



Assyria Council of Europe

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Press Release

CONVICTED ASSYRIAN CHRISTIAN MAN, 28, TORTURED TO CONFESS TO MURDERING HIS SISTER, 19, IN IRAQ AND NOT GIVEN FAIR TRIAL.

An Assyrian Christian man from Nahla in the Dohuk Governorate of Iraq has been convicted of murdering his sister. Robert Aowyamlik has been imprisoned within the Kurdistan Region since 14th February 2009, which was two months after the disappearance and murder of his sister in December 2008.

Three judges of the Court in Dohuk on 29th August 2010 claimed that because Robert signed a statement of confession, he was guilty of murdering his sister Marina, and on the same day they sentenced him to 15 years in prison.

Although Robert did sign a confession, he did this only after his mental condition severely deteriorated after he was subjected to unrelenting psychological torture in the prison of the Asayish (Kurdish political party security police) in Akre.

At 5.23pm, on 15th December 2008, Marina's cousin received a text message which read "Hi Gina, please help me". After this message, no more was heard from Marina until her body was found on the 24th December.

Although other suspects initially were arrested following the discovery of Marina's body in a river about 1 km from her home in Nahla, all those persons were released. Robert and two other Assyrian Christian youth from Nahla were then arrested about 2 months after Marina's disappearance and murder. All were released except Robert who continued to be identified as the prime suspect, regardless of the facts.

The confession Robert signed after two months of terrible treatment in the Asayish prison stated that the murder occurred at 5.30pm on the day of Marina's disappearance, only 7 minutes after the text message was sent.





However, witnesses report seeing a girl fitting Marina's description *after* this time, with Robert continually in the company of his family throughout all of these events and the days leading up to her eventual discovery.

In addition to this, an autopsy was undertaken after her body was found on 24th December which showed recently eaten food was in Marina's stomach. This is inconsistent with the confession of her murder having been committed on 15th December.

For the first two months of his ordeal, Robert was held in the Asayish prison in Akre, Dohuk Governorate. He was not given an attorney to advise and defend him and was told by officials that his family did not want to see him, when in fact they were desperate to visit him but were not allowed.

Robert has now been imprisoned for one year and seven months. For one of those months at the beginning of his detention, Robert was held in a small dark cell and repeatedly interrogated, sometimes while blindfolded, and made wrongly to feel that a confession would be the *only* thing that would grant him his release.

In one instance, he was told to say his "last goodbye" to his wife via mobile phone because he supposedly was about to be shot dead by a man standing in the cell and holding a gun. This last horrific threat pushed Robert to sign the confession. Soon after, he tried and failed to take his own life.

Barbara Lakeberg, who worked six years for a human rights organisation in Iraq, has been dealing with Robert's case and fighting for his fair treatment since its start. As she states, "Robert is clearly a victim of the false system of justice in Iraq, and in the Kurdistan Region especially where pretensions of justice often hypocritically cover politically motivated or assisted crimes where basic human rights of vulnerable populations are regularly abused." In London, Amnesty International has been informed about this case and is looking into the matter further too.

Because a thorough police investigation has never been conducted, it is very difficult to ascertain who Marina's actual killer(s) are.

International law, Article 37(c) of Iraq's Constitution and Article 127 of the Criminal Procedure Code prohibit any form of torture, as well as the legal use of any statements derived through torture, which Robert most definitely experienced during his time in the Asayish prison.

It is the view of the Assyria Council of Europe that: "Robert must be given a fair trial and the rule of law practiced to its *full* extent. Instances of incompetent and often violent policing are too common within the KRG, and this is another case which illustrates this sad fact.

It is our plea to the judiciary to give Robert a fair trial and to reject documents signed through torture, which are illegal. The police officials handling this case must continue their investigation. Justice has not been done on two accounts: Marina's murder and now Robert's conviction."