

PUBLIC

AI Index: MDE 14/049/2007

05 December 2007

Further Information on UA 160/07 (MDE 14/032/2007, 25 June 2007) and follow-ups (MDE 14/040/2007, 05 September 2007; MDE 14/045/2007, 16 October 2007) - Death penalty/fear of imminent execution

IRAQ/USA

'Ali Hassan al-Majid (m)
Sultan Hashim Ahmad al-Ta'i (m)
Hussain Rashid al-Tikriti (m)

Three former officials from Saddam Hussein's government are in imminent danger of execution. They are in US military custody, but Iraqi Prime Minister Nuri Al-Maliki has asked for them to be handed over to the Iraqi authorities so they can be executed. If they are handed over, they could be executed within days. According to press agency reports, the US military has stated that it will keep the men until it receives an "authoritative government of Iraq request" to hand them over.

The Iraqi Presidential Council and the Prime Minister have not agreed over whether the executions should proceed, due to differences of opinion concerning the application of the constitution in such cases.

The Supreme Iraqi Criminal Tribunal (SICT) had upheld the men's death sentences on 4 September and they had been due to be executed within 30 days of the ruling.

'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti, all former senior officials under the government of Saddam Hussein, were sentenced to death by the SICT in Baghdad on 24 June, for genocide, war crimes and crimes against humanity. The charges arose from their roles in the so-called Anfal campaign of 1988 in which some 180,000 Iraqi Kurds died.

BACKGROUND INFORMATION

Since the reintroduction of the death penalty in Iraq in August 2004, scores of people have been sentenced to death and there has been a rapid rise in the number of executions. At least 65 people were put to death in 2006 alone, many of them after unfair trials. So far in 2007 at least 199 people have been sentenced to death and 33 have been executed.

Under Iraqi law those sentenced to death can seek pardon from the President. However, those sentenced to death by the SICT cannot do so. The SICT was established to bring to justice former officials suspected of war crimes, crimes against humanity and genocide.

Proceedings before the SICT are invariably unfair, with reported interference from Iraqi politicians. In a previous trial, lawyers have not been allowed to cross-examine prosecution witnesses, many of whom gave evidence without revealing their true identity for fear of reprisals from insurgents.

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

TO THE US AUTHORITIES:

- calling on them not to hand over 'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti to the Iraqi authorities as this would put them in imminent danger of execution;
- asking them to ensure that the US authorities in Iraq do not hand over any others in their custody who have been or may be sentenced to death;

- pointing out that doing so would be in violation of international human rights law including the UN Convention against Torture and the International Covenant on Civil and Political Rights.

TO THE IRAQI AUTHORITIES:

- expressing concern that 'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti are facing imminent execution;
- recognizing the right of governments to bring to justice those responsible for serious crimes but insisting that the death penalty is a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment;
- calling on the authorities to commute all death sentences, including those handed down to these men, and take steps to abolish the death penalty completely;
- urging them to ensure that all trials before the SICT are fair, and that the court will no longer have recourse to the death penalty.

APPEALS TO:

US authorities

The Honorable Condoleezza Rice
Secretary of State, U.S. Department of State, 2201 C Street, N.W.
Washington DC 20520, USA

Fax: +1 202 261 8577

Salutation: Dear Secretary of State

The Honorable Robert M. Gates
Secretary of Defence
1000 Defense Pentagon
Washington DC 20301, USA

Fax: +1 703 697 8339

Salutation: Dear Secretary of Defense

Iraqi authorities If no email address is given, or your email bounces, please send appeals via the Iraqi embassy or diplomatic representative in your country, asking them to forward your appeals to:

President

Jalal Talabani

Salutation: Your Excellency

Prime Minister

Nuri Kamil al-Maliki

Salutation: Your Excellency

Minister of Human Rights

Wijdan Mikhail Salim

Fax: +9641 538 2007

Email: Wj_mohr_min@yahoo.com

Salutation: Your Excellency

Minister of Foreign Affairs

Hoshyar Zebari

E-mail: press@iraqmofa.net

Salutation: Your Excellency

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

PLEASE SEND APPEALS IMMEDIATELY.