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Iraq: Halt imminent executions after new batch of death sentences ratified

Amnesty International has today called on the Iraqi President, Fuad Ma'sum, to overturn the ratification of death sentences which would pave the way for imminent executions, despite longstanding concerns that scores of people in Iraq have been convicted and sentenced to death after grossly unfair trials. The organization renewed its call for the establishment of an immediate moratorium on all executions with a view to abolishing the death penalty.

On 21 August, the media office of Iraq's Presidency [announced](#) that the President of Iraq, Fuad Ma'sum, had ratified "several death sentences" and that the signed decrees had been sent to the relevant executive authorities in order for the sentences to be carried out. It also stated that the decrees were ratified after extensive review by a Special Committee in the Presidency Office established in 2015.

The Iraqi Code of Criminal Procedures provides that once a death sentence is confirmed by the Court of Cassation, it must be sent to the President to decide whether to ratify it, commute it to a lesser sentence, or grant a pardon. Amnesty International has repeatedly appealed for the President not to ratify death sentences, including during a meeting with the Committee in August 2016.

Iraq's administration of justice remains critically flawed and the organization is seriously concerned that death sentences President Fuad Ma'sum has ratified or may ratify are related to individuals who were convicted after unfair trials and often based on "confessions" obtained under torture or other ill-treatment, which defendants later retracted in court, or televised "confessions" of individuals admitted as evidence against defendants, or information obtained through secret informants whose identities are not revealed, and therefore their testimony cannot be challenged by defendants, in total disregard for international fair trial standards.

Brothers **Mahmoud Tale' Nayef and Taleb Tale' Nayef** were convicted and [sentenced to death](#) by the Central Criminal Court of Iraq (CCCI) in Baghdad on 9 August 2016. They were both convicted under the 2005 Anti-Terrorism Law after being accused of jointly organising and carrying out a bomb attack in January 2015 in Mahmoudiya, south of Baghdad.

According to official documents seen by Amnesty International, the CCCI's decision is based solely on Mahmoud Tale' Nayef and Taleb Tale' Nayef's "confessions during initial interrogations" and the witness testimony of the complainant. The court, ignoring the brothers' retraction of the "confessions" during the hearing, chose to impose the death sentences nevertheless, stating that the retractions "change nothing".

After their arrest in May 2015, the whereabouts of the men were unknown for over two months until their families were informed by a person who had been recently released that they were held in

Baghdad's Muthanna Airport prison. Visits by their families were subsequently denied by the prison authorities on the grounds that no visits were allowed while investigations were ongoing. Their relatives were able to see them for the first time in January 2016 after nearly seven months since their arrest. During this visit both brothers complained of being tortured during these initial interrogations, including being subjected to beatings with cables, fists, and the butt of Kalashnikov assault rifles, as well as being electrocuted and hanged from the ceiling for several hours by their hands. Mahmoud Tale' Nayef also said he was forced to sit on wooden sticks and his interrogators threatened to rape his female relatives. International law provides that torture and other ill-treatment are absolutely prohibited and cannot be justified on any grounds.

Iraqi authorities have increasingly resorted to the use of the death penalty in an effort to combat terrorism-related acts in the country, especially since the beginning of the current armed conflict against the armed group calling itself Islamic State (IS) in 2014. In July 2016, following the execution of five individuals in reaction to a bombing that targeted civilians in a busy shopping area of Baghdad, Iraq's Minister of Justice stated the Ministry would "categorically reject" any international interference in its executions, adding it would not accept any human rights arguments against the death penalty.

Amnesty International has repeatedly condemned the waves of attacks in Iraq that have killed and injured civilians, and consider such attacks an utter contempt for the fundamental principles of humanity. The organization has urged the Iraqi authorities to conduct investigations into such attacks and bring the perpetrators to justice in proceedings that meet international fair trial standards, and without recourse to the death penalty. The organisation has previously [warned](#) Iraqi authorities that executions will only serve to perpetuate the cycle of violence and are not the solution. Nor do they address the root causes of crime and have been proven time and time again to have no unique deterrent effect.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights; it is the ultimate cruel, inhuman and degrading punishment. The organisation has repeatedly called on the Iraqi authorities to commute, without delay, all existing death sentences and to declare an official moratorium on all executions with a view to abolishing the death penalty.

Background

Iraq has for several years continuously been among the world's top countries to impose death sentences and carry out executions. It saw a surge in death sentences handed down in 2016, topping [90 sentences as early as February](#) after 40 people were sentenced to death under the 2005 Anti-Terrorism Law in a hearing related to the Speicher massacre, in which at least 1,700 military cadets from Speicher Military camp, near Tikrit, were brutally killed by IS militants in June 2014.

In 2015, President Fuad Ma'sum came under significant pressure from MPs and the public to ratify death sentences, particularly following the Speicher massacre. Subsequently, a Special Committee was set up in the Presidency Office that same year to manage a backlog created by the refusal of the former Iraqi President, Jalal Talabani, to ratify death sentences. In August 2016, the head of the Committee told an Amnesty International delegation that [some 2,900 individuals were on death row](#) in Iraq.