

Translated from Arabic

Observations of Iraq on provisions on universal jurisdiction

Iraqi legislation addresses the subject of universal jurisdiction and its implications for Iraqi jurisdiction in article 13 of the Penal Code (Act No. 111 of 1969), which provides that the Code's provisions are applicable to any person present in Iraq who has committed or has been an accessory to a crime abroad involving sabotage or disruption of international means of communication and transportation, or trafficking in women, children, slaves or drugs.

Article 14 of that same Code provides that prosecution of such offences in the Iraqi courts requires authorization from the President of the Supreme Judicial Council. The Code prohibits prosecution of the accused if there has been a final judgment of acquittal or conviction handed down by a foreign court and any sentence has been served in full, or if the proceeding or sentence has been vacated by law. In determining whether the judgment was final or the proceeding was vacated, reference shall be made to the law of the country where the judgment was handed down. If the penalty imposed was not fully implemented or the acquittal judgment was handed down for a crime to which Iraqi law is applicable owing to personal jurisdiction or protective jurisdiction and was a result of the the offence not being punishable under the law of that land, then legal proceedings may be brought against the accused in Iraqi courts. Iraq law does not specify which court is to conduct the preliminary investigation and trial. That determination is to be made by referral to the President of the Supreme Judicial Council.
