



Inter-Parliamentary Union

For democracy. For everyone.

# Iraq

**Decision adopted unanimously by the IPU Governing Council at its 208<sup>th</sup> session (Madrid, 30 November 2021)**



Mr. Al-Alwani five weeks after his sentencing. Photo dated 2 January 2015  
© Photo courtesy / 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
- ✓ Lack of fair trial proceedings
- ✓ Failure to respect parliamentary immunity

### 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. 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, 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.

According to the complainants, 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

### 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:** February 2021

**IPU Mission(s):** - - -

**Recent Committee hearing:** Hearing with the Iraqi delegation during the 138<sup>th</sup> IPU Assembly (March 2018)

### Recent follow up:

- Communication from the authorities: Letter from the President of the Supreme Judicial Council (January 2020)
- Communication from the complainants: November 2021
- Communications to the authorities: Letters to the Speaker of the Council of Representatives (January and February 2021)
- Communication to the complainants: November 2021

General Amnesty Law No. 27 of 2016, Mr. Al-Alwani submitted applications for pardon in three cases, which were subsequently rejected.

The complainants stated that, in November 2020, a parliamentary delegation reportedly 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 prison visit was also for the purpose of conveying letters of support to Mr. Al-Alwani from the Speaker of Parliament and tribal leaders. The Iraqi authorities have yet to provide information on the reported visit of the parliamentary delegation. According to the complainants, Mr. Al-Alwani's physical health, and especially his mental health, remain weak.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union,

1. *Deplores* the continued lack of response from the Council of Representatives, despite its repeated requests for updated information since 2018; and *reiterates its wish* to receive official information about the reported prison visit to Mr. Al-Alwani made in 2020 by a parliamentary delegation, its purpose and outcome;
2. *Urges* the judicial authorities, once again, to lift the death sentence passed against Mr. Al-Alwani, to release him promptly and grant him appropriate compensation in light of: (i) the flawed legal proceedings, given that he did not receive legal assistance, an allegation confirmed by the United Nations Working Group on Arbitrary Detention in its 2017 report; and (ii) the impunity for the alleged acts, namely torture, solitary confinement and lack of medical treatment in the early stages of his detention; and *considers* in this regard that the political dimension of his case, including the rampant sectarian violence in the country at the time of his arrest, puts in further doubt the fairness of the sentence imposed on him;
3. *Remains deeply concerned* by the reported deterioration in Mr. Al-Alwani's physical and mental state of health due to his prolonged detention; *expresses the wish* for a delegation from the Committee on the Human Rights of Parliamentarians to visit Mr. Al-Alwani in detention and to meet with the relevant Iraqi authorities in the near future, provided that the overall security situation allows for such a visit to take place and that the necessary security measures are in place for the delegation to ensure its safety; and *hopes* to receive a positive reply and assistance from parliament to this end, to enable the mission to take place smoothly;
4. *Reiterates its call on* the Iraqi authorities to stand united for the protection and promotion of human rights by reaching a satisfactory resolution in Mr. Al-Alwani's case, in line with the international human rights standards to which the State of Iraq has subscribed; and *invites* the newly elected Council of Representatives to resume dialogue and cooperation with the Committee at its earliest convenience, and to continue monitoring the case of Mr. Al-Alwani while taking urgent measures to ensure respect for his rights;
5. *Requests* the Secretary General to convey this decision to the Iraqi parliamentary authorities, the President of the Supreme Judicial Council, the complainants and any third party likely to be in a position to provide relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course