

September 2007

Further Information on UA 160/07 (MDE 14/032/2007, 25 June 2007) – Death Penalty

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

The three men named above, who were sentenced to death on 24 June, had their appeals rejected by the Supreme Iraqi Criminal Tribunal (SICT) on 4 September. They face execution within 30 days of this ruling. They cannot now be pardoned by the President, who has the power of clemency for prisoners condemned by other courts.

The three, all 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. Their trial began in August 2006. Proceedings before the SICT are invariably unfair, with reported interference from Iraqi politicians, and lawyers not being allowed to cross-examine prosecution witnesses, many of whom give evidence without revealing their true identity for fear of reprisals from insurgents.

'Ali Hassan al-Majid, who was the Ba'ath Party commander of the northern region, former defence minister Sultan Hashim Ahmad al-Ta'i and former deputy chief of military operations Hussain Rashid al-Tikriti were all convicted of genocide, war crimes and crimes against humanity.

The Appeals Chamber also rejected the appeals lodged by former military intelligence chief Sabir al-Duri and former intelligence chief of the northern region Farhan Mutlaq al-Jiburi. However, it approved the earlier acquittal of the former governor of Nineveh (Mosul) province, Tahir Tawfiq al-'Ani.

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, with at least 65 people put to death in 2006 alone, many of them after unfair trials. 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.

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

- expressing concern that 'Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i and Hussain Rashid al-Tikriti had their appeals rejected on 4 September and now face execution within 30 days;
- 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:

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

Salutation: deputy@iraqi-justice.org
Your Excellency

Minister of Foreign Affairs
Hoshyar Zebari

E-mail: press@iraqmofa.net

Salutation: Your Excellency

COPIES TO: diplomatic representatives of Iraq accredited to your country. Ask them to send copies to the Human Rights Minister, Wajdan Mikhail.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 October 2007.**
