

AI Index: PRE 01/495/2013  
25 September 2013

## **Iraq executes 13 men following unfair trials marred by torture allegations**

All executions in Iraq must be halted immediately, Amnesty International urged today after 13 men were executed in Baghdad.

Today, the organization has been able to confirm the names of nine of the men, who were executed on 22 September following death sentences imposed after unfair trials and based on “confessions” allegedly extracted under torture. Four others were also executed that day, bringing the total number of executions in Iraq so far this year to at least 73.

“The Iraqi authorities have chosen to defy repeated calls not to execute prisoners and to rely on tainted ‘confessions’ obtained under torture. That a death sentence could be imposed after obviously grossly unfair trials beggars belief,” said Hassiba Hadj Sahraoui, Deputy Director of the Middle East and North Africa at Amnesty International.

Amnesty International had urged the Iraqi authorities not to carry out the executions of these nine men, and to investigate their allegations that they were tortured to coerce them into making “confessions”. The court trying them appears to have disregarded compelling medical evidence supporting these complaints, and used “confessions” inadmissible as evidence under international law - their trial fell far short of international fair trial standards.

“We again urge the Iraqi authorities to declare a moratorium on executions as a first step towards abolishing the death penalty and to commute all death sentences. They must address the flaws in the Iraqi justice system, investigate claims of torture and other ill-treatment in custody, and, where applicable, grant re-trials in full compliance with fair trial standards,” said Hassiba Hadi Sahraoui.

The nine men were among a group of 11 sentenced to death by the First Branch of Anbar Criminal Court on 8 August 2010 after it convicted them under the draconian 2005 Anti-Terrorism Law. The remaining two are reportedly still on death row.

During the trial, several of the defendants alleged that interrogators had tortured them while they were detained incommunicado at the Directorates of Counter-Terrorism in Haditha and Hit. They said they were beaten, subjected to electric shocks and suspended by their arms until they agreed to “confess”. Some of the defendants reportedly showed the court marks on their bodies that they said were caused by torture and submitted evidence from medical examinations in support of their allegations.

The Court of Cassation upheld their death sentences in 2011.

In its assessment of the trial Amnesty International examined copies of court documents, including the

verdict and medical reports, and also interviewed relatives and lawyers. In December 2012 the organization called on the Iraqi authorities to review their case, but never received a response.

Amnesty International opposes the death penalty – the ultimate cruel, inhuman and degrading punishment – in all cases without exception, as a violation of the right to life.

## **Background**

Amnesty International recognizes the grave threat that armed groups continue to pose to the public security and order and the rule of law in Iraq. Hundreds of people continue to be killed every month in violent attacks by armed groups across Iraq. The organization condemns unreservedly the gross human rights abuses and violations of international humanitarian law that armed groups continue to commit. The Iraqi authorities have the duty and responsibility to bring perpetrators of serious human rights abuses to justice, without recourse to the death penalty. However, when doing so – the Iraqi authorities must comply at all times with Iraq's obligations under international human rights law and protect the human rights of those they suspect or accuse of committing even the most heinous crimes. On 21 September 2013 scores of civilians were killed and injured in bomb attacks targeting mourners at a funeral in the Shi'a neighbourhood of Sadr City in Baghdad. More people died the following day in a bomb attack on Sunni mourners in Baghdad.

Iraq is one of the world's most prolific executioners, with the government alleging the death penalty to be a tool in its battle against a high level of violence by armed groups. Hundreds of prisoners are on death row. In 2012 a sharp rise in executions was recorded in Iraq making it the country with the third highest number of executions in the world for that year. At least 129 people were executed, almost twice the known total for 2011. Since the beginning of 2013 at least 73 people, including two women, have been executed.

Amnesty International has documented 90 cases of death row inmates in Iraq who were convicted of terrorism or other crimes on the basis of "confessions" incriminating themselves that defendants say were coerced from them under torture while they were detained without access to lawyers or any contact with the world outside their place of incarceration. For further information please see the report *Iraq: A Decade of Abuse* and the following Amnesty International video titled "Iraq's lethal confession culture".

At least four of the 90 prisoners listed in the report were executed in April 2013, followed now by the nine men who had their death sentences carried out on 22 September.

Since the death penalty was reinstated in August 2004, at least 520 people have been executed in Iraq. According to an Iraqi Ministry for Human Rights report published earlier this year, Iraqi criminal courts have pronounced more than 2,600 death sentences between 2004 and November 2012.

The UN Assistance Mission for Iraq (UNAMI), the UN High Commissioner for Human Rights and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions have made repeated calls for the establishment of a moratorium on the death penalty in Iraq. The UN High Commissioner for Human Rights stated in reaction to the execution of 21 prisoners on one day alone in April 2013: "The criminal justice system in Iraq is still not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards. The application of the death penalty in these circumstances is unconscionable, as any miscarriage of justice as a result of capital punishment cannot be undone."