Iraq

Decision adopted unanimously by the IPU Governing Council at its 211th session (Manama, 15 March 2023)

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 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
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.

In a letter dated 22 June 2022, the Minister of Justice reported that the Ministry’s Human Rights Directorate had carried out a visit to Mr. Al-Alwani to enquire about his physical and mental health in detention. After reviewing his file, the team found that Mr. Al-Alwani was in good health and was not suffering from any chronic diseases. According to the medical report issued by the medical clinic in Al-Kadhimiya prison, the team confirmed that Mr. Al-Alwani had not been subjected to torture. The Minister of Justice also stated in the same letter of June 2022 that Mr. Al-Alwani’s file was being closely examined and that his arrest and detention had taken place in accordance with the law. After enquiring whether he had been subjected to any form of torture while in detention, Mr. Al-Alwani reportedly said that he had only suffered from abuse and mistreatment during his arrest. Mr. Al-Alwani explained to the delegation visiting him that he was being treated well and that his detention conditions were good.

During a hearing with the Committee on the Human Rights of Parliamentarians at the 146th IPU Assembly in March 2023, the Iraqi delegation informed the Committee that the Human Rights Committee of the Council of Representatives had visited Mr. Al-Alwani on 8 March 2023 to enquire about his detention conditions and physical health. The delegation stated that this was not its first visit to Mr. Al-Alwani, whose case continues to be monitored by the Council of Representatives through its Human Rights Committee. The latter is deeply concerned with 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.

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.

Regarding the recent 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 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 of Mr. Al-Alwani, as it promoted its resolution 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.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. Thanks the Iraqi authorities for meeting with the Committee on the Human Rights of Parliamentarians during the 146th IPU Assembly to discuss Mr. Al-Alwani’s case;

2. Welcomes the recent visits carried out to Mr. Al-Alwani and the information related to the work of the Council of Representatives regarding the case, including its continued monitoring through its Human Rights Committee; takes note of the report of the parliamentary committee in charge of investigating the 2013 incident about Mr. Al-Alwani’s speech; and wishes to receive a copy of the report;
3. Welcomes the steps taken by the judicial authorities with regard to Mr. Al-Alwani’s case, namely their recent visit and the report of the Ministry’s Human Rights Directorate; 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: (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;

4. Considers that the situation of Mr. Al-Alwani should be seen as a national cause of concern to all Iraqi leaders and decision-makers, irrespective of their religious or political affiliation; therefore 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;

5. Reiterates its 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, including the President of Iraq, the Prime Minister and his Chancellor, the President of the Supreme Judicial Council and the Speaker of the Council of Representatives in the near future to promote a satisfactory resolution of the case of Mr. Alwani; and hopes to receive a positive reply and assistance from parliament to this end, to enable the mission to take place smoothly, 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;

6. 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;

7. Requests the Committee to continue examining this case and to report back to it in due course.