

**Steps taken by the UK Government since March 2010 to seek assurances that Al Saadoon and Mufdhi will not face the death penalty if convicted of charges which attract the death penalty**

**8 March:** The UK Chargé d'Affaires wrote to former President of Iraqi High Tribunal (IHT) to seek assurances.

**17 March:** The Royal Military Police Liaison Officer (RMPLO) in the British Embassy in Baghdad and a FCO official met the former President of IHT and delivered in person the letter from Chargé d'Affaires to the Judge and pressed again for written assurances.

**21 March:** Her Majesty's Ambassador (HMA) wrote to the Iraqi President, Talabani and Iraqi Prime Minister, Maliki, seeking assurances and requesting clarification of their role in ratifying the death penalty or granting clemency for individuals sentenced to death at the IHT.

**12 April:** The RMPLO and an FCO official met the Chief investigative Judge IHT and requested assurances from IHT.

**21 April:** HMA met Iraqi Prime Minister, Maliki, pressed for a response to his letter (of 21 March) seeking assurances.

**29 April:** The HMA's letter of 21 March was resent to the Iraqi Presidents office again requesting a response.

**17 May:** HMA wrote to President of IHT, President Talabani and Prime Minister Maliki seeking assurances for all suspects.

**7 June:** HMA met the new President of IHT and sought assurances.

**15 June:** British Embassy Baghdad received a letter from Prime Minister Maliki's office stating that the investigation is still underway.

**24 August:** The RMPLO and FCO official met the President of IHT and requested assurances.

**25 August:** The Chargé d'Affaires at the British Embassy wrote to Chief of Staff of President Talabani and Prime Minister Maliki seeking clarification as to whether either of them had the power to ratify any death penalty sentence given and if so, requested written confirmation that they will exercise any such powers to ensure that the death penalty is not imposed. Clarification was also requested as to whether either the President or the Prime Minister has the authority to grant clemency.

**31 August:** The Chargé d'Affaires at the British Embassy met the President of IHT and requested assurances.

**31 August:** The President of IHT submitted a hand written letter to Chargé d'Affaires stating that he was unable to provide assurances because he cannot predict the outcome of the case, but can only give an opinion. In the same letter he stated that the defendants in this case will benefit from extenuating circumstances for being in defence of their country, and the court will head towards a light sentence, meaning a sentence lesser than the death penalty.

**2 September:** The Office of President Talabani responded to the letter dated 25 August 2010 stating that:

- the murder of the British soldiers constitutes a war crime falling within the jurisdiction of IHT Law number 10 of 2005;
- Article 19 of the Iraqi Constitution stresses the total independence of the judiciary;

- Article 73 of the Iraqi Constitution has authorised the President of the Republic to issue a limited amnesty, following a recommendation by the Prime Minister, but it excluded those sentenced for international crimes;
- Article 27/2 of the IHT Law number 10 2005 does not allow anybody including the President to repeal or lighten any sentence issued by the IHT, but despite that, the President will do all he can to offer assistance in this issue, especially given that the President is one of the supporters of the abolition of the death sentence in general.

**15 November:** The Political Counsellor in the British Embassy in Baghdad wrote to the IHT General Prosecutor asking if he is required to ratify any death penalty sentence or in a position to grant clemency.