



Iraq - Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 22 January 2019

Information on what crime Article 194 of the Iraqi Penal Code No. 111 refers to including applicable punishment

A report issued in March 2010 by the *Government of Iraq* points out:

“Article 194 - Any person who organizes, directs or assumes command of an armed group that attacks any sector of the population or has, as its objective, the prevention of the rule of law, the invasion of territory or the appropriation by force of property belonging to the State or a group of people or who resists with the use of arms members of the public authorities is punishable by death. However, any person who joins such a group without participating in its formation or assuming control of it is punishable by life imprisonment or imprisonment for a term of years” (Government of Iraq (14 March 2010) *Iraq: Penal Code*, p.37).

A report issued in May 2006 by the *United Nations Assistance Mission for Iraq* commenting on events in early 2006 notes that:

“On 9 March, 13 people were executed by hanging. On 23 March and 30 March, the Central Criminal Court of Iraq, sentenced to death four individuals for crimes related to terrorism, under article 194 of the Criminal Code” (United Nations Assistance Mission for Iraq (24 March 2006) *Human Rights Report, 1 March - 30 April 2006*, p.6).

In April 2007 *Amnesty International* notes that:

“While Article 194 of the IPC provides the death penalty for leadership of armed groups and life imprisonment for membership, Article 2 (3) of the Iraqi Anti Terror Law defines as a capital offence not only the leadership of a "terrorist armed gang" but also the support and participation in its activities” (Amnesty International (20 April 2007) *Iraq - Unjust and Unfair: The Death Penalty in Iraq*, p.6).

A publication by *Human Rights Watch* in June 2007 states:

“...the Iraqi Penal Code includes criminal acts that bear the mark of crimes against humanity. Articles 190 to 222 of Anti-State Internal Security Criminal Actions Law, comprising the criminal acts mentioned in Article 12 and in Article 194, sentences to capital punishment any person who organizes or directs or leads an armed group that attacks any group of people, or whose objectives were to prevent the application of the rule of law” (Human Rights Watch (22 June 2007) *The Poisoned Chalice. A Human Rights Watch Briefing Paper on the Decision of the Iraqi High Tribunal in the Dujail Case*, p.6).

A report issued in October 2014 by the *Office of the United Nations High Commissioner for Human Rights/United Nations Assistance Mission for Iraq* citing the Government of Iraq notes:

“Pursuant to Article 26, paragraphs A and C of the Iraqi Transitional Administrative Law and the provisions of Part II of the attachment thereof, and the approval of the Presidential Council, the Council of Ministers decided to issue the following Decree...As an exception to Order 7, Part 3, Paragraph 1, of 10 June 2003 issued by the Coalition Interim Authority, it is hereby resolved to restore the death penalty provided for in the Penal Code No 111 of 1969 as a punishment for anyone found guilty of any of the following crimes: 1- Any crime compromising the internal security of the State as provided in Articles 190, 191, 192 (iii), 193, 194, 195, 196 and Article 197, paragraphs i and ii. And for the purpose of implementing this Decree, the term « the Provisional Iraqi Government », « the Interim Iraqi Government » or the succeeding government after the adoption of the Constitution will replace « the Governing Regime » or « the Government » wherever these terms appear in any of these Articles” (Office of the United Nations High Commissioner for Human Rights/United Nations Assistance Mission for Iraq (19 October 2014) *Report on the Death Penalty in Iraq*, p.40).

No further information on this issue could be found among sources available to the RDC.

References

Amnesty International (20 April 2007) *Iraq - Unjust and Unfair: The Death Penalty in Iraq*

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

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Human Rights Watch
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