



Inter-Parliamentary Union  
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## Iraq

*Decision adopted unanimously by the IPU Governing Council at its 212th session (Luanda, 27 October 2023)*



Mr. Al-Alwani five weeks after his sentencing, photo dated 2 January 2015  
© Photo courtesy of Mr. Ahmed Jamil Salman Al-Alwani's family

### IRQ-62 – Ahmed Jamil Salman Al-Alwani

#### Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Failure to respect parliamentary immunity
- ✓ Lack of fair trial proceedings

#### A. Summary of the case

Mr. Al-Alwani was arrested on 28 December 2013 during a raid conducted by Iraqi security forces on his home in Ramadi, in the Al-Anbar Governorate. His arrest was reportedly in retaliation for his outspoken support of the grievances of the Sunni population and his vocal opposition to the Iraqi Prime Minister at the time, Mr. Nouri Al-Maliki. The case of Mr. Al-Alwani has also to be seen against the backdrop of sectarian tension and violence in the country.

Mr. Al-Alwani was initially held in secret detention centres, was exposed to ill-treatment and torture, did not receive a fair trial and saw his right to mount an adequate defence violated. The United Nations Working Group on Arbitrary Detention confirmed these allegations in its 2017 report (Opinion No. 36/2017), particularly following Mr. Al-Alwani's conviction in 2014 for murder and incitement to sectarian violence and his sentencing in 2016 to the death penalty under the Anti-Terrorism Law. Mr. Al-Alwani's lawyers have appealed the court rulings, which are still under review in cassation proceedings, as confirmed by the complainants and the President of the Supreme Judicial Council. Under the General Amnesty Law No. 27 of 2016, Mr. Al-Alwani submitted applications for pardon in three cases, which were subsequently rejected.

#### Case IRQ-62

**Iraq:** Parliament affiliated to the IPU

**Victim:** A male opposition member of parliament

**Qualified complainant(s):** Section I.(1)(d) of the Committee Procedure (Annex I)

**Submission of complaint:** December 2013

**Recent IPU decision:** November 2021

**IPU mission:** August 2023

**Recent Committee hearing:** Hearing with the Iraqi delegation during the 147th IPU Assembly (October 2023)

#### Recent follow up:

- Communications from the authorities: Message from the Department of Public Relations and Parliamentary Protocols (July 2022); letter from the Deputy Secretary General conveying a letter from the Ministry of Justice (June 2022)
- Communication from the complainants: October 2022
- Communications to the authorities: Letters to the Speaker of the Council of Representatives (February 2023)
- Communication to the complainants: October 2022

In 2020 and 2022, a parliamentary delegation and representatives from the Human Rights Directorate of the Ministry of Justice visited Mr. Al-Alwani at the Al-Kadhimiya detention centre, located in northern Baghdad, to ensure that he was in good health, given that he had allegedly not received visits in the previous four months due to the COVID-19 pandemic. The Ministry's Human Rights Directorate's team found that Mr. Al-Alwani was in good health and was not suffering from any chronic diseases and stated that he had not been subjected to torture.

During a hearing with the IPU Committee on the Human Rights of Parliamentarians at the 146th IPU Assembly in March 2023, the Iraqi delegation stated that the Human Rights Committee of the Council of Representatives had visited Mr. Al-Alwani on 8 March 2023. This was not the delegation's first visit to Mr. Al-Alwani, whose case continues to be monitored by the Council of Representatives through its Human Rights Committee. The latter had expressed its concerns about this case, given the allegations of torture, mistreatment and abuse, unfair proceedings, non-respect of parliamentary immunity and the political dimension of the charges levelled against Mr. Al-Alwani. Although Mr. Al-Alwani's detention conditions have improved, the delegation underlined that he is still facing four life sentences and two death sentences as a result of politically motivated charges.

Regarding the visit carried out by the Human Rights Directorate of the Ministry of Justice in 2022, the Iraqi delegation stated that the visit was the result of the IPU Committee's work on the case. Its most recent decision on Mr. Al-Alwani's situation was referred to the Minister of Justice, who had formed a committee in charge of monitoring the case and instructed it to visit the former parliamentarian in detention. The delegation thanked the IPU Committee for its work on the case and expressed its hope that both the Committee's work and the efforts made by the Iraqi authorities so far would lead to the release of Mr. Al-Alwani and the final resolution of his case.

