



Inter-Parliamentary Union

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Iraq

Emergency decision adopted by the Committee on the Human Rights of Parliamentarians under Rule 12(4) of its Rules and Practices (Geneva, 14 May 2018)



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

IRQ62 - 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 Al-Anbar Governorate. The complainants believe that Mr. Al-Alwani's arrest was 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, Nouri Al-Maliki. Mr. Al-Alwani was tried and convicted under several different proceedings before the Central Criminal Court of Baghdad for murder and incitement to sectarian violence under the Anti-Terrorism Law. He received two successive death sentences on 23 November 2014 (for the murder of two soldiers) and on 17 May 2016 (for incitement to sectarianism). Mr. Al-Alwani's lawyers have appealed the decisions. In April 2018, the complainants indicated that the Court of Cassation had dismissed both appeals for political reasons. One of the complainants indicated that in 2016 the Human Rights Committee of Iraq's Council of Representatives recommended to the Higher Judicial Council that Mr. Al-Alwani's case be retried, but no official confirmation from the Council of Representatives has been forthcoming.

Case IRQ62

Iraq: Parliament affiliated to the IPU

Victim: Opposition male member of the Council of Representatives

Complainant: Section I (1)(d) of the [Committee Rules](#) (Annex 1)

Submission of complaint: December 2013

Recent IPU decision: [February 2017](#)

Recent IPU Mission: - - -

Recent Committee hearings: Hearings with the Iraqi delegation and with the complainant during the 138th IPU Assembly (March 2018)

Recent follow up

- Communication from the authorities: Letter from the Secretary General of the Council of Representatives (December 2015); Letter from the Chief General Prosecutor (December 2016)
- Communication from the complainant: (April 2018)
- Communication from the IPU: Letter to the Speaker of the Council of Representatives (April 2018)
- Communication from the IPU to the complainant: (April 2018)

The complainants indicated that Mr. Al-Alwani was initially held in secret detention centres, was exposed to mistreatment and torture, did not receive a fair trial and saw his right to mount an adequate defence violated. These allegations were confirmed by the United Nations Working Group on Arbitrary Detention in its report of 28 April 2017 on Mr. Al-Alwani's case, in which it called for his immediate release. The complainants confirmed that Mr. Al-Alwani was currently detained at the Al-Khadimiya detention centre, located in northern Baghdad, and that his conditions of detention had improved in 2017, since he was authorized to receive regular visits from his family and lawyers.

At the hearing held during the 138th IPU Assembly, the Iraqi delegation confirmed that Mr. Al-Alwani's family had attempted to settle the case through a tribal resolution mechanism by offering financial compensation to the victims' families. However pursuant to Iraqi laws, tribal resolution mechanisms bore no legal consequences on the ongoing judicial process due to the seriousness of the charges.

B. Decision

Under its emergency procedure stipulated in Rule 12(4) of its Rules and Practices, the IPU Committee on the Human Rights of Parliamentarians ("the Committee") adopts the following decision:

The Committee,

1. *Thanks* the Iraqi delegation for meeting with it during the 138th IPU Assembly (Geneva, March 2018) and for undertaking to provide the long-requested information on this case;
2. *Stresses* that, following this meeting, the Committee decided to give the Iraqi parliamentary authorities an additional possibility to provide this information and to grant them a 30-day delay for this purpose, failing which it would adopt a decision on the case under its emergency procedure;
3. *Deeply regrets* that despite the Iraqi delegation's commitment and another IPU official written request to the Iraqi parliamentary authorities, this information has still not been made available; and *deplores* this state of affairs all the more so given the prolonged silence of the Iraqi authorities and the serious issues at stake in this case;
4. *Urges* therefore the Iraqi authorities to provide information with respect to the appeals lodged by Mr. Al-Alwani's counsel and a copy of the recent decision of the Court of Cassation that, according to one of the complainants, rejected Mr. Al-Alwani's appeals on political grounds;
5. *Firmly believes* that the death penalty delivered against Mr. Al-Alwani was an extreme and disproportionate sentence given the facts at hand; *remains deeply concerned* that this sentence was handed down as the result of first instance proceedings whose fairness was in great doubt; *also remains deeply concerned* by allegations that Mr. Al-Alwani was tortured, held in solitary confinement and denied access to medical treatment; *wishes to know* whether these serious allegations have been investigated and to receive detailed information on the actions taken to that end and their outcomes; *renews* its previous call on the judicial authorities to lift the death sentence passed against Mr. Al-Alwani and to hold appeal proceedings, or a retrial, promptly in a manner which fully respects Mr. Al-Alwani's right to a fair trial;
6. *Expresses* the hope that the recent improvements in the general security and political situation in Iraq will be conducive to facilitating a satisfactory resolution of Mr. Al-Alwani's case through all appropriate ways as part of the overall reconciliation process; *invites* the newly elected Council of Representatives to resume dialogue and cooperation with the Committee at the earliest convenience and to engage on the issues at hand before the 139th IPU Assembly;
7. *Requests* the Secretary General to convey this decision to the Iraqi parliamentary authorities, the complainants and any third party likely to be in a position to provide relevant information;
8. *Decides* to continue examining this case.