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September 11, 2011

His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah
Emir of Kuwait
c/o Kuwaiti Permanent Representative to the United Nations
321 East 44th Street
New York, New York 10017

Via Facsimile and United States Postal Service Overnight Delivery

Your Excellency:

Our firm represents twenty-one Egyptian citizens who were legally residing and working in Kuwait in April of 2010 when they were unlawfully arrested, jailed, tortured, and deported by Kuwaiti officials. On June 15, 2011, we wrote to your Ambassador to the United States about this case. A copy of that letter is attached.

We received no response to our offer in that letter to resolve this matter amicably and confidentially.

Today we write to provide a final opportunity for you to provide justice before we file suit and respond to media inquiries.

To inform your decision, we have attached a copy of the legal complaint we have prepared.

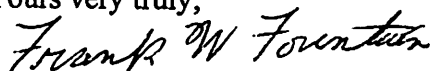
If, by 6 p.m. on Thursday, September 15, 2011, we have not received a response, we will file this complaint in the United States District Court for the Southern District of New York in Manhattan.

Your timely response followed by a fair and reasonable resolution of this matter could:

- Prevent the award of punitive damages by a jury verdict;
- Avoid public damage to the reputation of Kuwait;
- Avoid unfavorable U.S. and international media attention;
- Take this case out of contention in advance of a large-scale anti-Kuwait demonstration currently planned to occur in Cairo that would include major Egyptian political and civil society leaders and that would highlight the Kuwaiti torture of our clients; and
- Significantly defuse Egyptian anger towards Kuwait that arose in response to the recent Kuwaiti intervention in the trial of Hosni Mubarak.

We look forward to receiving your response and to resolving this matter amicably and confidentially.

Yours very truly,



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June 15, 2011

His Excellency Sheikh Salem Abdullah Al-Jaber Al-Sabah
Ambassador of Kuwait to the United States
Embassy of the State of Kuwait
2940 Tilden Street NW
Washington, DC 20008

Via United States Postal Service Overnight Delivery

Your Excellency:

Our firm represents nineteen Egyptian citizens who were legally residing and working in Kuwait in April of 2010 when they were suddenly arrested, jailed, tortured, and deported by Kuwaiti officials.

The conduct of the Kuwaiti officials is shocking and in violation of Kuwaiti, United States and international laws.

The victims had been legally residing and working in Kuwait for various periods of time. One man had been there for two decades. Three others had been there for eleven, twelve, and sixteen years, respectively. The victims had lived and worked there an average of six years. Sixteen of the nineteen victims have college degrees. Nearly all held professional positions. More than 85 immediate relatives depended on these hard-working and highly responsible victims for financial support. Not one had previously been arrested.

Yet, in April of 2010, because they attempted to have a peaceful meeting in support of the expansion of democratic rights in their native country of Egypt, they were arrested. The Kuwaiti law they were alleged to have violated – which purports to make criminal the meeting of any group of more than twenty non-Kuwaiti citizens – had been held to be unconstitutional by Kuwait's Constitutional Court four years before the arrests. Such a law, moreover, would violate basic precepts of international human rights law.

Some of the victims were arrested on the spot. Others were arrested at their jobs in front of their employers and co-workers. Still others were ripped from their homes. All were blind-folded and hand-cuffed behind their backs. All were held in solitary confinement in tiny cells for up to five days. When they were taken out of their cells, all were blind-folded and hand-cuffed behind their backs. Many remained blind-folded and hand-cuffed even while in their solitary cells.

Not one was arrested pursuant to a court order. Not one was advised of his legal rights. Not one was allowed to have an attorney present during questioning. All of them were denied any contact

with family and attorneys, and some of them were beaten when they dared to ask to speak to an attorney.

None of them was allowed to take prescribed medication, even though eight of them informed their captors that they were under doctor's orders to take medication to address debilitating and, in some instances, life-threatening medical conditions, including heart and cardiovascular disorders, diabetes, and the Mediterranean Fever (an inflammatory disorder that causes recurrent fevers, painful inflammation of the abdomen, lungs and joints, and sometimes kidney failure).

They were fed only once a day. The food was, as one victim put it, "unsuitable for a human being." One man was denied any food at all for two days. They were also denied sufficient drinking water.

They were psychologically abused. They were threatened and humiliated. They were, for example, threatened with rape, electrocution, and castration. Their families were threatened. For example, the only wife of a victim who was herself living and working (as a school teacher) in Kuwait was personally threatened with arrest and deportation. Her husband was dragged into their home in hand cuffs, and when their young son sensed the threat to his family, he began screaming.

They were beaten. They were beaten with fists. They were beaten with clubs. One victim was repeatedly beaten on his back, after telling his tormenters, Kuwaiti officials, that he had previously suffered a back injury for which he was under a doctor's care.

They lost their employment and all of their property in Kuwait. Their lost property included homes, cars, furniture, appliances, computers, jewelry, clothing and money. If they had businesses, their businesses were destroyed. All but two remain unemployed; one of those two is now employed at 10% of his previous salary, and the other was employed only last week at a small fraction of his previous salary.

They have had to receive medical treatment, including multiple surgeries, for the physical abuse they suffered. They will have to receive additional medical treatment. We have extensive evidence of the physical abuse and the resulting treatment.

They have had to receive psychological treatment as well. They will have to receive additional psychological treatment. We have extensive evidence of the psychological abuse and the resulting treatment. One of the victims was so psychologically traumatized that he had to be hospitalized in Cairo for three months.

In short, their lives – and the lives of their families – more than 100 men, women and children – have been devastated.

The horrific acts by those Kuwaiti officials who caused this devastation constitute violations of the victims' legal rights, including, but not limited to, the following internationally-recognized rights:

- The right to be free from torture,
- The right to be free from cruel, inhuman or degrading treatment,

- The right to be free from arbitrary arrest and detention,
- The right to be informed of charges,
- The right to prompt trial by a judge,
- The right to be deported only in accordance with law, by competent authority, and after being allowed to submit reasons to oppose the deportation,
- The right to hold opinions,
- The right to free expression,
- The right to freedom of association with others, and
- The right not to be discriminated against on the basis of political opinion or national origin.

Such violations are subject to the jurisdiction of the courts of the United States under the Torture Victim Protection Act and the Alien Tort Claims Act.

Our firm is prepared to pursue aggressively all U.S. and international diplomatic, criminal and civil avenues to obtain justice, including, but not limited to, legal and diplomatic actions in the United States and before international human rights enforcement bodies. It is our hope and our clients' desires to avoid the use of such means if possible.

It is difficult to believe that this abhorrent conduct by a few Kuwaiti law enforcement officials (whose identities we are prepared to provide) would be allowed to tarnish the reputation of the Al-Sabah family and Kuwait.

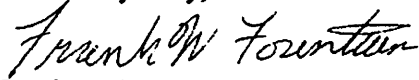
Last year, just the detention and deportation of our clients attracted significant media attention, with articles in the *New York Times* and the *Los Angeles Times*, with scores of articles in the Arabic press, including articles in *Al Qabas*, and with international publicity by Amnesty International and Human Rights Watch. If the full story – with evidence of torture – were to be revealed today, media interest would be intense.

Our clients do not seek publicity. They seek only justice. They desire to resolve this matter quietly and promptly. They have authorized us to accept a confidential settlement of \$40 million.

We look forward to a prompt and just resolution of this deeply regrettable episode.

We will respectfully await your benevolent response. If we have not received it by June 27, 2011, we will understand that we must obtain justice elsewhere.

Yours very truly,


Frank W. Fountain, Esq.