

URGENT ACTION

DEATH SENTENCES AFTER COERCED 'CONFESSIONS' Four Iraqi men were sentenced to death on 3 December following the broadcast of their coerced "confessions", taken while they were held incommunicado in pre-trial detention.

Nabhan 'Adel Hamdi, Mu'ad Muhammad 'Abed, 'Amer Ahmad Kassar and a fourth man, now known to be **Shakir Mahmoud 'Anad**, were sentenced to death on 3 December on connection with terrorism-related charges after an unfair trial before the Anbar Criminal Court, in Anbar Province, western Iraq. Their case will now be reviewed by Iraq's highest tribunal, the Court of Cassation. If the sentences are upheld by this court and ratified by the presidency, the four men will be at imminent risk of execution.

The four men, aged in their late 20s to early 30s, were detained between the end of March and early April 2012. They were reported to have been tortured while held incommunicado for several weeks at the Directorate of Counter-Crime in Ramadi, the capital of Anbar Province. Their "confessions" were then broadcast on a local television channel, al-Anbar, on 24 and 25 of April. When brought to trial, they told the Anbar Criminal Court that they had been forced under torture to "confess" to assisting murder. Witness testimony from fellow detainees and photographs of some of the men's injuries seen by Amnesty International support their torture allegations. The medical examination of Mu'ad Muhammad 'Abed also revealed burns and other injuries consistent with torture. No investigation into their torture allegations is known to have been held.

Nabhan 'Adel Hamdi's father and his father's two brothers were arrested on 5 December and are currently held at the Directorate of Counter-Crime, where they are also at risk of torture (see UA 351/12, Index: MDE 14/016/2012, <http://amnesty.org/en/library/info/MDE14/016/2012/en>).

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

- Calling on the Iraqi authorities to ensure that the death sentences against Nabhan 'Adel Hamdi, Mu'ad Muhammad 'Abed, 'Amer Ahmad Kassar and Shakir Mahmoud 'Anad are not carried out;
- Expressing concerns that the men did not receive a fair trial and calling for international standards for fair trial to be respected in any further legal proceedings in their case;
- Calling for their allegations of torture to be investigated promptly and thoroughly by an independent body and for anyone found responsible for abuses to be brought to justice;
- Urging the authorities to declare an official moratorium on executions with a view to abolishing the death penalty, and to commute without delay all death sentences.

PLEASE SEND APPEALS BEFORE 23 JANUARY 2013 TO:

Prime Minister

His Excellency Nuri Kamil al-Maliki
Office of the Prime Minister
Convention Centre (Qasr al-Ma'aridh)
Baghdad, Iraq
Email: info@pmo.iq (keep trying)
Salutation: Your Excellency

Minister of Justice

Hassan al-Shammari
Ministry of Justice
Baghdad, Iraq
Contactable in Arabic via web site:
<http://www.moj.gov.iq/complaints.php>
Salutation: Your Excellency

Minister of Human Rights

His Excellency Mohammad Shayaa al-Sudani
Ministry of Human Rights
Baghdad, Iraq
Email: shakawa@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.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

This UA is related to UA 124/12 which has had updates and a 'no further action request', however new information has led to new appropriate action. See here: <http://amnesty.org/en/library/info/MDE14/007/2012/en> and <http://amnesty.org/en/library/info/MDE14/005/2012/en>

Nabhan 'Adel Hamdi, a former army officer, was arrested on 20 March 2012 at a relative's plant nursery in Ramadi, 100km west of the capital, Baghdad. On about 22 March at about midday, Mu'ad Muhammad 'Abed was arrested at the Mawarid Primary School in Fallujah, where he is a teacher. On about 28 March Shakir Mahmoud 'Anad was arrested in Ramadi. 'Amer Ahmad Kassar, a vocational trainee, was arrested at his home in Ramadi on 3 April.

Beginning on 24 April, the television station al-Anbar broadcast a programme in which the four men were accused of membership in an armed group and of involvement in terrorism-related offences. Interviews containing self-incriminating statements by the detainees were shown in this programme. Relatives who saw it told Amnesty International that the detainees appeared to have made these statements under duress.

In Iraq, defendants frequently complain that their "confessions" have been extracted under torture during pre-trial interrogation, often while detained incommunicado. Iraq's Constitution (Article 37 (1) c) and its international obligations, including under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 15), prohibit the use of coerced statements against that person.

Self-incriminating testimonies given by pre-trial detainees continue to be broadcast on Iraqi television in violation of the principle of the presumption of innocence. Iraqi investigators have extracted "confessions" to incidents that in fact never occurred. For example, in May 2005, four Palestinians were detained and tortured by Iraqi security forces. They were paraded on al-'Iraqiyya TV channel and shown "confessing" responsibility for a bomb attack. In July 2005 the men described to their lawyer how they suffered systematic torture saying that they were beaten with cables, received electric shocks to the hands, wrists, fingers, ankles and feet, were burned on the face with cigarettes, and were left in a room with water on the floor while an electric current was applied to the water. The men signed "confessions" claiming responsibility for five other bomb attacks elsewhere in Baghdad. When the lawyer investigated these five alleged bomb attacks, he obtained documents showing that the attacks never actually took place. After their release the four men left Iraq.

The death penalty has been used extensively in Iraq. Hundreds of people have been sentenced to death and executed since capital punishment was reinstated by the Iraqi government in 2004. The government gives very little information, such as statistics, regarding executions; this is in violation of international standards on transparency. The total number of people executed so far this year in Iraq is at least 129, including three women.

Amnesty International is opposed to the death penalty in all cases without exception. It is a violation of the right to life as laid down in the Universal Declaration of Human Rights and is the ultimate cruel, inhuman and degrading punishment.

Name: Nabhan 'Adel Hamdi, Mu'ad Muhammad 'Abed, 'Amer Ahmad Kassar, Shakir Mahmoud 'Anad
Gender m/f: m

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