

PUBLIC

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UA 3/09 Fear of forcible return/ fear of torture and ill-treatment/fear of death penalty

IRAQ Shaheed 'Abdulhussain 'Abbas 'Amouri (m), Iranian national, aged 37
Mohammed 'Ali 'Abdulzahra Hamad 'Amouri (m), Iranian national, aged 30
Naji 'Aboud 'Obidawi (m), Iranian national

Shaheed 'Abdulhussain 'Abbas 'Amouri, Mohammed 'Ali 'Abdulzahra Hamad 'Amouri and Naji 'Aboud 'Obidawi are at risk of being forcibly returned from Iraq to Iran where they would face torture or even the death penalty.

The three men, Iranian nationals and members of the Arab Ahwazi community, are being detained in the city of al-'Amara, south of Baghdad.

Shaheed 'Abdulhussain 'Abbas 'Amouri and Mohammed 'Ali 'Abdulzahra Hamad 'Amouri fled to Iraq in December 2007 and were arrested in the southern city of Basra. They were charged with entering Iraqi territory illegally, sentenced to one year's imprisonment and transferred to al-'Amara prison to serve their sentences. Shaheed 'Abdulhussain 'Abbas 'Amouri and Mohammed 'Ali 'Abdulzahra Hamad 'Amouri have completed their prison sentence and may be at imminent risk of being forcibly returned to Iran. They are said to have been sought by the Iranian authorities for organizing protests during widespread anti-government demonstrations in April 2005.

Naji 'Aboud 'Obidawi fled Iran around June 2008 and went to Iraq where he was arrested and transferred to al-'Amara prison. Amnesty International does not know the exact reasons for his arrest and what charges, if any, have been brought against him. His arrest, however, may be due to him entering Iraq illegally. Naji 'Aboud 'Obidawi had been serving a 10-year prison sentence in Iran in connection with the April 2005 protests. He was allowed leave to visit his family during which time he decided to escape to Iraq.

BACKGROUND INFORMATION

Much of Iran's Arab community lives in the province of Khuzestan, which borders Iraq. It is strategically important because it is the site of much of Iran's oil reserves, but the Arab population does not feel it has benefited as much from the oil revenue as the Persian population. There were mass demonstrations in April 2005, after it was alleged that the government planned to disperse the country's Arab population or to force them to relinquish their Arab identity. Following bomb explosions in Ahvaz City in June and October 2005, which killed at least 14 people, and explosions at oil installations in September and October 2005, hundreds of people were arrested. Further bombings on 24 January 2006, in which at least six people were killed, were followed by further mass arrests. At least 17 men have now been executed as a result of their alleged involvement in the bombings. It is not clear if another man was executed or died in custody.

As a state party to the International Covenant on Civil and Political Rights (ICCPR) and to the Convention against Torture (CAT), Iraq has an obligation not to return anyone to a country where they would be at risk of torture or other ill-treatment. Furthermore, the international law principle of non-refoulement, a principle binding on all states, prohibits the forcible return of anyone to a country where they would be at risk of serious human rights abuses, including torture.

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

- urging the Iraqi authorities not to forcibly return Shaheed 'Abdulhussain 'Abbas 'Amouri, Mohammed 'Ali 'Abdulzahra Hamad 'Amouri and Najji 'Aboud 'Obidawi to Iran where they would be at risk of torture and possibly the death penalty;
- reminding the Iraqi government of its obligations under international law that they must not forcibly return individuals to a country where they would be at risk of serious human rights violations, including torture.

APPEALS TO: fax numbers and e-mail addresses are not available for all Iraqi authorities and may change at any time. Please 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

E-mail: iraqigov@yahoo.com

Salutation: Your Excellency

Minister of Justice

Safa-al-Din al-Safi

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

Minister of Human Rights

Wajdan Mikhail Salam

Fax: +9641 538 2007

Email: Wj_mohr_min@yahoo.com

Salutation: Your Excellency

COPIES TO: diplomatic representatives of Iraq accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 February 2009.