

URGENT ACTION

SENTENCED TO DEATH BASED ON “CONFESSIONS”

Brothers Mahmoud Tale’ Nayef and Taleb Tale’ Nayef were sentenced to death by the Central Criminal Court of Iraq on 9 August 2016 based on “confessions” extracted under torture. Taleb Tale’ Nayef remains at risk of further torture and other ill-treatment.

Brothers **Mahmoud Tale’ Nayef** and **Taleb Tale’ Nayef** were sentenced to death by the Central Criminal Court of Iraq (CCCI) in the capital, Baghdad on 9 August 2016. They are both convicted under the 2005 Anti-Terrorism Law’s article 2 (1, 3 and 7) of “joining an armed terrorist organisation” and “destabilizing the security and stability of the country for terrorism purposes” after being accused of jointly organising and carrying out a bomb attack in January 2015 in Mahmoudiya, south of Baghdad.

According to official documents seen by Amnesty International, the CCCI’s decision is based solely on Mahmoud Tale’ Nayef and Taleb Tale’ Nayef’s “confessions during initial interrogations” and the witness testimony of the complainant. The court, ignoring the brothers’ denial of the charges against them and their retraction of the ‘confessions’ during the hearing, chose to hand down the death sentences nevertheless, stating that the retractions and denials “change nothing”.

According to informed sources, the men were arrested on 12 May 2015 in Mahmoudiya district, south of Baghdad, by members of al-Dora district’s Anti-Crime Directorate and taken to Baghdad’s Muthanna Airport prison. They said that during the first week of their detention, they were blindfolded, handcuffed, and pliers were used to force their thumbprints onto pre-written witness statements. They were also subjected to torture during their initial interrogations. Mahmoud Tale’ Nayef suffered a dislocated shoulder as a result of being hung by his hands from railings for several hours while Taleb Tale’ Nayef said he suffered three strokes and has now lost vision in one eye.

When taken before the Karkh Criminal Court in Baghdad, in June 2015, Taleb Tale’ Nayef retracted the “confession” he claimed was made under torture. Upon this information, the judge ordered renewed interrogations of both brothers and for Taleb Tale’ Nayef to be medically examined. However, both men say they were tortured again. They were transferred to Nasriya prison, south Iraq, on 15 October 2016. On 16 January, Taleb Tale’ Nayef was taken to Mal’ab prison in east Baghdad awaiting further charges. He is yet to learn what these further charges are. Amnesty International is concerned Taleb Tale’ Nayef may be at risk of further torture or other ill-treatment.

Please write immediately in English, Arabic, or your own language:

- Urging the Iraqi authorities to quash Mahmoud Tale’ Nayef, and Taleb Tale’ Nayef’s convictions and order a full retrial of both men in proceedings in compliance with international fair trial standards and without resort to the death penalty;
- Calling on them to ensure that both men are protected from torture and other ill-treatment and to carry out an independent and impartial investigation into their allegations of torture;
- Urging them to commute all death sentences and immediately establish an official moratorium on executions with a view to abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 6 APRIL 2017 TO:

President
(Send appeals to the representative of Iraq in your country)
 Fuad M’asum
 Convention Centre (Qasr al-Ma’aridh)
 Baghdad, Iraq
Salutation: Dear Mr President,

Head of the Court of Cassation
(Send appeals to the representative of Iraq in your country)
 Faiq Zeidan Al-Abboudi
 Court of Cassation
 Baghdad, Iraq
Salutation: Dear Judge

And copies to:
Minister of Justice
 Dr Haidar al-Zamli
 Convention Centre (Qasr al-Ma’aridh)
 Baghdad, Iraq
 Email: minister_moj@moj.gov.iq
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. His Excellency Faik Nerweyi, Embassy of the Republic of Iraq, 21 Queens Gate SW7 5JE, 02075907650, Fax 02075907679, info@iragembassy.org.uk <http://www.mofamission.gov.iq/en/UKLondon>. Salutation: Your Excellency
 For KURDISTAN REGIONAL GOVERNMENT REPRESENTATIVE the contact details: Mr Karwan Jamal Taher High Representative to KRG UK Representation, Lower Ground Floor, 23 Buckingham Gate, London, SW1E 6LB Telephone: 0203 301 8340, Fax: 0207 828 0257, Email info@uk.krg.org, Twitter: @KRG_UK Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

On 12 May 2015, Mahmoud Tale' Nayef and Taleb Tale' Nayef were arrested from their home by members of al-Dora district's Anti-Crime Directorate. After their arrest, their whereabouts were unknown for over two months until their families were informed by a recently released detainee that they were held in Baghdad's Muthanna Airport prison. Their families were subsequently denied a visit by the prison authorities on the grounds that no visits were allowed while investigations were ongoing. Their relatives were able to see them for the first time in January 2016 at Baghdad's Muthanna Airport prison, nearly seven months after their arrest. During this visit both brothers complained of being tortured during interrogations. Methods of torture they described being subjected to included beatings with cables, fists, and the back of kalshnikovs, as well as being electrocuted and hung from the ceiling for several hours by their hands. Mahmoud Tale' Nayef also said he was forced to sit on wooden sticks and his interrogators threatened to rape his female relatives.

A medical examination report dated 4 January 2016 from the Iraq Ministry of Health, seen by Amnesty International, states that Taleb Tale' Nayef underwent examination on 29 December 2015. The report documented patches of discoloured skin that “lacks enough characteristics for its cause to be identified” making no mention of the strokes he says he suffered nor the damage to his vision.

On 10 May 2016, Taleb Tale' Nayef made an additional statement that “confessed” to charges he had denied since his arrest which led to his conviction under 2005 Anti-Terrorism Law's article 2 (1, 3 and 7) of “joining an armed terrorist organisation” and “destabilizing the security and stability of the country for terrorism purposes” after being accused of jointly organising and carrying out a bomb attack in January 2015 in Mahmoudiya, south of Baghdad.

After both men were sentenced to death by the CCCI on 9 August 2016, they were moved in September 2016 to the Mal'ab Transfers' (Stadium) prison in east Baghdad, where relatives were able to see them twice.

In June 2015, renewed interrogations were ordered by the Karkh Criminal Court in Baghdad, after Taleb Tale' Nayef retracted his ‘confession’ claiming he was tortured to confess. Both men complained that during these renewed interrogations they had been subjected to torture and other ill-treatment similar to their initial interrogations which Taleb Tale' Nayef said resulted in him suffering a stroke three times and losing his vision in one eye and Mahmoud Tale' Nayef's shoulders being dislocated.