

URGENT ACTION

TWO COUSINS NEAR EXECUTION AFTER UNFAIR TRIAL

Two cousins, Bara' Ibrahim Muhammad and Taysir Jassim Muhammad, are at imminent risk of execution in Iraq. They were sentenced to death after an unfair trial on 8 August 2010.

Bara' Ibrahim Muhammad and Taysir Jassim Muhammad are among a group of 11 people convicted in relation to their alleged involvement in explosions on 7 January 2010 in the city of Hit, in the western province of Anbar, that killed eight people and injured a number of others. They were all sentenced to death by the First Branch of the Criminal Court in Anbar on 8 August 2010, following an unfair trial during which several of the 11 said that interrogators had tortured them while they were detained incommunicado at the directorates of Counter-Terrorism in Haditha and Hit. Several of them said they had been beaten, given electric shocks and hung up by their arms until they agreed to "confess" to the crime, "confessions" which they later retracted. Some of the 11 also showed the court marks on their bodies that they said had been caused by torture and submitted evidence from medical examinations in support of their allegations. The court, however, admitted their pre-trial "confessions" as evidence against the 11, and found each of them guilty. Their death sentences were confirmed by the Court of Cassation in 2011.

The other nine men sentenced to death together with Bara' Ibrahim Muhammad and Taysir Jassim Muhammad were executed in Baghdad on 22 September 2013. Amnesty International has examined copies of court documents, including the verdict and medical reports, and also interviewed relatives and lawyers. In December 2012 the organization wrote to the Iraqi authorities urging them to review the case, but never received a response.

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

- Calling on the authorities to stop the execution of Bara' Ibrahim Muhammad and Taysir Jassim Muhammad, by whatever judicial or other means available;
- Expressing concern that the men 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 order allegations of torture and other ill-treatment to be investigated promptly and thoroughly by an independent body, and bring those responsible to justice;
- Urging the authorities to declare a moratorium on executions, with a view to abolishing the death penalty, and commute all outstanding death sentences without delay.

PLEASE SEND APPEALS BEFORE 30 JANUARY 2014 TO:

Prime Minister

His Excellency Nuri Kamil al-Maliki,
Convention Centre (Qasr al-Ma'aridh)
Baghdad, Iraq

Salutation: Your Excellency

Minister of Justice

His Excellency Hassan al-Shammari
Ministry of Justice
Baghdad, Iraq

Contactable in Arabic via website:

<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

minister1@humanrights.gov.iq

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Hundreds of prisoners are on death row in Iraq. In 2012 at least 129 people were executed, almost twice the known total for 2011, making it the country with the highest number of executions in the world after China and Iran. So far during 2013 at least 157 people have been executed in Iraq – the highest number since the country reintroduced capital punishment in August 2004; it had been suspended for nearly 18 months by the Coalition Provisional Authority. However, the true number could be higher and the Iraqi authorities have yet to publish full figures.

Although full details are not available, the vast majority of death sentences in recent years are believed to have been imposed under the Anti-Terrorism Law, Law 13 of 2005. The law covers, in vague terms, acts such as provoking, planning, financing, committing or supporting others to commit terrorism. Death sentences are often handed down after grossly 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 on 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 ICCPR Article 14 (Safeguard 5 of Economic and Social Council (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 the offender pardoned.

In March 2013 Amnesty International documented 90 cases of death row inmates in Iraq who had been convicted of terrorism or other crimes on the basis of "confessions" in which they incriminated themselves and which they said had been obtained under torture while they were held incommunicado. See Amnesty International's report *Iraq: A decade of abuse* (<http://www.amnesty.org/en/library/info/MDE14/001/2013/en>) and its video *Iraq's lethal confession culture* (<http://www.youtube.com/watch?v=kCfEnbDKp2l>). At least 14 of these 90 prisoners 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: Bara' Ibrahim Muhammad, Taysir Jassim Muhammad
Gender m/f: m