

PUBLIC

AI Index: MDE 14/045/2007

16 October 2007

Further Information on UA 160/07 (MDE 14/032/2007, 25 June 2007) and follow-up (MDE 14/040/2007, 05 September 2007) - Death penalty- new concern: fear of imminent execution

IRAQ/USA

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

The three men named above, who are in US military custody in Iraq, could be executed at any time if they are handed over to the Iraqi authorities. According to recent comments made by some Iraqi officials, 'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti could be executed after the holy month of Ramadan which ended on 12/13 October.

The Supreme Iraqi Criminal Tribunal (SICT) had upheld the men's death sentences on 4 September and they had been due to be executed within 30 days of the ruling.

'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti, all former senior officials under the government of Saddam Hussain, were sentenced to death by the SICT in Baghdad on 24 June, for their roles in the so-called Anfal campaign of 1988 in which some 180,000 Iraqi Kurds died.

The men's trial began in August 2006 and resulted in them being convicted of genocide, war crimes and crimes against humanity. Two other defendants in the case were sentenced to life imprisonment while another was acquitted reportedly for lack of evidence.

BACKGROUND INFORMATION

Since the reintroduction of the death penalty in Iraq in August 2004, scores of people have been sentenced to death and there has been a rapid rise in the number of executions. At least 65 people were put to death in 2006 alone, many of them after unfair trials. So far in 2007 at least 167 people have been sentenced to death and 33 executions have been carried out.

Under Iraqi law those sentenced to death can seek pardon from the President. However, those sentenced to death by the SICT cannot do so. The SICT was established to bring to justice former officials suspected of war crimes, crimes against humanity and genocide.

Proceedings before the SICT are invariably unfair, with reported interference from Iraqi politicians. In a previous trial, lawyers have not been allowed to cross-examine prosecution witnesses, many of whom gave evidence without revealing their true identity for fear of reprisals from insurgents

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

TO THE US AUTHORITIES:

- calling for 'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti not to be handed over to the Iraqi authorities as they could face an imminent execution;
- asking the US military, not to hand over any others in their custody who is currently on death row, or who may be sentenced to death, to the Iraqi authorities;

- pointing out that doing so would be in violation of international human rights law including the UN Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR).

TO THE IRAQI AUTHORITIES:

- expressing concern that 'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti are facing imminent execution;
- recognizing the right 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 all death sentences, including those handed down to Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti, and take steps to abolish the death penalty in law and practice;
- urging them to ensure that all trials before the SICT are fair, and that the court will no longer have recourse to the death penalty.

APPEALS TO: Email addresses for the Iraqi authorities are proving unreliable. If there is no email address given, or if your email bounces, please send appeals to the authorities via the Iraqi embassy or diplomatic representative in your country, asking them to forward your appeals to:

US AUTHORITIES:

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington DC 20520
Fax: + 1 202 261 8577
Salutation: Dear Secretary of State

The Honorable Robert M. Gates
Secretary of Defence
1000 Defense Pentagon
Washington DC 20301
Fax: + 1 703 697 8339
Salutation: Dear Secretary of Defense

IRAQI AUTHORITIES:

President
Jalal Talabani
Salutation: Your Excellency

Prime Minister
Nuri Kamil al-Maliki
Salutation: Your Excellency

Minister of Justice
Hashim al-Shibli
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

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

PLEASE SEND APPEALS IMMEDIATELY.