

PUBLIC

AI Index: MDE 14/032/2008

12 December 2008

UA 341/08 Death penalty/ risk of imminent execution

IRAQ **Majeed Ibrahim Hamo (m), aged 26**
Saeed Khalil (m), aged about 37

Majeed Ibrahim Hamo and Saeed Khalil are at risk of imminent execution. The men's death sentences are now with Mas'ud Barzani, the president of the Kurdistan Regional Government (KRG) and could be ratified and implemented at any time

In May 2007, a criminal court in Dohuk, in the Kurdistan Region of Iraq, found Majeed Ibrahim Hamo and Saeed Khalil guilty of the murder of two people in March 2006 and sentenced them to death. In January 2008 the Cassation Court in Dohuk upheld the sentences and sent them to be ratified by President Mas'ud Barzani.

After his arrest in 2006, Majeed Ibrahim Hamo was visited by his family at the *Asayish* (Security) centre in Dohuk. He told his family during their visit that he was innocent yet had confessed to the murders after being subjected to torture by *Asayish* personnel as a result of which he sustained a broken shoulder and was burnt all over his body with cigarettes.

Majeed Ibrahim Hamo's allegations of torture were raised by his lawyer during the trial. The doctor who carried out a medical examination on him two to three months after his arrest wrote a letter to the court stating that the results of the examination were inconclusive. Saeed Khalil has not claimed to have been tortured.

BACKGROUND INFORMATION

The KRG administers and has jurisdiction over three provinces in northern Iraq, Erbil, Sulaimaniya and Dohuk.

In the KRG region the use of the death penalty was extended in July 2006 when the KRG parliament passed the Anti-terrorism Law making a number of offences, such as kidnapping, membership of terrorist organizations and espionage, punishable by death.

The death penalty was rarely used in the KRG region until September 2006, when 11 people were executed in Erbil province. There were four more executions in May 2007 and two others at the beginning of 2008. The KRG has stated that as of June 2008 there were 33 people on death row in Erbil province and about 47 in Sulaimaniya province. With four death sentences passed on 6 November 2008, there are at least 84 people, including women, on death row. Death sentences are ratified by president Mas'ud Barzani before they are carried out.

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

- expressing your concern that Majeed Ibrahim Hamo and Saeed Khalil are at risk of imminent execution;
- expressing your concern that these death sentences were imposed in judicial proceedings that appear to be in violation of international fair trial standards;
- Urging President Mas'ud Barzani to commute the death sentences of both men;
- calling for investigation to be conducted into the allegations of torture and ill-treatment;

- emphasising that the authorities have a right and a duty to try those accused of violent crimes but that defendants must be given fair trials.

APPEALS TO:

IMPORTANT: please send appeals to these ministers via the KRG offices overseas (list sent separately). You can also target them directly where contact information is provided.

President

Mas'ud Barzani
Kurdish Regional Government

Salutation: Your Excellency

COPIES TO:

Prime Minister

Nechirvan Idris Barzani

Salutation: Your Excellency

Minister for the Interior

Osman Hajy Mohamood

Email: interior_minister_sul@yahoo.com

Salutation: Your Excellency

Minister of Justice

Farooq Jamil Sadiq

Email: dad@mojkurdistan.com

Salutation: Your Excellency

Minister of Human Rights

Dr Yousif M. Aziz

Salutation: Your Excellency

and 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 23 January 2009.