The delegation also recalled that, prior to his arrest in 2013, Mr. Al-Alwani had given a speech in which he had allegedly insulted Shia leaders. The Council of Representatives had therefore created a committee to investigate the incident and reportedly found that Mr. Al-Alwani had not insulted Shia leaders or the Shia community. This incident was used by Mr. Al-Alwani's political opponents to garner hatred against him and incite sectarian tensions and violence in the country. However, the Committee has yet to receive a copy of the report from the investigative committee with its findings.

Following several requests by the IPU Committee, the Council of Representatives of Iraq welcomed a delegation for its first official visit to Iraq in August 2023 to promote a satisfactory resolution of Mr. Al-Alwani's case.

As part of its findings, the Committee welcomed the Iraqi authorities' openness to resolving Mr. Al-Alwani's case, including the steps taken by the judicial authorities, which have deliberately stalled the case before the court of cassation, and therefore the execution of the death sentence, to enable a tribal resolution that would pave the way for a pardon. However, while the Committee acknowledges the right of the family of the soldier killed during the raid conducted against Mr. Al-Alwani to reparation and financial compensation pursuant to Iraqi laws, it also found that owing to the serious violations committed against Mr. Al-Alwani, including the breach of his parliamentary immunity, his incommunicado detention in a secret location, allegations of torture that have never been investigated, and his confession allegedly signed under torture but accepted as a primary source of evidence by the Central Criminal Court, the judicial authorities should have declared a mistrial and released Mr. Al-Alwani immediately.

During a hearing with the Committee at the 147th IPU Assembly in October 2023, the Iraqi delegation thanked the Committee for its mission report and pledged to continue monitoring Mr. Al-Alwani's case while pushing for his release. Considering the information collected during the mission regarding the transfer of Mr. Al-Alwani to another detention facility, the delegation reiterated its commitment to respecting Mr. Al-Alwani's detention conditions, including by placing him in a private cell and ensuring the respect of his visiting rights.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Iraqi authorities, in particular the parliamentary authorities, for their cooperation during the recent mission by the Committee on the Human Rights of Parliamentarians to Iraq

and for facilitating its smooth conduct, including the meetings with Mr. Al-Alwani in prison; and *thanks* the Iraqi delegation to the 147th IPU Assembly for meeting with the Committee and commitment to protecting Mr. Al-Alwani's detention conditions should he be transferred to another detention facility;

2. *Fully endorses* the findings and recommendations contained in the mission report;
3. *Welcomes* the Iraqi authorities' openness to resolving the case of Mr. Al-Alwani; and *notes with satisfaction* that political figures across the board have expressed their solidarity with Mr. Al-Alwani and their willingness to help settle his case using all possible means at their disposal;
4. *Takes note* of the Iraqi laws and customs that are relevant in this case; *urges*, nevertheless, the judicial authorities to lift the death sentence passed against Mr. Al-Alwani, to release him promptly and grant him appropriate compensation in light of the flawed legal proceedings and the abuses he suffered in the early stages of his detention;
5. *Calls on* the Iraqi authorities to end impunity by investigating Mr. Al-Alwani's allegations of torture immediately and holding accountable those responsible, given the information collected during the mission, namely Mr. Al-Alwani's statement that he still remembers the faces of his tormentors, which indicates that the authorities could have identified the perpetrators at the time and could still do so;
6. *Reiterates its calls on* the executive authorities in Iraq, political and religious leaders across the board and all members of parliament, regardless of their political affiliation, to stand united for the protection and promotion of human rights by taking up Mr. Al-Alwani's case before the highest authority in the county to promote his release, uphold his human rights and ensure that he will not be executed as a result of politically motivated charges;
7. *Stands ready* to continue supporting the Iraqi authorities' efforts in promoting a satisfactory resolution of Mr. Al-Alwani's case, including by carrying out a follow-up mission to Baghdad to meet with political and religious leaders whose influence could help resolve the case and send a strong message to the international community about Iraq's willingness to promote diversity, peace and justice for all Iraqis irrespective of their religious affiliation; and *calls on* the parliamentary authorities, particularly the Committee on the Human Rights of the Council of Representatives, the advisers to the Prime Minister on human rights and tribal affairs, to take a leading role in promoting a tribal resolution of Mr. Al-Alwani's case and to keep the Committee informed of any progress achieved on that front;
8. *Requests* the Secretary General to convey this decision to the Iraqi parliamentary authorities, the Prime Minister, the President of the Supreme Judicial Council, the complainants and any third party likely to be in a position to provide relevant information;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.