

Iraq Amnesty Could Set Killers Loose

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Draft law intended to promote return to normality, but critics warn of opposite effect if militants believe they have impunity.

Iraq's parliament has postponed discussions on a controversial amnesty law that could see thousands of convicted and suspected killers released from jail.

Opponents of the bill say it would trample on the rights of victims and their families in order to achieve a political objective whose success is uncertain.

A parliamentary debate on the amnesty law was delayed several times in October, because the various political factions disagreed on its term. By October 15, it was clear the expected vote was not going to happen, and the matter was postponed until further notice.

One of the bill's backers, parliamentarian Khalid al-Jaiyashi of the Shia-dominated National Iraqi Alliance, says it is designed to "give a second chance to those who were forced into criminality".

It remains unclear exactly which categories of convicts will be included in the final draft.

As well as common criminals, it is clear the law would cover at least some of those convicted of murder and other serious crimes during the wave of militant attacks and sectarian warfare that followed the United States-led invasion of 2003.

The violence was at its worst in 2006-07 with a complex set of conflicts involving Sunni and Shia militias and al-Qaeda linked militants, often resulting in the random slaughter of civilians just because they lived in an area dominated by the "wrong" group. Thousands of Iraqis were killed, and hundreds of thousands more displaced.

From late 2007 onwards, the scale of violence subsided as the Iraqi authorities launched a series of military operations targeting both Sunni and Shia armed groups across the country. Thousands of paramilitaries were arrested in the process, and it is this group of detainees who could benefit most from the amnesty under discussion.

Critics of the law say much of its wording is vague and ambiguous. Article 4 of the document defines offences whose perpetrators will not be eligible for release, including "terrorist crimes committed by individuals, groups or organisations that are banned locally or internationally", and crimes that "threaten national unity and present a danger to public security and stability". Amendments made to the law subsequently rule out people responsible for bomb blasts and certain kinds of kidnappings, and cases where the firearms used were fitted with silencers.

Shia lawmaker Abbas al-Bayati says this still leaves a lot of loopholes, so that many violent criminals could be freed.

"Article 4... cites explosions and kidnappings that target judges and doctors, but does not mention [similar actions targeting] children and ordinary people," he said. "It creates great scope for releasing criminals - many explosions took place in the street and targeted people going about their daily business."

Bayati believes an amnesty for convicted killers will only encourage a sense of impunity.

"A similar law passed four years ago led to the release of criminals and killers, who went on to commit more crimes," he said. "We need a fair law that offers a chance to those who seriously wish to change for the better. But at the same time, we don't want to send out the wrong message, that criminals can commit offences without punishment."

Aqil al-Turayhi, inspector general at the Iraqi interior ministry, questions why the worse criminals should be freed en masse.

"It will be a great insult to the country, to the families of victims, and to the security forces if the law is approved in its current shape," Turayhi said. "The amnesty should not include those whose hands are stained with Iraqi blood of Iraqis and who played a central role in destroying peace and security in this country. I hope the parliament does not approve such a law - it should be defending people's rights."

An investigative judge raised similar concerns about the wisdom of freeing dangerous individuals who had only been captured with a great deal of effort.

“As a result of the previous amnesty law, many criminals returned to their home areas and killed the entire families of witnesses who testified against them, as well as [police] officers who refused to connive with them,” he said.

The investigator, who did not want to be named for reasons of security, recalled one case where he investigated a suspected leader of al-Qaeda in Iraq, and later discovered the man had connections with a senior government official.

“We received threats, and two days after that, I was redeployed to a very dangerous area. I decided to resign,” he said.

In a highly charged political environment, some have accused Sunni Arab political factions of pushing for the amnesty as they will gain the most credit, since numerically, most of those detained are Sunni insurgents.

Salman al-Jomaili of the Iraqiyah bloc denied this was the case.

“This law is not what the rumours are suggest it is. We have made it clear that those who carried out terrorist attacks are not included in this amnesty,” Jomaili said.

The Shia politician Jaiyashi agreed, saying anyone convicted of a terrorist attacks would not be eligible. In any case, he said, other parts of the bill required the assent of victims’ relatives before a murderer could walk free.

There is also a danger that a mass release could prompt victims to deliver their own forms of justice.

IWPR spoke to one man whose father disappeared without trace in 2006 in Saidiyah, a Sunni neighbourhood in the south of Baghdad.

The son dropped out of university and spent time brooding on revenge. News that the men he holds responsible for the murder might be eligible for release offers him that chance.

“The law has protected them for years,” he said. “Their release will be a great opportunity to avenge my father’s death. People will know my father’s blood was not shed for nothing.”

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