legislative measures to specifically introduce the crime of torture into Kuwaiti law.⁴

Article 5

7. Please provide information on whether the State party exercises extra-territorial jurisdiction in the event that a Kuwaiti national becomes a victim of torture abroad.⁵

Article 8

8. Has the State party rejected, for any reason, any requests for extradition by another State for an individual suspected of having committed a crime of torture, and thus engaging its own prosecution as a result?

Article 10

9. Please provide updated information on the instruction and training provided for law enforcement officials and other public officials with respect to human rights, specifically on the treatment of detainees and vulnerable groups, in particular women, and on measures for the prevention of torture and cruel, inhuman or degrading treatment or punishment. Please specify who conducts and who undergoes the training, and whether the Convention is made known in the course of such programmes.

10. Please indicate further whether there are specific programmes to train medical personnel who are assigned to identify and document cases of torture and assist in the rehabilitation of victims and, if so, who conducts, undergoes, monitors and evaluates the programmes. Please indicate whether the Istanbul Protocol of 1999 (Manual on the Effective Investigation and

⁴ A/53/44, para.230.

⁵ CAT/C/37/Add.1, paras. 75-82.

Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) is an integral part of such training.

11. The Committee notes that law students at Kuwait University as well as police cadets and other law enforcement personnel are being taught the provisions of the Kuwaiti Penal Code and the Code of Criminal Procedure.⁶ However, please provide information on whether relevant curricula and training programmes include specific information relating to the provisions of the Convention.

Article 11

12. The Committee notes that, in accordance with the Kuwaiti Code of Criminal Procedure as applied at the time of the Kuwait's initial report, no arrested person may be held in custody for more than four days without a written order before being brought before an investigating official.⁷ Please inform the Committee whether the State party has enacted measures or is considering enacting measures to reduce that period and to eliminate the possibility of further extensions.

13. Please inform the Committee whether detained persons have immediate access to counsel and whether they are free to contact their families without delay.

14. Please also provide information on any emergency or anti-terrorist laws that might restrict a detainee's rights, in particular the right to a prompt hearing by a judge, the right to contact family members, and the right to have access to a lawyer and a doctor of his/her choice from the moment of arrest.

15. Please indicate the maximum period of time for which asylum-seekers or other foreign nationals in an irregular situation can be detained. Also, please indicate whether detention measures applied to such foreign nationals are regularly reviewed by a competent, independent and impartial authority or judicial body.

16. Please inform the Committee whether any persons sentenced by the 1991 Martial Law Courts are still being held in detention. Please also provide information on whether any of the cases of persons reported to have disappeared following their detention in 1991, and whose names were communicated to the State party, have been investigated.⁸

17. Please provide information on the number of female guards in the State party's detention centres. Please also provide information on conditions in detention centres for female inmates.

Articles 12

18. In addition to the outline provided on the general provisions contained in Kuwait's Criminal Code of Procedure,⁹ please provide information on measures aimed at ensuring that investigations are carried out when there are reasonable grounds to believe that acts of torture or other cruel, inhuman or degrading treatment or punishment have been committed in prisons.

⁶ See CAT/C/37/Add.1, paras. 100 - 101.

⁷ CAT/C/37/Add.1, para. 105. See also A/55/40, paras. 471, 472.

⁸ See also A/55/40, paras. 468-470.

⁹ CAT/C/37/Add.1, para. 110.

19. Please provide information on cases related to the use of force by the police, and the number of reported cases that resulted in prosecutions.

20. Please inform the Committee whether suspects and/or witnesses were questioned before a decision was made in cases of the nature described in paragraphs 18 and 19 above.¹⁰

Article 13

21. Please provide information on what authority is in charge of receiving complaints, and on the number and content of complaints received from detainees. Please describe what follow-up measures have been taken in relation to such complaints. What is the current average length of complaint proceedings?

Article 14

22. Please provide information, including statistical data disaggregated by sex and type of crime, on the number of cases where redress, compensation and/or rehabilitation measures have been ordered by the courts, and on those measures actually provided to victims of torture or cruel inhuman or degrading treatment or punishment, or their families, during the past five years.

Article 16

23. The Committee would like to receive information on relevant regulations and measures aimed at limiting restrictions and compulsive measures applied to patients under compulsory mental health care to what is strictly necessary.

Other

24. Please inform the Committee if the State party is considering withdrawing its reservations to article 20¹¹

25. Please inform the Committee if the State party is considering declaring in favour of articles 21 and 22¹²

26. Please inform the Committee what other measures, if any, the State party has taken since the submission of its initial report to ensure full compliance with the provisions of the Convention, including in connection with efforts to prevent acts of terrorism.

27. Please indicate whether the State party is considering becoming party to the Optional Protocol to the Convention against Torture. If so, does the State party envisage setting up or designating a national mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

¹⁰ See also CCPR/CO/69/KWT, para.13.

¹¹ See A/53/44, para. 228.

¹² Ibid., para. 229.