



Inter-Parliamentary Union
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Iraq

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 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
- ✓ 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, Mr. Nouri Al-Maliki.

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

Case IRQ-62

Iraq: Parliament affiliated to the IPU

Victim: A male opposition member

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

Submission of complaint: December 2013

Recent IPU decision: May 2018

Recent IPU Mission(s): - - -

Recent Committee hearing: Hearing with the Iraqi delegation during the 138th 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: (December 2020)
- Communications addressed to the authorities: Letters to the Speaker of the Council of Representatives (July 2020 and January 2021); letter to the President of the parliamentary Human Rights Committee (July 2020); letter to the President of the Supreme Judicial Council (June 2020)
- Communication addressed to the complainants: December 2020

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.

In November 2020, the complainants stated that a parliamentary delegation reportedly visited Mr. Al-Alwani, who allegedly had not received visits in the previous four months due to the COVID-19 pandemic. The prison visit was reportedly for the purpose of ensuring that Mr. Al-Alwani was in good health and of conveying supporting letters from the Speaker of Parliament and other tribal leaders. According to the complainants, Mr. Al-Alwani's physical and mental health is weak. The Iraqi authorities have yet to provide information on the alleged visit of the parliamentary delegation.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the President of the Supreme Judicial Council for having provided the long-requested information on the status of the legal proceedings against Mr. Al-Alwani;
2. *Deplores*, nevertheless, the lack of response from the Council of Representatives, despite its repeated requests for updated information since 2018; *questions* why the Iraqi parliamentary authorities have failed to provide updated information about the case of Mr. Al-Alwani, considering the alleged prison visit recently carried out by a parliamentary delegation, which could be seen as a positive step taken by the Council of Representatives to resolve the case; *wishes* to receive more information on the alleged visit, its purpose and outcome;
3. *Remains appalled* that Mr. Al-Alwani was sentenced to death following the conclusion of flawed legal proceedings as pointed out by the United Nations Working Group on Arbitrary Detention in its 2017 report; *firmly believes* also that the case of Mr. Al-Alwani has a political dimension, which puts in further doubt the fairness of the sentence imposed on him;
4. *Reiterates its long-standing concerns* regarding Mr. Al-Alwani's alleged torture, solitary confinement and lack of access to medical treatment, which allegations appear to have never been investigated by the authorities; *urges* the Iraqi authorities to finally shed full light on these allegations and ensure the corresponding accountability;
5. *Urges*, once more, the judicial authorities to lift the death sentence passed against Mr. Al-Alwani and to release him ahead of a retrial, which should take place promptly and in compliance with international standards of due process and fair trial; *calls on* the Council of Representatives to continue monitoring his case and to take urgent measures to ensure respect for Mr. Al-Alwani's rights; and *reiterates its wish* to be kept informed of any action taken to that end;
6. *Is deeply concerned* by the deterioration in Mr. Al-Alwani's physical and mental state of health due to his prolonged detention and the prospect of the implementation of the death sentence and therefore his imminent execution; *calls on* the Iraqi authorities to stand united for the protection and promotion of human rights by putting their existing divergences aside and 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;
7. *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;
8. *Decides* to continue examining this case.