

URGENT ACTION

MAN AT RISK OF IMMINENT EXECUTION IN IRAQ

Ahmad 'Amr 'Abd al-Qadir Muhammad, a Palestinian man born in Iraq had his application for a retrial rejected on 12 November 2013. He had been sentenced to death in Baghdad in May 2011 under the Anti-Terrorism Law. He is at imminent risk of execution.

Ahmad 'Amr 'Abd al-Qadir Muhammad, aged 31, had his application for retrial rejected by the Court of Cassation on 12 November. The same court had upheld his death sentence in September 2011. During both review procedures Ahmad 'Amr 'Abd al-Qadir Muhammad never personally appeared before the Court of Cassation. Amnesty International is concerned that his right to a genuine review of his sentence has been violated. The review by the Court of Cassation is generally a paper-based procedure. Despite the fact that the Court is tasked to review points of law and fact, including the guilty verdict, the defendant is limited to written submissions. The right to a fair trial generally requires the presence of the accused before a court which hears an appeal involving issues of both law and fact.

The organization is further concerned that when approving the conviction and death sentence the Court of Cassation failed to address the allegations of torture and the admission of contested evidence, including his "confessions" made during pre-trial investigation, which were reportedly coerced under torture and withdrawn at the initial trial.

On 21 July 2006 Ahmad 'Amr 'Abd al-Qadir Muhammad was arrested by security forces in the al-Zayouna district of Baghdad, and held incommunicado for more than a year. He was tortured and coerced into "confessing" that he was a member of an armed group who had intended to plant explosives. He was sentenced to death by the Resafa Criminal Court in Baghdad on 17 May 2011 under the Anti-Terrorism Law of 2005. In its verdict the court noted that he withdrew his self-incriminating testimony at court, claiming that he had been coerced and tortured. **However, when sentencing him to death, the court explicitly included his withdrawn "confession" as part of the evidence. On 26 September 2011 the Court of Cassation upheld the death sentence against him. He is held at the Maximum Security Prison (al-Himaya al-Quswa) at Camp Justice in Baghdad, a prison where executions are carried out.**

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

- Calling on the Iraqi authorities to grant Ahmad 'Amr 'Abd al-Qadir Muhammad a retrial in full compliance with international standards;
- Calling on them to overturn his death sentence and not to execute him;
- 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 26 DECEMBER 2013 TO:

Prime Minister

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

Email: info@pmo.iq

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**

And copies to:

Minister of Human Rights

His Excellency Mohammad Shayaa al-Sudani

Ministry of Human Rights

Baghdad, Iraq

Email: shakawa@humanrights.gov.iq

and minister1@humanrights.gov.iq

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA: 297/12. Further information:

<http://www.amnesty.org/en/library/info/MDE14/014/2012/en>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

MAN AT RISK OF IMMINENT EXECUTION IN IRAQ

ADDITIONAL INFORMATION

Iraq is one of the world's most prolific executioners, as the government continues to battle against a high level of violence by armed groups. Hundreds of prisoners are currently held on death row. In 2012 at least 129 people were executed in Iraq, almost twice the known total for 2011, making it the country with the third highest number of executions in the world after China and Iran. So far during 2013 at least 132 people have been executed in Iraq – the highest number since the country reinstated capital punishment in 2004. However, the true number could be higher and the Iraqi authorities have yet to publish full figures.

Although full details are not available, most death sentences in recent years are believed to have been imposed under the Anti-Terrorism Law, Law 13 of 2005. It covers, in vague terms, acts such as provoking, planning, financing, committing or supporting others to commit terrorism. Death sentences are often handed down after deeply unfair trials, where prisoners do not have access to proper legal representation and "confessions" to crimes are frequently extracted through torture or other ill-treatment.

In recent statements announcing the execution of 23 prisoners in September and 42 in October, the Iraqi Ministry of Justice misleadingly stated that all death sentences were reviewed and confirmed by the Court of Cassation before executions took place. However the Court of Cassation regularly fails to address the admission by trial courts of contested evidence, including withdrawn "confessions" and allegations of coercion and torture, when approving death sentences at the review stage. The generally paper-based procedure fails to give defendants a genuine review. Under international law, the right to have a conviction and sentence reviewed by a higher tribunal (Article 14(5) of the International Covenant of Civil and Political Rights – ICCPR) requires a full evaluation of evidence and conduct of the first trial. The right to be present during an appeal is even more important in capital cases, where fair trial safeguards must be at least equal to those of Article 14 ICCPR (Safeguard 5 of ECOSOC resolution 1984/50). Once a death sentence has been confirmed by the Court of Cassation, Article 286 of the Criminal Procedure Code requires that it is sent to the Presidency to decide whether it should be ratified and the offender executed, commuted to a lesser sentence, or pardoned.

In March 2013 Amnesty International documented 90 cases of death row inmates in Iraq, including Ahmad 'Amr 'Abd al-Qadir Muhammad, who were convicted of terrorism or other crimes on the basis of "confessions" in which they incriminated themselves and which defendants say were obtained under torture while they were held incommunicado. For further information see Amnesty International, *Iraq: A decade of Abuse* (Index: MDE 14/001/2013); and Amnesty International's video *Iraq's lethal confession culture*, at <http://www.youtube.com/watch?v=kCfEnbDKp2I>. At least 14 of the 90 prisoners listed in the report have already been executed in 2013.

The UN Assistance Mission for Iraq (UNAMI), the UN High Commissioner for Human Rights and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, have made repeated calls for the establishment of a moratorium on the death penalty in Iraq. The UN High Commissioner for Human Rights stated in reaction to the execution of 21 prisoners on the same day in April 2013: "Executing people in batches like this is obscene. It is like processing animals in a slaughterhouse. The criminal justice system in Iraq is still not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards. The application of the death penalty in these circumstances is unconscionable, as any miscarriage of justice as a result of capital punishment cannot be undone."

Name: Ahmad 'Amr 'Abd al-Qadir Muhammad

Gender m/f: m

Further information on UA: 297/12 Index: MDE 14/019/2013 Issue Date: 14 November 2013