

PUBLIC

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UA 285/06 Death penalty/ torture/ legal concern

IRAQ/USA **Mohammad Munaf Mohammad al-Amin (m), US-Iraqi citizen, aged 53**
Yusuf Munaf Mohammad al-Amin (m)
Salam Hikmat Mohammad Farhan al-Qassir (m)
'Abd al-Jabbar 'Abbas Jasim al-Salman (m)
'Omar Jasim Mohammad 'Ali al-Salman (m)
Ibrahim Yassin Kadhim Hussain al-Jibouri (m)

The six men named above were sentenced to death by the Central Criminal Court of Iraq (CCCI) on 12 October 2006 for their alleged involvement in the kidnapping of three Romanian journalists in Iraq. The trial, which considered the case of all six defendants at the same hearing, is reported to have lasted about one hour. All six defendants face execution if the Court of Cassation upholds the CCCI's verdict. The men were reportedly tortured and threatened in detention, and Amnesty International believes that they did not have a fair trial.

One of the six, Mohammad Munaf Mohammad al-Amin, is a US-Iraqi citizen who is currently being held by the US armed forces at Camp Cropper near Baghdad airport. He has been in US custody since his capture in May 2005, under an agreement which allows pre-trial detainees awaiting criminal prosecution in Iraqi courts to be held in detention centres run by the Multi-National Force-Iraq (MNF-I). He was reportedly held for months in US custody as a security internee before appearing before the CCCI. He is alleged to have subsequently made statements at Iraqi preliminary hearings admitting to having participated in the kidnapping of the journalists, but retracted his confession at trial. He claims that the confession was made after he received threats of violence and sexual assault against him and his family.

The other five defendants are in Iraqi custody. Three of them have reportedly been tortured by being beaten with cables and the use of electric shocks in various parts of their bodies. However, their complaints were not considered by the court, and no investigation into the alleged torture is believed to have been initiated.

Mohammad Munaf Mohammad al-Amin is due to be transferred imminently to Iraqi custody. He has an application pending before a US district court for a temporary restraining order to prevent his transfer to Iraqi custody, on the grounds that his right to a fair trial may have been violated. However, the US government has argued that the US courts do not have jurisdiction in the case.

Muhammad Munaf Mohammad al-Amin was born in Iraq and emigrated to the USA in 1990. In 2001 he moved to Romania with his Romanian wife and three children. He accompanied the three kidnapped Romanian journalists to Iraq, acting as a guide and interpreter. The journalists were held for two months before being released unharmed during a military rescue operation in May 2005. Muhammad Munaf Mohammad al-Amin was arrested during the rescue operation, and was accused of posing as a kidnap victim and of involvement in the kidnapping plot. He denies these charges.

BACKGROUND INFORMATION

International standards permit capital punishment only for the most serious crimes after trials affording "all possible safeguards to ensure a fair trial" (Article 6 of the International Covenant on Civil and Political Rights and Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the Economic and Social Council in resolutions in 1984 and 1989). Since the re-imposition of the death penalty in Iraq in August 2004, scores of people have been sentenced to death. The first executions ordered by the country's new administration were carried out in September 2005. More executions were carried out during

2006, including 27 people who were hanged in September 2006 after being convicted of rape, kidnapping, murder and "terrorist activities". Confessions are routinely extracted under torture. Amnesty International is aware of a number of cases in which defendants had been sentenced to death after grossly unfair trials.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

To the Iraqi authorities:

- expressing concern that Mohammad Munaf Mohammad al-Amin, Yusuf Munaf Mohammad al-Amin, Salam Hikmat Mohammad Farhan al-Qassir, 'Abd al-Jabbar 'Abbas Jasim al-Salman, 'Omar Jasim Mohammad 'Ali al-Salman and Ibrahim Yassin Kadhim Hussain al-Jibouri have been sentenced to death after an apparently unfair trial;
- noting that at least three of the defendants have reportedly been tortured in Iraqi custody, and urging the authorities to conduct a full investigation into the alleged torture, bringing anyone found responsible to justice;
- calling on the authorities to commute all death sentences, and to abolish the death penalty in law and practice;
- noting that international standards permit capital punishment only for the most serious crimes, after trials affording all possible guarantees to ensure a fair trial.

To the US authorities:

- urging the US authorities not to transfer Mohammad Munaf Mohammad al-Amin to Iraqi custody, where he faces the death penalty;
- expressing concern at reports that Mohammad Munaf Mohammad al-Amin may have confessed after being threatened by US authorities;
- noting with concern reports which suggest that Mohammad Munaf Mohammad al-Amin was first brought before a court months after his arrest, and was reportedly sentenced after a trial lasting no more than about one hour;
- noting that international standards permit capital punishment only for the most serious crimes after trials affording all possible safeguards to ensure a fair trial.

APPEALS TO:

Iraqi authorities: Fax numbers and e-mail addresses for the Iraqi authorities are not available. Please send appeals via the Iraqi embassy or diplomatic representative in your country, asking them to forward your appeals to:

Minister of Interior of the Republic of Iraq
Jawad al-Bulani

Salutation: Your Excellency

Minister of Foreign Affairs of the Republic of Iraq
Hoshyar Zebari

Salutation: Your Excellency

Ask the Iraqi embassy or diplomatic representative to send copies to the Human Rights Minister, Wajdan Mikhail.

US authorities:

The Honorable Donald H. Rumsfeld, Secretary of Defense, 1000 Defense, The Pentagon, Washington DC 20301, USA

Fax: + 1 703 697 8339

Email: via <http://www.defenselink.mil/faq/comment.aspx>

Salutation: Dear Secretary of Defense

COPIES TO:

Major General John D. Gardner (Commanding Officer in Charge of Detainee Operations, MNF-I)

Email: via Guy Rudisill, Public Affairs Officer: guy.rudisill@iraq.centcom.mil

and to diplomatic representatives of Iraq and the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 December 2006.