

EXTERNAL

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EXTRA 132/97

Death Penalty/Fear of imminent execution

7 October 1997

IRAQHumaid Hatef Hamza

Mardan Suwadi Shadhan Muhawish

'Ali Hussain 'Askar Jabbar

Haidar Muhammad Ni'ma Majhul

Ghali Muhammad Safi 'Abdullah

'Athra' Subhi Naiyef Saleh (f)

Amnesty International is concerned that the above-named six people are at risk of imminent execution.

On 6 September, the government-controlled newspaper *al-Jumhuriya* reported that the above were convicted of being involved in organized prostitution and of smuggling alcohol across the border to Saudi Arabia.

Concern that their execution may be imminent is heightened by further reports published in *al-Jumhuriya*, which quoted an official at the Ministry of the Interior as saying that the defendants "*deserve to have their heads cut off because they do not deserve to breathe Iraq's air or drink its water*".

The six people were sentenced to death by a special court at the Ministry of the Interior on 22 July 1997. The organization is concerned that their trial may not have complied with international standards for a fair trial.

BACKGROUND INFORMATION

The death penalty is imposed in Iraq for a wide range of criminal and political offences. Over the years the scope of the death penalty has been further expanded through decrees passed by the Revolutionary Command Council (RCC), Iraq's highest executive body. Many of these decrees prescribe the death penalty for a wide variety of economic and other crimes that do not appear to have lethal or other extremely grave consequences. The death penalty is, for instance, handed out for crimes such as the smuggling of vehicles or certain types of machinery out of Iraq (RCC Decree 95/94); organizing a group of two or more people for procurement purposes (RCC Decree 118/94); falsification of military service documents (RCC Decree 179/94) and theft committed by a member of the armed forces, internal security forces, or a government employee (RCC Decree 114/94).

It is also of particular concern that defendants accused of capital offences under these decrees are tried before special courts set up at the Ministries of Interior and Defence. Such courts reportedly deny them any right of appeal and it is evident that trials conducted by these courts fall short of international standards for fair trial. These unfair trial concerns are particularly disturbing in capital cases, as highlighted in the UN Safeguards guaranteeing protection of the rights of those facing the death penalty.

Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but is unconditionally opposed to the death penalty in all cases, however, as the ultimate form of cruel, inhuman or degrading punishment, and an irrevocable violation of the right to life as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters (see note below) in English, Arabic or your own language:

- urging that any sentence of death passed on Humaid Hatef Hamza, Mardan Suwadi Shadhan Muhawish, 'Ali Hussain 'Askar Jabbar, Haidar Muhammad Ni'ma Majhul, Ghali Muhammad Safi 'Abdullah and 'Athra' Subhi Naiyef Saleh, be commuted;
- stating opposition to the death penalty as the most extreme form of cruel, inhuman and degrading punishment and a violation of the right to life, irrespective of the crime for which it is imposed;
- urging for the commutation of any outstanding sentence of death.

APPEALS TO:

His Excellency President Saddam Hussain
President of the Republic
Presidential Palace
Karadat Mariam
Baghdad, Iraq

Telegrams: President Hussain, Baghdad, Iraq

Telexes: 212299 alqasr ik

Salutation: Your Excellency

Due to a limited and irregular postal service to Iraq and the possibility of delays, please write directly to Iraq's diplomatic representative in your country or, if possible, send a telegram or telex. If you are able please send any second appeals to the above address.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 November 1997.