

# URGENT ACTION

## MAN FACES EXECUTION AFTER UNFAIR TRIAL IN IRAQ

**Amnesty International has received information about Osama Jamal 'Abdallah Mahdi, a 32-year-old oil technician who was sentenced to death in December 2011 after an unfair trial. His "confession", allegedly obtained under torture, was admitted as evidence against him. His conviction was reportedly upheld by the Court of Cassation in 2012.**

A 32-year-old oil technician and father of two children, **Osama Jamal 'Abdallah Mahdi**, was sentenced to death by Branch 1 of the Central Criminal Court in Baghdad on 26 December 2011. He was convicted under the Anti-Terrorism Law in connection with the killing of an Iraqi army officer on 26 November 2008. He was detained on 15 January 2010 at his work place and held incommunicado for about eight months, during which time he was reportedly tortured and coerced to "confess". According to his relatives, the torture included beating with sharp objects, kicking, being suspended by the arms, injuries with a drill and electric shocks to various parts of his body. An examination of his body by the Forensic Medical Institute on 14 November 2010 found "20 discoloration marks in various shapes with their size varying between 1 cm x 0.5 cm to 5 cm x 3 cm".

Osama Jamal 'Abdallah Mahdi's lawyer told Amnesty International that during his trial he withdrew his "confession", stating he had been coerced and tortured. A co-defendant sentenced to life imprisonment in the same trial also withdrew his pre-trial testimony, in which he had incriminated Osama Jamal 'Abdallah Mahdi. While the court noted that both defendants denied charges brought against them, it neither mentioned their torture allegations nor did it refer to Osama Jamal 'Abdallah Mahdi's forensic medical examination.

The court found that the contested "confession" was sufficiently detailed and supported by the initial – but later withdrawn – testimony of the co-defendant. Further, the court noted that the witnesses who testified at court were not eyewitnesses to the killing. Osama Jamal 'Abdallah Mahdi is currently held in the Nasseriya Central Prison, Dhi Qar governorate, in southern Iraq. Executions are often carried out at very short notice in Iraq and Osama Jamal 'Abdallah Mahdi is at high risk of being executed.

### **Please write immediately in Arabic or English or your own language:**

- Expressing concern that Osama Jamal 'Abdallah Mahdi has been sentenced to death after a trial that failed to meet international standards for fair trial;
- Calling for his allegations of torture to be investigated promptly and thoroughly by an independent body, with anyone found responsible for abuses brought to justice;
- Urging the Iraqi authorities to declare an official moratorium on executions with a view to abolishing the death penalty, and to commute without delay all death sentences.

### **PLEASE SEND APPEALS BEFORE 23 JULY 2013 TO DIPLOMATIC REPRESENTATIVES OF IRAQ IN YOUR COUNTRY AND ADDRESSED TO:**

#### President

Jalal Talabani  
His Excellency Jalal Talabani  
President  
Convention Centre (Qasr al-Ma'aridh)  
Baghdad, Iraq  
**Salutation: Your Excellency**

#### Minister of Human Rights

Mohammad Shayaa  
al-Sudani  
Convention Centre (Qasr al-Ma'aridh)  
Baghdad, Iraq  
**Salutation: Your Excellency**

#### And copies to:

Minister of Justice  
Hassan al-Shammari  
Convention Centre (Qasr al-Ma'aridh)  
Baghdad, Iraq  
**Salutation: Your Excellency**

#### **Also send copies to:**

Ambassador Jabir Habeb Jabir  
Embassy of the Republic of Iraq  
3421 Massachusetts Ave NW, Washington DC 20007

Tel: 1 202 742 1600 EXT 136|Fax: 1 202 333 1129|Email: [amboffice@iraqiembassy.org](mailto:amboffice@iraqiembassy.org) –OR- [info@iraqiembassy.us](mailto:info@iraqiembassy.us)|Twitter: @IraqiEmbassyUSA

Please check with the AIUSA Urgent Action Network office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Iraq is one of the world's leading executioners, as the government continues to battle against a high level of violence by armed groups. Hundreds of prisoners are currently held on death row. In 2012 a sharp rise in executions was recorded in Iraq making it the country with the third highest number of executions in the world. At least 129 people were executed in 2012, almost twice the known total for 2011. During the first four months of 2013 at least 40 people were executed.

Amnesty International has documented numerous cases of death row inmates in Iraq who were convicted of terrorism or other serious crimes on the basis of "confessions" that defendants say were coerced from them under torture when they were detained without access to lawyers or any contact with the world outside their place of incarceration.

For further information please see the following Amnesty International report:

*Iraq: A decade of Abuse* (Index: MDE 14/001/2013, <http://amnesty.org/en/library/info/MDE14/001/2013/en>); and the following Amnesty International video entitled *Iraq's lethal confession culture* (<http://www.youtube.com/watch?v=kCfEnbDKp2I>).

Hundreds of people have been sentenced to death and at least 487 have been executed since capital punishment was reinstated by the Iraqi government in 2004. In Iraq, the death penalty has been increasingly used in recent years in circumstances that give added grounds for concern, as the United Nations Assistance Mission for Iraq (UNAMI) pointed out in May 2012, when it expressed "serious reservations about the integrity of the criminal justice system in Iraq, including abuses of due process, convictions based on forced confessions, a weak judiciary, corruption and trial proceedings that fall short of international standards [...] Any miscarriage of involving capital punishment cannot be undone". The UN High Commissioner for Human Rights stated in reaction to executions of 21 people in Iraq in mid-April: "Executing people in batches like this is obscene. It is like processing animals in a slaughterhouse. The criminal justice system in Iraq is still not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards."

Iraqi law requires that all death sentences, once imposed, are reviewed by another judicial body; normally, they are referred automatically for review by the Court of Cassation. However, the Court of Cassation may reach its decision on a paper-based review of the court verdict and dossiers; it is not required to conduct a re-examination of the evidence, although it is entitled to do so if it determines that this is required (Article 258 of the Criminal Procedure Code). Once a death sentence has been confirmed by the Court of Cassation, Article 286 of the Criminal Procedure Code requires that it is then sent to the President to decide whether it should be ratified and the offender executed, commuted to a lesser sentence, or pardoned.

**Name:** Osama Jamal 'Abdallah Mahdi (m)

**Issues:** Imminent execution, Death penalty, Unfair trial

**UA:** 151/13

**Issue Date:** 11 June 2013

**Country:** Iraq