

URGENT ACTION

TUNISIAN NATIONAL FACES EXECUTION IN IRAQ

A Tunisian national who has been detained in Iraq since 2006 is at imminent risk of execution after his death sentence was ratified by the Iraqi Presidency at the end of June.

Yosri ben Fakher Trigui was arrested on 20 May 2006 by US forces in Iraq for his alleged involvement in terrorist acts. In October 2006 he was sentenced to death by the Central Criminal Court of Iraq (CCCI) in Baghdad after being convicted of participating in the bomb attack on the al-'Askari Shi'a shrine in the city of Samarra in Salahuddin province, Iraq, in February 2006 and involvement in the killing of a journalist from the al-'Arabiya TV channel.

Yosri ben Fakher Trigui was transferred from US custody to Iraqi custody in July 2009. His family told Amnesty International that shortly after this transfer he told them by phone that his conviction had been overturned by the Court of Cassation due to lack of evidence. He also said that had received a sentence of 15 years in prison for entering Iraq illegally. Subsequently, his family claims that Yosri ben Fakher Trigui told them in February 2011 that he had received a letter from the Iraqi Ministry of Justice informing him that he had been retried in his absence and had been sentenced to death on the same charges he had been sentenced to death before.

On 29 June the Iraqi online newspaper *Aswat al-Iraq* reported that on 28 June the Iraqi satellite TV channel al-'Iraqiya had announced that the Iraqi Presidency had ratified the death sentence against Yosri ben Fakher Trigui, named in the article as "Yusri Fadhil al-Tureiqi", for his involvement in the destruction of the of the al-'Askari shrine.

Amnesty International is concerned that Yosri ben Fakher Trigui was sentenced to death following a trial which failed to meet international standards for fair trials and is calling for his death sentence to be commuted.

Please write immediately in English or Arabic:

- Expressing concern that Yosri ben Fakher Trigui (also spelt "Yusri Fadhil al-Tureiqi") was sentenced to death following a trial which appeared not to meet international standards for fair trials;
- Calling on the authorities to commute his death sentence;
- Calling on them to commute all other death sentences and declare an immediate moratorium on executions.

PLEASE SEND APPEALS BEFORE 5 AUGUST 2011 TO THE IRAQI REPRESENTATION IN YOUR COUNTRY AND ADDRESSED TO:

Prime Minister

Nuri Kamil al-Maliki Convention
Centre (Qasr al-Ma'aridh)
Baghdad, Iraq

Salutation: Your Excellency

President

Jalal Talabani
Convention Centre (Qasr al-
Ma'aridh) Baghdad, Iraq

Salutation: Your Excellency

And copies to:

Minister of justice
Hassan al Shammari

Minister of Human Rights
Mohammad Shayaa al-Sudani

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The bombing in February 2006 of the al-'Askari mosque in Samarra, one of Shi'a Islam's holiest sites, sparked an upsurge in sectarian violence between Sunni and Shi'a Muslims. The violence left every Iraqi more at risk of attacks simply on account of their religious identity and affiliation; places in which people gathered to express their faith were targeted for attack.

Following the US-led invasion in 2003 which overthrew Saddam Hussein, the death penalty was suspended on 10 June 2003 by the head of the interim Coalition Provisional Authority (CPA), within a month of his taking charge. However, just over a year later, on 8 August 2004, the Iraqi interim government which replaced the CPA restored the death penalty. Since then, the Iraqi authorities have widened both its scope and its application. At least 1,000 people are said to be under sentence of death.

The use of the death penalty in Iraq lacks transparency. The authorities publicly justify the use of the death penalty as a response to the continuing high level of political violence, but they provide very little information on executions and some have been carried out secretly. Many of the death sentences are handed down following court proceedings which do not meet international standards for fair trials. Defendants commonly complain that "confessions" were extracted from them under torture during pre-trial interrogation, often when they were held incommunicado in police stations or in detention facilities controlled by the Ministry of Interior. These "confessions" are then often used as evidence against them at their trials, and are accepted by the courts without them taking any or adequate steps to investigate defendants' allegations of torture. Defendants also complain that they are not able to choose their own defence lawyers and that they have lawyers appointed by the court if they are unable to pay for defence counsel, but the quality of such representation is low. Some lawyers refuse to represent defendants accused of "terrorism" because they fear for their lives if they take up such cases.

Name: Yosri ben Fakher Trigui
Gender m/f: male

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