

PUBLIC

AI Index: MDE 14/042/2005

28 October 2005

UA 281/05 Fear of torture/ fear of unfair trial

IRAQ

Faraj 'Abdullah Mulhim (m), aged about 41]
'Adnan 'Abdullah Mulhim (m), aged about 31] Palestinians
Amir ' Abdullah Mulhim, (m), aged about 26]
Mas'ud Nur al-Din al-Mahdi (m), aged about 33]

Brothers Faraj, 'Adnan and Amir 'Abdullah Mulhim, as well as Mas'ud Nur al-Din al-Mahdi, all Palestinians living in Baghdad, have been tortured in detention and are at risk of further torture. Amnesty International is concerned that they are likely to face an unfair trial and could be sentenced to death.

During the night of 12 May security forces from the Wolf Brigade, a unit under the control of the Iraqi Ministry of Interior, stormed a block of flats of the Baladiyat Palestinian Building in Baladiyat Camp in Baghdad, and arrested the four men on suspicion of being responsible for a bomb attack earlier that day in the Baghdad al-Jadidda district. Members of the Wolf Brigade were said to have beaten the four men with rifle butts when they arrested them.

On 13 May, the authorities announced the arrest of four men in connection with the bomb attack of 12 May and Faraj, 'Adnan and Amir 'Abdullah Mulhim, and Mas'ud Nur al-Din al-Mahdi were shown on the satellite television channel *al-'Iraqiyya*. On 14 May they were paraded on *al-'Iraqiyya* "confessing" responsibility for the bomb attack. Relatives who watched this programme said the four had injuries on their faces suggesting that torture was used to extract the "confessions". An Iraqi national, Kadhim Jawad Kadhim, who had been apprehended in the street for violating the curfew, appeared on the television programme as a witness. He had reportedly informed the security forces that one of the four men, whom he knew well, was responsible for the bomb attack. He is said to be "mentally disturbed". Details of his medical condition are not known to Amnesty International.

Some two months after their arrest, the families of the four men learned that they were being held at the headquarters of the Major Crimes Directorate (*Mudiriyat al-Jara'im al-Kubra*) in al-'Adhamiyya district of Baghdad. The families arranged for a lawyer to visit them in July. The men described to the lawyer how they suffered systematic torture for 27 days while being held by the Wolf Brigade in a Ministry of Interior building in the district of al-Ziyouna in Baghdad. They claimed that they were beaten with cables, received electric shocks to the hands, wrists, fingers, ankles and feet, received cigarette burns to the face, and were left in a room with water on the floor while an electric current was applied to the water. The men signed confessions claiming responsibility for five other bomb attacks in other districts of Baghdad. However, when the lawyer investigated these five alleged bomb attacks at police stations, he obtained documents showing that these attacks never actually took place. Since the men's transfer to the Major Crimes Directorate they have not been tortured, and since August relatives of the four have been able to visit them once a week.

Amnesty International is concerned at reports that the four men may be handed back to the Wolf Brigade for further interrogation, where they would be at risk of torture. Though the exact charges faced by the men are not known, their case is currently being dealt by an investigative judge and their trial may take place in the next few weeks. If found guilty Faraj, 'Adnan and Amir 'Abdullah Mulhim, and Mas'ud Nur al-Din al-Mahdi will face the death penalty for their alleged role in the bomb attack.

BACKGROUND INFORMATION

The use of torture by Iraqi security forces is said to be systematic, and reportedly include severe beatings to various parts of the body with cables, cigarette burns, electric shocks to the genitals and the use of electric drills on the arms and legs. The victims have included those suspected of involvement with armed opposition groups and in "terrorist activities". Armed groups opposed to the Iraqi government and the international Multinational Force (MNF) have carried out indiscriminate bomb and suicide attacks resulting in the killing of hundreds of civilians. Amnesty International has regularly condemned these attacks as crimes against humanity.

Amnesty International does not have details about trial proceedings followed by Iraqi criminal courts for those charged with "terrorist activities" that include bomb attacks. There are however concerns that confessions are routinely extracted under torture and used as evidence in court. These confessions have also been regularly shown on a programme called "Terrorism in the Grip of Justice" broadcast by the satellite channel *al-Iraqiyya*, and those making confessions are said to have marks on their bodies suggesting that they have been tortured. Since the new Iraqi government took office in early May 2005, scores of people have been sentenced to death in connection with involvement with armed groups and suspected "terrorist activities". So far, three people have been executed.

Since the fall of Baghdad in April 2003, Palestinians living in Iraq have become increasingly targeted for abuse by individuals and many have reportedly been killed while others have fled the country. Recently, the Minister of Displacement and Migration is reported to have said that all Palestinians are not welcome and should leave Iraq.

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

- expressing concern that brothers Faraj, 'Adnan and Amir 'Abdullah Mulhim, and Mas'ud Nur al-Din al-Mahdi, have been tortured while in custody of the Wolf Brigade; urging that an independent investigation into these reports be carried out immediately, with anyone found to be responsible brought to justice;
- requesting details of the exact charges against the four men, urging for any confession extracted under torture not to be used as evidence in court, and seeking assurances that they are given access to medical help as necessary;
- urging that the investigation into the men's alleged involvement in the bomb attack of 12 May 2005 be transparent and that any trial they may face be fully in accordance with international standards for fair trial, without the imposition of the death penalty.

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

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

Salutation: Your Excellency

Appeals can also be sent directly to:

His Excellency, Baqir Jabr Solagh, Minister of Interior

Fax: + 964 1 7180305 (Please keep trying; if you cannot get through please send appeals via the Iraqi diplomatic representative in your country)

Salutation: Your Excellency

COPIES TO:

Ask for the Iraqi embassy or diplomatic representative in your country to send copies to the Acting Human Rights Minister, Nasreen Barwari.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 December 2005.