

URGENT ACTION

FIVE IRAQI MEN AT RISK OF IMMINENT EXECUTION

Five Iraqi men were transferred to a prison in Baghdad, known to carry out executions. They are at imminent risk of execution. They were sentenced to death, along with 19 others, in al-Nasseriya in February 2009.

Several months ago ‘**Abbas Sabti Mussa, Hussain ‘Abd Hassan Mansur**, his brother ‘**Ali ‘Abd Hassan Mansur, Sabah Nuri Dagher and Dhiya’ ‘Uthayeb al-Dahmub** were transferred to the Maximum Security Prison (al-Himaya al-Quswa) at Camp Justice in Baghdad, a prison where executions are carried out. There are indications that preparations for their imminent execution have taken place.

The five men were among a group of at least 24 men sentenced to death on 26 February 2009 by the Dhi Qar Criminal Court in al-Nasseriya, south of Baghdad. They were convicted of belonging to an armed group and carrying out killings. Their death sentences were confirmed by the Court of Cassation on 30 June 2011.

The 24 men were among dozens of people arrested in al-Nassiriya, al-‘Amara and Basra in early 2008 by the security forces after violent clashes in which 16 people were reportedly killed. They were said to be members of a Shi’a sect, Ansar al-Mahdi and to have challenged the religious authority of the Marja’iyya (Shi’a religious establishment) in al-Najaf and claimed that it was corrupt. As a result, several prominent Shi’a religious leaders called on the Iraqi government to “eliminate” this sect. Following their arrest, the 24 men were held incommunicado in a variety of unacknowledged places of detention and coerced under torture into making “confessions”. Torture methods included electric shocks to sensitive parts of the body, being suspended from handcuffs and beatings on the sole of the feet (falaqa). The court admitted their pre-trial confessions and returned a guilty verdict.

Please write immediately in Arabic, English or your own language:

- Calling on the Iraqi authorities to stop the execution of ‘Abbas Sabti Mussa, Hussain ‘Abd Hassan Mansur, ‘Ali ‘Abd Hassan Mansur, Sabah Nuri Dagher and Dhiya’ ‘Uthayeb al-Dahmub by whatever judicial or other means available;
- Expressing concerns that they did not receive a fair trial and calling for them to be retried in line with the most rigorous internationally recognized standards for fair trial;
- Calling on the authorities to set up an independent and impartial investigation into allegations that the defendants had been tortured to force them to confess;
- Urging the Iraqi authorities to declare an official moratorium on executions with a view to abolishing the death penalty, and to commute without delay all death sentences.

PLEASE SEND APPEALS BEFORE 27 NOVEMBER 2013 TO:

Prime Minister

His Excellency Nuri Kamil al-Maliki,
Convention Centre (Qasr al-Ma’aridh)
Baghdad, Iraq
Email: info@pmo.iq

Salutation: Your Excellency

Minister of Justice

Hassan al-Shammari
Ministry of Justice
Baghdad, Iraq
Contactable in Arabic via web site:
<http://www.moj.gov.iq/complaints.php>

Salutation: Your Excellency

And copies to:

Minister of Human Rights

His Excellency Mohammad Shayaa al-Sudani
Ministry of Human Rights
Baghdad, Iraq
Email: shakawa@humanrights.gov.iq
and minister1@humanrights.gov.iq

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA 222/11. Further information:
<http://www.amnesty.org/en/library/info/MDE14/039/2011/en>

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Iraq is one of the world's most prolific executioners, as the government continues to battle against a high level of violence by armed groups. Hundreds of prisoners are currently held on death row. In 2012 at least 129 people were executed in Iraq, almost twice the known total for 2011, making it the country with the third highest number of executions in the world after China and Iran. So far during 2013 at least 132 people have been executed in Iraq – the highest number since the country reinstated capital punishment in 2004. However, the true number could be higher and the Iraqi authorities have yet to publish full figures.

Although full details are not available, most death sentences in recent years are believed to have been imposed under the Anti-Terrorism Law, Law 13 of 2005. It covers, in vague terms, acts such as provoking, planning, financing, committing or supporting others to commit terrorism. Death sentences are often handed down after deeply unfair trials, where prisoners do not have access to proper legal representation and "confessions" to crimes are frequently extracted through torture or other ill-treatment.

In recent statements announcing the execution of 23 prisoners in September and 42 in October, the Iraqi Ministry of Justice misleadingly stated that all death sentences were reviewed and confirmed by the Court of Cassation before executions took place. However the Court of Cassation regularly fails to address the admission by trial courts of contested evidence, including withdrawn "confessions" and allegations of coercion and torture, when approving death sentences at the review stage. The generally paper-based procedure fails to give defendants a genuine review. Under international law, the right to have a conviction and sentence reviewed by a higher tribunal (Article 14(5) of the International Covenant of Civil and Political Rights – ICCPR) requires a full evaluation of evidence and conduct of the first trial. The right to be present during an appeal is even more important in capital cases, where fair trial safeguards must be at least equal to those of Article 14 ICCPR (Safeguard 5 of ECOSOC resolution 1984/50). Once a death sentence has been confirmed by the Court of Cassation, Article 286 of the Criminal Procedure Code requires that it is sent to the Presidency to decide whether it should be ratified and the offender executed, commuted to a lesser sentence, or pardoned.

In March Amnesty International documented 90 cases of death row inmates in Iraq who were convicted of terrorism or other crimes on the basis of "confessions" in which they incriminated themselves and which defendants say were obtained under torture while they were held incommunicado. For further information see Amnesty International, *Iraq: A decade of Abuse* (Index: MDE 14/001/2013); and Amnesty International's video *Iraq's lethal confession culture*, at <http://www.youtube.com/watch?v=kCfEnbDKp2I>. At least 14 of the 90 prisoners listed in the report have already been executed in 2013.

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 the same day in April 2013: "Executing people in batches like this is obscene. It is like processing animals in a slaughterhouse. 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."

Name: 'Abbas Sabti Mussa, Hussain 'Abd Hassan Mansur, 'Ali 'Abd Hassan Mansur, Sabah Nuri Dagher, Dhiya' 'Uthayeb al-Dahmub
Gender m/f: m

Further information on UA: 222/11 Index: MDE 14/020/2013 Issue Date: 15 November 2013