

PUBLIC

AI Index: MDE 14/030/2008

02 December 2008

Further information on UA 160/07 (MDE 14/032/2007, 25 June 2007) and follow-ups (MDE 14/040/2007, 05 September 2007; MDE 14/045/2007, 16 October 2007; MDE 14/049/2007, 5 December 2007; MDE 14/006/2008, 29 February 2008) - Death penalty/Fear of imminent execution

IRAQ 'Ali Hassan al-Majid (m)
 Sultan Hashim Ahmad al-Ta'i (m)
 Hussain Rashid al-Tikriti (m)

New name: 'Abdul Ghani 'Abdul Ghafour (m)

On 2 December, the Supreme Iraqi Criminal Tribunal (SICT) sentenced two senior former officials in Saddam Hussain's government to death. 'Ali Hassan al-Majid and 'Abdul Ghani 'Abdul Ghafour, were sentenced for their role in the killing of thousands of people during the 1991 anti-government uprising in southern Iraq. Other defendants received prison sentences ranging from 15 years to life. They include former defence minister Sultan Hashim Ahmad al-Ta'i, who received 15 years, and Hussain Rashid al-Tikriti, who received a life sentence. Three others were acquitted

If the death sentences against 'Ali Hassan al-Majid and 'Abdul Ghani 'Abdul Ghafour are upheld by the tribunal's Appeals Chamber, they will be executed within 30 days.

'Ali Hassan al-Majid, former Ba'ath Party commander of the northern region, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti have already been sentenced to death by the SICT for their roles in the so-called Anfal campaign of 1988 which led to the deaths of some 180,000 Iraqi Kurds. Their death sentences were upheld by the SICT's Appeals Chamber on 4 September 2007. On 27 February 2008 Iraq's Presidential Council approved the death sentence imposed on 'Ali Hassan al-Majid but reportedly argued that Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti, as military personnel, were obeying orders and should not be executed. All three are still in US military custody.

On 27 November 2008 the Iraqi and US governments signed a Status of Forces Agreement (SOFA) under which all those detained by US forces will be handed over to the Iraqi authorities after 31 December 2008. All former officials, including 'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i, Hussain Rashid al-Tikriti and 'Abdul Ghani 'Abdul Ghafour, are likely to be executed.

BACKGROUND INFORMATION

At the end of the 1991 Gulf War, Arab Shi'a Muslim opponents rose in revolt against the Iraqi government and briefly seized control of several major towns and cities, including Najaf, Karbala and Basra. Fierce military clashes followed between government and opposition forces before Iraqi security forces brutally crushed the uprising. Thousands of people were reportedly arrested some of whom were subsequently summarily executed.

In August 2007 15 people, including 'Ali Hassan al-Majid and Sultan Hashim Ahmad al-Ta'i, appeared before the SICT and were charged with involvement in the killing of thousands of people during the uprising.

The Iraqi government reintroduced the death penalty in August 2004. Since then, hundreds of people have been sentenced to death and many have been executed. In 2007 at least 199 people were sentenced to

death and 33 were executed. So far in 2008 at least 108 people have been sentenced to death and 31 have been executed.

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

- expressing concern that 'Ali Hassan al-Majid and 'Abdul Ghani 'Abdul Ghafour have been sentenced to death;
- recognizing the duty and responsibility of governments to bring to justice those responsible for serious crimes but insisting that the death penalty is a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment;
- calling on the authorities to commute the death sentences handed down to 'Ali Hassan al-Majid and 'Abdul Ghani 'Abdul Ghafour if upheld on appeal;
- calling on the authorities to commute all death sentences and declare a moratorium on executions.

- APPEALS TO: fax numbers and e-mail addresses are not available for all Iraqi authorities. 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 13 January 2009.