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Public Statement

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Iraq: Taped televised confessions seriously undermine the right to fair trial

Amnesty International is concerned that the Iraqi authorities are increasingly using video-taped “confessions” by detainees, further undermining their rights to fair trial.

In the latest incident, on 4 August 2009, Iraqi and Dubai-based satellite TV channels, including al-‘Iraqiya and al-‘Arabiya, broadcast the “confessions” of three brothers detained in connection with the murder of three media workers in 2006 in Iraq. The three - Yasser Mohammad al-Takhi, aged 25, and his brothers, Mahmoud and Ghazwan, and a fourth unnamed person - were all arrested recently and have yet to be brought to trial. In their broadcast “confessions”, they say they abducted al-‘Arabiya TV presenter Atwar Bahjat, her cameraman Khaled Mahmoud al-Falahi and her sound engineer ‘Adnan Khayrallah on 22 February 2006 in Samarra’, north of Baghdad. At the time, Atwar Bahjat and her colleagues were reporting on the bomb attack on al-‘Askari Shi’a shrine earlier that day, which ignited the vicious sectarian conflict in Iraq. One of the brothers, Yasser Mohammad al-Takhi, was shown telling interrogators that he raped and then killed Atwar Bahjat and that his brothers killed the two men accompanying her.

Amnesty International has repeatedly condemned human rights abuses by armed groups in Iraq, including kidnapping, torture and killing of civilians, including journalists, and continues to call for those responsible to be brought to justice. The organization was appalled by the abduction and murder of Atwar Bahjat and her two colleagues but those accused of these crimes must be treated in accordance with international human rights law and must receive trials that satisfy international fair trial standards. The use of televised “confessions”, however, grievously undermines defendants’ right to fair trial, even if such “confessions” were freely given, and is particularly disturbing in cases where defendants are facing, or expected to face, charges which could lead to their being sentenced to death and executed. Many defendants have been sentenced to death in recent months in Iraq on the basis of “confessions” they made in pre-trial detention, when they were typically held incommunicado and had little or no access to lawyers, and which they retracted in court on the grounds that they were obtained under torture. Some have been executed after being convicted on the basis of such “confessions”, which were accepted as evidence by the courts without any or adequate investigation, although it is well established that torture and ill-treatment of detainees remains rife in Iraq. Others are believed to be at imminent risk of execution.

The Iraqi authorities previously made extensive use of televised “confessions” by detainees until mid-2005 then ceased the practice when a government spokesperson at the time, Layth Kubba, said that the practice was illegal. One TV channel broadcast a regular programme called “Terrorism in the Grip of Justice” which frequently showed detainees giving self-incriminating testimonies. This and similar broadcasting of “confessions” was stopped following criticism by the UN, the Iraqi Bar Association and other national organizations and Amnesty International.

The Iraqi authorities resumed this abusive practice earlier this year. On 3 February 2009 Samira Ahmed Jassim, a 52-year-old woman, was shown “confessing” in a video at a press conference

organized by the Ministry of Interior. In her video-taped “confession”, she said she had recruited more than 80 female suicide bombers on behalf of insurgents based in Diyala governorate, north of Baghdad. It appears however, that her “confession” was not freely given. In early June and from her prison cell where she is awaiting trial she told a journalist from the *Guardian* newspaper, published in the United Kingdom, that members of the Iraqi security forces had tortured her and forced her to make the filmed “confession”. She said they had kicked her, stood on her stomach and put her head into a bag. No investigation is known to have been carried out by the Iraqi authorities.

On 22 February 2009, Iraqi television showed the video-taped “confessions” of two men, a nephew and a body guard of Mohammad al-Daini, a member of Iraq’s Council of Representatives (parliament). In the video-taped statements, they said they had carried out numerous crimes, including assassinations, on the orders of Mohammad al-Daini. Mohammed al-Daini himself has not been seen since members of the Iraqi security forces sought to arrest him in connection with a suicide bomb attack on the parliament building on 12 April 2007 which left eight people dead, and he could be a victim of enforced disappearance. His nephew and bodyguard are reportedly awaiting trial.

On 23 April 2009 Iraqi television showed a video-taped “confession” by a detainee said to be known as Abu-‘Omar al-Baghdadi, in which he said that he had joined al-Qa’ida in 2005 and had been elected as Amir, or leader, of the group in 2006. He said too that al-Qa’ida was behind the bombing of al-Askari Shi’a shrine in Samarra. He has yet to be brought to trial.

Amnesty International urges the Iraqi authorities to end immediately their practice of broadcasting “confessions” and other incriminating testimonies obtained from individuals who are yet to stand trial. Such practice constitutes a gross breach of detainees’ right to a fair trial and of Iraq’s obligations under international human rights law. Article 14 (2) of the International Covenant on Civil and Political Rights, to which Iraq has been a state party since 1971, states that “Everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to the law.”

Amnesty International also continues to urge the Iraqi authorities to take concrete measures to end the torture and other ill-treatment of detainees held in the custody of Iraqi security forces, including by bringing the perpetrators to justice, and to ensure that all persons accused of offences receive fair trials without recourse to the death penalty.

Public Document

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