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Iraq must ensure fair trial for MP facing terrorism charges

Amnesty International has today called on the Iraqi authorities to ensure that member of the Council of Representatives (Parliament) Ahmed al-'Alwani receives a fair trial and to end restrictions and intimidation his lawyer has been subjected to.

The call is made ahead of the next trial session which resumes on Monday 5 May before the Central Criminal Court of Iraq in the capital Baghdad.

Ahmed al-'Alwani, a prominent member of al-'Iraqiya Bloc from the pre-dominantly Sunni Muslim al-Anbar governorate, is standing trial on terrorism charges under Article 4 of the 2005 Anti-Terrorism Law for an "assault on military assets and killing and injuring security forces for terrorist ends". According to his lawyer, he is facing charges on four different cases, all of them related to the same incident. Ahmed al-'Alwani may be sentenced to death, if convicted.

Despite the seriousness of the charges, Ahmed al-'Alwani has been denied the right to a fair trial and to mount an adequate defence.

Since his arrest, he has been denied access to his lawyer and family. His lawyer Badi'e 'Arif has not been able to properly meet with him and was only allowed to speak to him for two minutes during a court session in the presence of a member of the Iraqi special forces. He told Amnesty International that during that meeting Ahmed al-'Alwani appeared very scared and was shouting that he is innocent.

In court, Ahmed al-'Alwani's lawyer has also been denied the right to cross-examine the prosecution witnesses as the judge dismissed many of his questions on the ground that they are not related to the case when, for instance, he asked the witnesses to describe what Ahmed al-'Alwani was wearing during the time of his arrest. At one point, the judge asked him to withdraw from the case.

In addition to being denied access to Ahmed al-'Alwani, lawyer Badi'e 'Arif was arrested by special forces during a planned meeting with officials from the United Nations Assistance Mission for Iraq (UNAMI) in March. He was stopped under the pretext of carrying forged identity documents, which he denied. He said he was then put in a military vehicle, blindfolded and taken to a remote area within the Green Zone and questioned about his motives for defending Ahmed al-'Alwani. He remained blindfolded for 12 hours, after which he was forced to make a video recording stating he was not subjected to torture before being allowed to call his family and ask them to come and pick him up.

Amnesty International condemns such action against a well-known lawyer and calls on the Iraqi authorities to ensure lawyers, including those defending alleged terrorism cases, are not subjected to intimidation and harassment by the security forces.

That these violations to the rights of a fair trial and intimidation of lawyers happen even in such a high profile case, amid local and international media attention, leaves no doubts about the unfairness of the justice system in Iraq, said Amnesty International.

Amnesty International recognizes the Iraqi authorities' duty and responsibility to apprehend and bring to justice those responsible for acts of terrorism. It nevertheless urges the authorities to ensure those arrested are not subjected to acts of torture and ill-treatment while in custody and are given prompt access to a lawyer and family. If charged, they must be given a fair trial without recourse to the death penalty.

Background

Ahmed al-'Alwani was arrested on 28 December 2013 when security forces exchanged gun fire with his private security guards when they reportedly came to arrest his brother, Ali al-'Alwani, who was wanted together with others after security forces dispersed a year-long Sunni protest in Ramadi.

Ahmed al-'Alwani has been a leading figure and supporter of a protest camp in Ramadi by Sunnis protesting against what they see as marginalization by the Shi'a majority government and the targeting of their community. The protest was violently dispersed by the Iraqi security forces on the grounds that it became a nest for al-Qaeda militants.

The shoot-out, which took place in front of the house of Ahmed al-'Alwani in the centre of the city of Ramadi, led to the death of Ahmed al-'Alwani's brother and injured al-'Alwani's guards. In addition, one security officer was killed and at least four others injured.

According to reports, Ahmed al-'Alwani was taken shortly after his arrest to the headquarters of the Eighth Brigade of the Iraqi army outside the city of Ramadi for interrogation. He was then moved to the Khadra region in Baghdad most likely to al-Sharaf Camp of the Ministry of Defence for further interrogation.