

URGENT ACTION

TWO DOZEN FACING EXECUTION AFTER UNFAIR TRIAL

Death sentences have been handed down to 24 men, alleged members of a Shi'a sect, and were upheld by Iraq's Court of Cassation on 30 June. If the sentences are ratified by the Iraqi Presidency the 24 could be executed within days.

Ghanim Arsheij Jassim, his two brothers **Leftah Arsheij Jassim** and **Hussain Arsheij Jassim**, **Mohammad Sharif Marzuk**, his two brothers **Hussain Sharif Marzuk** and **Hassan Sharif Marzuk**, and **Ahmad Hashem Jaber Maktum**, all from the city of al-Nassiriya, in southern Iraq, and **Hussain 'Abd Hassan Mansur** and his brother **'Ali 'Abd Hassan Mansur** and **Sabah Nouri Dagher**, all from the city of al-'Amara, as well as 14 other men, were sentenced to death by a criminal court in al-Nassiriya on 26 February 2009, convicted of possession of firearms, membership of an armed group and killings. Eighteen other men were sentenced to life imprisonment. On 30 June 2011 the Court of Cassation in Baghdad upheld the sentences. The death sentences have now been passed on to the Iraqi Presidency for ratification.

These 24 were among dozens of people arrested in al-Nassiriya, al-'Amara and Basra in early 2008. They were said to be members of a Shi'a sect called "Ansar al-Mahdi". They were said to have challenged the religious authority of the Marja'iyya (Shi'a religious establishment) in al-Najaf and claimed that it was corrupt. As a result, several prominent Shi'a religious leaders called on the Iraqi government to "eliminate" this sect. Those arrested were for months held incommunicado in several unofficial detention centres in al-Najaf, Basra and al-Nassiriya and, according to local sources, were tortured to confess. Methods included electric shocks to sensitive parts of the body, being suspended from handcuffs and beatings on the sole of the feet (*falaqa*).

Amnesty International is concerned that the 24 did not receive a trial conforming to international standards for fair trial. Confessions obtained under torture were used against them in court. One member of this group who was acquitted and released told Amnesty International that lawyers refused to defend this group because there was a lot of pressure on them not to get involved. As a result, lawyers were appointed by the court.

PLEASE WRITE IMMEDIATELY in Arabic or English:

- Calling on the authorities to commute the death sentences against the 24 men;
- Expressing concern that the men received an unfair trial, and are alleged to have been tortured;
- Calling on the authorities to order an independent investigation into allegations of torture, and publish its findings;
- Calling on them to commute all other death sentences and declare an immediate moratorium on executions.

PLEASE SEND APPEALS BEFORE 24 AUGUST 2012 TO:

Prime Minister

Nuri Kamil al-Maliki Convention
Centre (Qasr al-Ma'aridh)
Baghdad, Iraq

Salutation: Your Excellency

President

Jalal Talabani
Convention Centre (Qasr al-Ma'aridh)
Baghdad, Iraq

e-mail:

questions@iraqipresidency.net

Salutation: Your Excellency

And copies to:

Minister of justice

Hassan al Shammari

Minister of Human Rights

Mohammad Shayaa al-Sudani

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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ADDITIONAL INFORMATION

Following the US-led invasion in 2003 which overthrew Saddam Hussain, the death penalty was suspended on 10 June 2003 by the head of the interim Coalition Provisional Authority (CPA), within a month of his taking charge. However, just over a year later, on 8 August 2004, the Iraqi interim government which replaced the CPA restored the death penalty. Since then, the Iraqi authorities have widened both its scope and its application. At least 1,000 people are said to be on death row.

The use of the death penalty in Iraq lacks transparency. The authorities publicly justify the use of the death penalty as a response to the continuing high level of political violence, but they provide very little information on executions and some have been carried out secretly. Many of the death sentences are handed down following court proceedings which do not meet international standards for fair trials. Defendants commonly complain that “confessions” were extracted from them under torture during pre-trial interrogation, often when they were held incommunicado in police stations or in detention facilities controlled by the Ministry of Interior. These “confessions” are then often used as evidence against them at their trials, and are accepted by the courts without them taking any or adequate steps to investigate defendants’ allegations of torture. Defendants also complain that they are not able to choose their own defence lawyers and that they have lawyers appointed by the court if they are unable to pay for defence counsel, but the quality of such representation is low. Some lawyers refuse to represent defendants accused of “terrorism” because they fear for their lives if they take up such cases.

Names: Ghanim Arsheij Jassim, Leftah Arsheij Jassim, Hussain Arsheij Jassim, Mohammad Sharif Marzuk, Hussain Sharif Marzuk, Hassan Sharif Marzuk, Ahmad Hashem Jaber Maktum, Hussain ‘Abd Hassan Mansur, ‘Ali ‘Abd Hassan Mansur and Sabah Nouri Dagher

Gender: M

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