

OEA/Ser.L/V/II.150
Doc. 31
4 April 2014
Original: English

REPORT No. 27/14
PETITION 1281-06
REPORT ON ARCHIVE

MOHAMMED MUNAF
UNITED STATES

Approved by the Commission at its session No. 1980 held on April 4, 2014
150 Regular Period of Sessions

Cite as: IACHR, Report No. 27/14, Petition 1281-06. Archive. Mohammed Munaf. United States.
April 4, 2014.



REPORT No. 27/14
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ARCHIVE
MOHAMMED MUNAF
UNITED STATES¹
April 4, 2014

Alleged victims: Mohammed Munaf

Petitioner: Sandra Babcock (Northwestern University School of Law)
Amy L. Hanf (Robins, Kaplan, Miller & Ciresi L.L.P.)

Initiation of processing: May 18, 2012

Alleged violations: Articles I, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man (the “American Declaration”)

I. POSITION OF THE PETITIONERS

1. On November 17, 2006, the Inter-American Commission on Human Rights (the “Inter-American Commission” or the “IACHR”) received a petition from Sandra Babcock from the Center for International Human Rights, Bluhm Legal Clinic, Northwestern University School of Law and Amy L. Hanf from Robins, Kaplan, Miller & Ciresi L.L.P. (the “petitioners”) on behalf of Mohammed Munaf (the “alleged victim”) against the United States of America (the “State” or the “United States”). The petitioners argued that the alleged victim, an Iraqi-American citizen was held by United States military forces in a U.S.-run military camp in Baghdad and subsequently transferred to Iraqi authorities in the context of the so-called “War on Terror.” Petitioners stated that the United States was aware that under Iraqi custody Mr. Munaf would be exposed to torture and could be sentenced to the death penalty.

2. According to the petition, the alleged victim was detained by the Multi National Force – Iraq and imprisoned at the U.S. military prison of Camp Cropper at Baghdad International Airport in May, 2005. Petitioners claimed that he was detained in inhumane conditions, without due process, threatened with torture, and subjected to abuse and mistreatment in an effort to extract a confession for alleged involvement in the kidnapping of three Romanian journalists.

3. On October 12, 2006, Mr. Munaf appeared before a trial panel of the Central Criminal Court of Iraq and, on that same day, the Court convicted him of kidnapping and sentenced him to death by hanging. According to the petitioners, the alleged victim was coerced into making self-incriminating statements. On February 12, 2006, the Appeals Court vacated Mr. Munaf’s conviction and death sentence, remanding it to the lower court and ordering him to remain in custody.

4. On June 15, 2012, the petitioners sent a communication to the IACHR indicating their wish to withdraw the petition given that Mr. Munaf had been released by the Iraqi authorities and no longer faced the possible imposition of the death penalty.

II. POSITION OF THE STATE

5. As of the date of this report, the IACHR has not received any observations from the State regarding Mr. Munaf’s petition.

¹ In keeping with Article 17.2.a of the Rules of Procedure of the IACHR, Commissioner James Cavallaro, a U.S. national, did not participate in the deliberations or in the voting on this report.

III. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION

6. On November 17, 2006, the Inter-American Commission received the petition. The petition was transmitted to the State on May 18, 2012. On June 15, 2012, the IACHR received a communication from the petitioners indicating their wish to withdraw the petition.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

7. Article 42 of the Rules of Procedure of the IACHR establishes that, at any time during the proceedings, the Inter-American Commission shall ascertain whether the grounds for the petition still exist; and that if it considers that they do not exist or subsist, it may decide to archive the file. In addition, Article 42.1.b of the Rules of Procedure establishes that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable, and Article 41 provides for the possibility that a petitioner may desist from a petition.

8. In the present case, the petitioners informed the Commission that the grounds for the petition do not subsist, since the alleged victim had been released by the Iraqi authorities and no longer faced the possible imposition of the death penalty; and they expressly indicated their wish to desist from pursuing the matter. In accordance with Article 41 of its Rules, which indicates that a petitioner may desist from a petition at any stage, the IACHR hereby decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 4th day of the month of April in the year 2014.
(Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice-President; Felipe González, Second Vice-President; José de Jesús Orozco Henríquez, Rosa María Ortiz, and Paulo Vannuchi, Member of the Commission.