

February 2007

Further Information on UA 145/06 (MDE 14/023/2006, 24 May 2006) – Death penalty/fear of imminent execution

IRAQ **Shihab Ahmad Khalaf (m)**
 'Abdullah Hana Hermaz Kelanah (m)

Shihab Ahmad Khalaf's family are now known to have been able to speak to him by telephone in September 2006. When they have tried to contact him since then, however, they have been told that he has been transferred to another prison, and given no further information. There has been no news at all of 'Abdullah Hana Hermaz Kelanah. Amnesty International is concerned that the two men remain at risk of imminent execution.

The two men were sentenced to death in November 2005, after a clearly unfair trial, for "terrorist offences". Shihab Ahmad Khalaf was held in a prison in the al-Sha'ab district of Baghdad; it is not clear whether 'Abdullah Hana Hermaz Kelanah was held in the same prison.

Shihab Ahmad Khalaf reportedly told the judge at the trial that he had confessed after torture. His confession was broadcast on TV, and then used as evidence against him. His lawyers reportedly presented documents proving that he had been living in the Netherlands in 2001, the year the Iraqi authorities accused him of being in training camps in Pakistan and Afghanistan. The judge, however, reportedly refused to accept the documents, or to consider a request by the lawyers to seek help from the Iraqi Foreign Affairs Ministry to confirm that Shihab Ahmad Khalaf had been in the Netherlands in 2001. The men's death sentences were upheld on appeal and referred to the presidential council for ratification.

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, with at least 65 people put to death in 2006 alone, many of them after trials which may have been unfair. Under Iraqi law those sentenced to death can seek pardon from the president. However, those tried and sentenced to death by the Supreme Iraqi Criminal Tribunal (SICT), including Saddam Hussain and other former officials, cannot benefit from a presidential pardon, in accordance with the SICT's statute.

On 11 February 2007 the Iraqi authorities announced that 14 people had been executed "in recent weeks" for murder, rape and kidnapping. Among them were Thanun Yunis Salim, reportedly for his involvement of the killing of 65 people, and Ahmad Hamad Hassan, who reportedly confessed to the bombing of a mosque in Babil province, south of Baghdad, which left 65 people dead. No further details are available.

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

- asking where Shihab Ahmad Khalaf and 'Abdullah Hana Hermaz Kelanah are now;
- asking the authorities to keep their relatives informed of their whereabouts, and give them access to both men;
- expressing concern that Shihab Ahmad Khalaf appears to have been convicted on the basis of confessions extracted under torture and that the court reportedly refused to consider important documents presented by his lawyers;
- urging the authorities to have the two men retried in accordance with international standards for fair trial, without recourse to the death penalty;
- urging the authorities to commute both men's death sentences;
- calling on the authorities to commute all death sentences, and abolish the death penalty completely.

APPEALS TO: In addition to sending direct appeals as below please also 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 Justice

Hashim al-Shibli

E-mail: **minister@iraqi-justice.org**
 deputy@iraqi-justice.org

Salutation: **Your Excellency**

Minister of Foreign Affairs

Hoshyar Zebari

E-mail: **press@iraqmofa.net**

Salutation: **Your Excellency**

COPIES TO: diplomatic representatives of Iraq accredited to your country. Ask them to send copies to the Human Rights Minister, Wajdan Mikhail

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 March 2007.
