

URGENT ACTION

MAN ARBITRARILY HELD AFTER SERVING SENTENCE

US and Jordanian national, Shawqi Ahmad 'Omar has been imprisoned since 2004. He should be released immediately as he has served his sentence. He was arrested in Iraq in October 2004, sentenced to 15 years' imprisonment in 2010 which was reduced to seven years. He should have been released in 2011 having been held since 2004.

In late October 2004 **Shawqi Ahmad 'Omar** and his pregnant wife, Narmeen Saleh al-Ruba'i, were arrested at his uncle's house in the Zaiyouna district of Baghdad by the US-led Multinational Force (MNF) and held in Camp Na'ma detention facility, near Baghdad International Airport, accused of terrorism-related activities. She was released after 16 days and later fled the country. Shawqi 'Omar was held without charge or trial until 2010 when his case was transferred to the Iraqi criminal court. On 24 June 2010, he was sentenced to 15-years' imprisonment on charges of entering Iraq illegally, a charge that was never mentioned to him previously and which he believes to be a case of mistaken identity as he was convicted under the name of a Palestinian national called Shawqi Ahmad *Sharif*. His case went to appeal and his sentence was reduced in February 2011 to seven years' imprisonment by the Court of Cassation. On 15 July 2011 he was handed over to the Iraqi authorities and he only met his current lawyer for the first time in December 2012. One of his co-accused signed a court-certified statement after his release stating that the MNF tortured him in order to force him to incriminate Shawqi 'Omar, whom he did not know, in return for his release. Shawqi 'Omar should have been released in 2011 as according to Article 295 of the Iraqi Criminal Procedure Code time spent in pre-trial detention should be deducted from the sentence.

According to Shawqi Ahmad 'Omar's wife, they were both tortured by electric shocks during interrogation by the MNF. Shawqi 'Omar continued to be tortured and ill-treated in the various detention facilities he was held in. He was held in al-Karkh Prison (formerly Camp Cropper), however his family has had no phone contact with him for the past six weeks and they were told by the International Committee of the Red Cross that he had been moved to Abu Ghraib Prison. Between 4 February and August Shawqi 'Omar went on hunger strike in protest against his prolonged detention and being sentenced under a mistaken identity. This resulted in the deterioration of his health.

Please write immediately in Arabic, English or your own language:

- Calling on the Iraqi authorities to clarify the legal status of Shawqi Ahmad 'Omar and the reason for his continued detention;
- Calling on them to release him immediately in accordance with Article 295 of the Iraqi Criminal Procedure Code as he has already served his sentence;
- Urging the authorities that in the meantime he is given immediate access to his lawyer and regular family visits as well as any medical care he may need;
- Urging them to protect him from torture or other ill-treatment and that an independent and impartial investigation into his allegations of torture be set up and those found responsible be brought to justice.

PLEASE SEND APPEALS BEFORE 26 DECEMBER 2013 TO:

Prime Minister

His Excellency Nuri Kamil al-Maliki,
Convention Centre (Qasr al-Ma'aridh)
Baghdad, Iraq
Email: info@pmo.iq
Salutation: Your Excellency

Minister of Justice

Hassan al-Shammari
Ministry of Justice
Baghdad, Iraq
Contactable in Arabic via web site:
<http://www.moj.gov.iq/complaints.php>
Salutation: Your Excellency

And copies to:

Minister of Human Rights

His Excellency Mohammad Shayaa al-Sudani
Ministry of Human Rights
Baghdad, Iraq
Email: shakawa@humanrights.gov.iq

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

AMNESTY
INTERNATIONAL



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ADDITIONAL INFORMATION

Shawqi Ahmad 'Omar was born in Kuwait to Palestinian parents and holds the Jordanian nationality. He lived in the US arriving in 1970 and was naturalised US citizen. He was a member of the Minnesota National Guard. His family say Shawqi 'Omar arrived in Iraq from Syria with his wife Narmeen Saleh al-Ruba'i on 3 June 2004 to work in the building industry. They filed a motion to suspend his transfer from the US-led Multinational Force (MNF) to the Iraqi authorities and his possible trial by Iraqi courts. In June 2008 the US Supreme Court ruled that he and other prisoners could challenge their detention in US courts. Shawqi 'Omar lost his case before the US Appeal Court in the District of Columbia Circuit and he was transferred a week later on 15 July 2011 to the Iraqi authorities.

Iraq has long been a state party to the International Covenant on Civil and Political Rights (ICCPR) which prohibits torture (Article 7) and became a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2011. The Iraqi Constitution (Article 37,1,c) and Iraqi laws prohibit the use of torture. Defendants frequently complain that their "confessions" have been extracted under torture during pre-trial interrogation, often while detained incommunicado.

Torture and other ill-treatment remain common and widespread in prisons and detention centres in Iraq, particularly those controlled by the Interior and Defence Ministries, and are committed with impunity. Methods include suspension by the limbs for long periods, beatings with cables and hosepipes, the infliction of electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and rape or threats of rape. Torture continues to be used to extract information from detainees and "confessions" that can be used as evidence against them at trial.

Following the Abu Ghraib abuse revelations in April 2004, the US authorities adopted new measures to improve safeguards against torture and other ill-treatment of detainees by their forces. However, incidents of detainee abuse by US troops continued to be reported virtually throughout the period of their operational presence in Iraq.

Name: Shawqi Ahmad 'Omar
Gender m/f: m

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