

PUBLIC

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UA 137/05      Death penalty/Fear of imminent execution

IRAQ            Ahmad al-Jaf (m), aged 30  
                  ‘Uday Dawud al-Dulaimi (m), aged 25  
                  Jasim ‘Abbas (m), aged 44  
                  Tahsin ‘Ali Mattar (m)

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Ahmad al-Jaf, ‘Uday Dawud al-Dulaimi, Jasim ‘Abbas and Tahsin ‘Ali Mattar have been sentenced to death in two separate trials. If the death sentences are carried out, the men may be the first people to be executed by the new Iraqi government.

Ahmad al-Jaf, ‘Uday Dawud al-Dulaimi and Jasim ‘Abbas were sentenced to death by a criminal court in the Iraqi town of al-Kut, about 170km southeast of Baghdad. The court reportedly announced that the sentences would be carried out “within 10 days” of the verdict, which was pronounced on 22 May. The three are said to be members of the armed group *Ansar al-Sunna* and were reportedly found guilty of kidnapping, killing of policemen and rape of women. Amnesty International has no information on the details of the charges and whether the case will be referred to an appeal court. The trial was said to have lasted for a few hours. The *al-Iraqiya* satellite television channel broadcast a summary of the trial on 22 May.

On 25 May a criminal court in Babil, south of Baghdad, reportedly sentenced Tahsin ‘Ali Mattar to death for “terrorist activities”. He and another defendant, who received a 15-year prison term, have reportedly been given 10 days to appeal. Amnesty International has no further information related to this case.

Armed groups opposed to the presence of foreign troops and the Iraqi government have carried out serious human rights abuses including kidnapping and killing of civilian hostages, as well as indiscriminate suicide and bomb attacks that have left hundreds of civilians dead. *Ansar al-Sunna* has claimed responsibility for many of these abuses. Since the beginning of May 2005 more than 500 people, including civilians, are said to have been killed in attacks by armed groups in central and northern Iraq.

Amnesty International strongly condemns all abuses by armed groups; however, the organization is opposed to the use of the death penalty, a cruel and inhuman punishment that has never been shown to deter crime more effectively than any other method.

#### **BACKGROUND INFORMATION**

The former Iraqi government frequently resorted to the use of the death penalty. Following the invasion of Iraq by a US-led coalition in March 2003, the death penalty was suspended by the Coalition Provisional Authority (CPA) in June 2003. On 28 June 2004 power was transferred to an Iraqi interim government and on 30 January 2005 elections to a National Assembly were held. A new government led by a former Shi’a Muslim exile, Ibrahim al-Ja’afari, was formed in early May.

On 8 August 2004, the interim government reinstated the death penalty for certain crimes such as murder, drug trafficking and kidnapping. The authorities justified the reimposition of the death penalty as a measure to deal with the deteriorating security situation. On 7 November 2004 a 60-day state of emergency was declared throughout Iraq except in the Kurdish controlled areas of northern Iraq. This came as a consequence of a serious security situation that has seen widespread bomb and suicide attacks killing scores of members of security forces and civilians. The state of emergency was extended for another 30 days in May 2005.

Amnesty International deplored the re-imposition of the death penalty in Iraq, and has repeatedly raised its concerns with Iraqi authorities, including in submissions to the Iraqi Minister of Human Rights and Minister of Justice.

In November 2004, 10 people were sentenced to death for “criminal activities” but no execution is known to have taken place.

Prior to the formation of the new government, Jalal Talabani, Secretary General of the Kurdish party Patriotic Union of Kurdistan (PUK), was selected as President of Iraq. In interviews to the media he declared his opposition to the use of the death penalty.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing concern that Ahmad al-Jaf, ‘Uday Dawud al-Dulaimi, Jasim ‘Abbas and Tahsin ‘Ali Mattar are reported to have been sentenced to death, and urging that their sentences be commuted;
- asking for details of their trials and appeals, with a view to establishing whether these complied with international standards for fair trial;
- condemning all abuses by armed groups, including kidnapping, rape and killing of civilians, and urging that those responsible for these abuses be brought to justice in trials that fall within international standards for fair trial and that do not impose the death penalty;
- acknowledging the seriousness of the security situation, but pointing out that the death penalty has never proved to be an effective deterrent to combat crime, and calling for the death penalty to be abolished in law and practice.

**APPEALS TO: Fax numbers and e-mail addresses for the Iraqi authorities are not available. Please send appeals via the Iraqi embassy or diplomatic representative in your country, asking them to forward your appeals to:**

President of the Republic of Iraq  
Jalal Talabani

**Salutation: Your Excellency**

Prime Minister of the Republic of Iraq  
Dr. Ibrahim al-Ja’afari

**Salutation: Your Excellency**

**COPIES TO:**

Ask for the Iraqi embassy or diplomatic representative to send copies to:

- Human Rights Minister

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 6 July 2005.