retained private attorneys and then adjourned to provide the newly appointed counsel an opportunity to consult with the defendants and prepare their defense. However, almost all defendants appear to have been questioned by the prosecutor or police investigators without the opportunity to consult with lawyers. Denial of legal counsel violates both Kuwaiti law and international standards. Kuwait's Criminal Procedures and Trials Act No. 17 of 1960, as amended, gives the defendant the right to be accompanied by a lawyer, including at the early stages of "preliminary interrogation" (Article 75). The accused has the right to refuse to answer questions and the right to "demand postponing the interrogation until his lawyer is present" (Article 98). Similarly, there is a duty under international law to "afford the accused *before* and during his trial all necessary rights and means of defense" (Protocol I to the Geneva Conventions, Article 75; emphasis added). This right is also enshrined in the International Covenant of Civil and Political Rights, which requires that the accused be given before the trial "adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing" (Article 14(3b)). Obviously for those facing the death penalty, the right to sufficient legal counsel is crucial, as the Economic and Social Council has recognized by singling out this right as a particularly important due process requirement (ECOSOC 1984/50(5)). Defendants facing the death penalty should have the right to choose which lawyer will represent them. Lawyers from other countries with similar legal systems have attempted to represent defendants before the State Security Court but were denied entry into Kuwait. Kuwait's refusal to permit these lawyers to defend suspects facing the death penalty does not conform with the spirit if not the letter of these requirements -- a significant failure in light of the reluctance of Kuwaiti attorneys to mount vigorous defenses on behalf of alleged collaborators with the Iraqi occupying forces.

Those convicted by the State Security Court have the right of only one appeal, to the Court of Cassation, compared to two degrees of appeal (before an appeals court and then the Court of Cassation) for those convicted by ordinary criminal courts. This means that the defendants who were sentenced to death by the State Security Court have fewer chances to appeal than defendants sentenced to lesser penalties by regular criminal courts. In addition, a review by the Court of Cassation, while undoubtedly important in ensuring the lower court's interpretation of the law, is not a substitute for a full-fledged appeal that examines both the lower court's factual inference of guilt or innocence and its application of the law. Principles of equality and fairness mandate that those sentenced to death be granted at least as much opportunity to appeal as those sentenced to lesser punishments.

Many of those condemned to death claimed to have been forced to support the occupation. The court appeared not to take into full consideration the special circumstances of these defendants, all of whom risked severe retribution if they refused direct orders from Iraqi government officials. The first five, for example, being Iraqi nationals and members of the ruling Ba'th Party, were especially vulnerable to Iraqi government pressure and would have probably faced severe consequences if they had failed to live up to their partisan duties as defined by the Iraqi government. The ten Palestinian men sentenced to death were similarly vulnerable since they belonged to the Arab Liberation Front, a Palestinian affiliate of the Iraqi government. Membership in the Ba'th Party or the Front was not considered a crime in Kuwait before the invasion, and a number of Kuwaitis and residents were members or open supporters of the Ba'th Party or the Arab Liberation Front. Once Iraqi forces invaded Kuwait, members of these