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IRAQ: President must halt ratification of death sentences

Amnesty International today called on the Iraqi President not to ratify death sentences which will pave the way for imminent executions, despite longstanding concerns that many people had been sentenced to death after grossly unfair trials.

On 15 July a spokesperson of the Iraqi presidency stated that President Fuad Ma'sum had ratified 42 death sentences, which are amongst a backlog of 662 death sentences awaiting ratification by the presidency since 2006.

The Iraqi Code of Criminal Procedures provides that once a death sentence is confirmed by the Court of Cassation, it must be sent to the President to decide whether to ratify it, commute it to a lesser sentence, or grant a pardon.

Amnesty International is seriously concerned that many of the death sentences President Fuad Ma'sum may be ratifying are of individuals who were convicted based on "confessions" obtained under torture that the defendants later retracted in court, televised "confessions" admitted as evidence against other defendants, or information obtained through secret informants in total disregard for international fair trial guarantees. The majority of those sentenced to death in Iraq have been Sunni men convicted under the 2005 Anti-Terrorism Law.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights; it is the ultimate cruel, inhuman and degrading punishment.

The presidential ratifications seem to be a response to the growing pressure on President Ma'sum, from members of the Iraqi parliament and the government, to resolve the backlog of death penalty cases awaiting review by the presidency. On 16 June, the Iraqi Cabinet sought to expedite the implementation of death sentences by approving a proposed amendment to the Code of Criminal Procedures in order to grant the Minister of Justice the power to ratify executions if the president did not ratify, pardon, issue clemency, or commute final death sentences within 30 days.

Amnesty International believes that expediting the implementation of death sentences is the wrong step to take, more so in Iraq where the justice system is deeply flawed. Amnesty International has documented many cases of individuals sentenced to death after grossly unfair trials. In many instances, lawyers defending these individuals were harassed, intimidated and detained by the security forces.

Ahmad ‘Amr ‘Abd al-Qadir Muhammad, a Palestinian born in Iraq, now aged 33, who is on death row in Nassiriya Prison told his family that he continued to be beaten and denied medical care. When his mother visited him on 18 June, she saw that his hands and feet were swollen and his back bleeding. He was sentenced to death in May 2011 after “confessing” to being a member of an armed group and involvement in causing several bomb explosions in Baghdad. No evidence linking him to the explosions was presented. In court, he retracted his “confession” and said he was tortured when held incommunicado for a year, after his arrest in the Zayouna district of Baghdad in July 2006 at the height of sectarian violence. Despite Ahmad ‘Amr ‘Abd al-Qadir Muhammad retracting his “confession”, the court accepted it, ruling that it was reliable because it had been made at a date much closer to the time of the crime than his testimony before the court. No full and independent investigation is known to have been carried out into his allegations of torture.

Mu’ad Muhammad ‘Abed, a primary school teacher, now aged 37, was arrested together with three others between March and April 2012. They were all held incommunicado for several weeks at the Directorate of Counter-Crime in Ramadi, al-Anbar Province, and said they were tortured to “confess” to involvement in a murder. Shortly after their arrest, the television station *al-Anbar* broadcast the four men making self-incriminating statements linking them to involvement in terrorism-related offences and membership in an armed group. The men told the court they had been tortured to “confess”; a medical examination of one of the men identified injuries consistent with his torture claims. No official investigation into the alleged torture is known to have been carried out. On 3 December 2012 all four men were sentenced to death. Their case is still pending review by the court of cassation. If their sentence is upheld, it will be sent to the presidency for ratification, putting them at imminent risk of execution. Mu’ad Muhammad ‘Abed told his family when they visited him two months ago in Nassiriya prison that he was being ill-treated, prevented from praying and denied access to radio and television by the prison guards.

Most recently, on 8 July, the Central Criminal Court of Iraq in Baghdad sentenced 24 men to death under Article 4 of the 2005 Anti-Terrorism Law after convicting them of killing at least 1,700 military cadets from the Speicher Military Camp, near Tikrit in Salahuddin governorate, in June 2014. Four others were acquitted. The trial lasted for a few hours and the court relied mainly on “confessions” obtained under torture from the defendants during interrogation and video footage of the massacre previously circulated by the armed group calling itself the Islamic State. According to media reports from the court room, defendants denied involvement in the killings. Other defendants denied being in the Tikrit area at the time of the massacre.

Amnesty International calls on the Iraqi authorities to commute, without delay, the death sentences imposed on the 24 men and of all persons on death row and to declare an official moratorium on all executions with a view to abolishing the death penalty.

Amnesty International has repeatedly condemned the waves of attacks in Iraq that killed and injured people, including civilians, and considered such attacks an utter contempt for the fundamental principles of humanity. The organization urged the Iraqi authorities to conduct investigations into such attacks and bring the perpetrators to justice in proceedings that meet international standards of fairness, and without recourse to the death penalty. The current security situation in Iraq must not be used to justify violations of the right to a fair trial and the extensive use of the death penalty.