

For Immediate Release

Iraq: Reverse Dujail Death Sentence for Ramadan *Sentence Imposed After Flawed Judicial Process*

(New York, March 12, 2007) – The Iraqi High Tribunal’s Appeals Chamber should revoke the death sentence imposed on Taha Yassin Ramadan when it receives his appeal against re-sentencing this week, Human Rights Watch and the International Center for Transitional Justice (ICTJ) said today.

Ramadan was initially sentenced to life imprisonment for crimes against humanity for his role in the Dujail crimes on November 5, 2006, but in December the Appeals Chamber ordered the Trial Chamber to increase Ramadan’s sentence to death by hanging. No reasons were given for this order. The Trial Chamber complied with the court’s order and sentenced Ramadan to death on February 12, 2007. The less than 30-minute hearing was held by a panel of five judges, three of whom had not previously participated in hearing evidence against the defendant. It is not clear whether the Trial Chamber considered the defense motions filed that morning on behalf of the defendant. The Trial Chamber refused to hear defense submissions on their motions in court. Neither oral nor written reasons were given for changing the sentence from life imprisonment to death by hanging.

“Given the serious flaws in the Dujail trial, there’s no doubt that imposing the death sentence in this case is wrong,” said Sara Darehshori, senior counsel to the International Justice Program at Human Rights Watch. “The Appeals Chamber should use its last chance to do the right thing. The Appeals Chamber is supposed to correct flaws in proceedings, not add to them.”

Human Rights Watch and ICTJ have both issued reports raising serious concerns about the fairness of the Dujail trial including repeated executive interference in the tribunal’s work. The court sentenced to death several Iraqi leaders, including ex-President Saddam Hussein, for involvement in the killings of some 150 men and boys from the town of Dujail. Human Rights Watch’s report, “Judging Dujail: The First Trial Before the Iraqi High Tribunal,” highlighted concerns about the lack of evidence linking Ramadan to the underlying criminal offences. ICTJ’s report, “Dujail: Trial and Error?” also highlighted failures to disclose key evidence to the defense and other violations of the rights of defendants to question witnesses.

Of the different crimes for which Ramadan was convicted, it is the crime of willful killing that carries the death sentence. In its judgment the court relied heavily on broad inferences drawn from Ramadan’s position as commander of the Ba’ath “Popular Army” and proximity to Hussein, who was hanged for his role in the Dujail killings, rather than evidence of Ramadan’s direct responsibility or participation. Ramadan is also facing charges in other cases being brought before the Iraqi High Tribunal, including the case of the 1991 uprising in southern Iraq that is expected to go to trial in the near future.

“The sentencing proceeding, like the trial, was flawed,” said Miranda Sissons, head of the ICTJ’s Iraq Program. “By sentencing Ramadan to death by hanging, the Appeals Chamber would not only be affirming a flawed process: it would also deny the victims in other cases against Ramadan their right to a day in court.”

Human Rights Watch has spent nearly two decades documenting the widespread violations committed by the former Iraqi government of Saddam Hussein and campaigning for those responsible to be brought to justice. The ICTJ worked in Iraq before the beginning of the Dujail trial and since then has played a crucial role in monitoring the trial, evaluating the trial dossiers, and corresponding with tribunal staff. Both organizations are opposed to the death penalty in all circumstances as an inherently cruel and inhumane punishment.

To read Human Rights Watch’s report on the Dujail trial, please visit:

<http://hrw.org/reports/2006/iraq1106/>

To read ICTJ’s report on the Dujail trial, please visit:

<http://www.ictj.org/images/content/5/9/597.pdf>

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