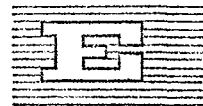


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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE  
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under  
article VII of the Convention

Addendum

IRAQ 1/

[18 September 1981]

Introduction

The implementation by Iraq of the International Convention on the Suppression and Punishment of the Crime of Apartheid must be viewed in the context of the following fundamental principles:

1. The revolution of 17-30 July 1968, led by the Arab Socialist Baath Party, regards all forms of racism as crimes against humanity and believes that the international community must combat racism in all its aspects, particularly the most dangerous ones, as manifested in apartheid and zionism, in view of the alliance between these two racist régimes in South Africa and Palestine.
2. In keeping with the principles of its revolution, Iraq has acceded to the international conventions directed against racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention against Discrimination in Education and the Discrimination (Employment and Occupation) Convention.
3. Iraq has eradicated the aspects of racism that previously existed during the colonial eras and is now diligently striving to prevent and deter any racist practices. It should be borne in mind, however, that there are no manifestations of racial discrimination (apartheid) in Iraq where this question does not pose any problem whatsoever. The application by Iraq. of the International Convention on the Suppression

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1/ The initial report submitted by the Government of Iraq (E/CN.4/1353/Add.3) was considered by the Group of Three at its 1980 session.

and Punishment of the Crime of Apartheid is only one aspect of Iraq's positive solidarity with mankind as a whole in the struggle against racism, and of Iraq's campaign in support of the African peoples suffering from apartheid.

Details of the implementation of the Convention in accordance with the guidelines laid down by the Group of Three

1. Information on legislative, judicial, administrative and other measures adopted

(a) The designation of apartheid as a crime against humanity and a violation of international law:

Iraq's accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid had the legal effect of making article II of the Convention an integral part of Iraqi internal legislation. Accordingly, Iraq regards apartheid as a crime against humanity, a flagrant violation of the principles of international law and, in particular, of the purposes and principles of the Charter of the United Nations, and a serious threat to international peace and security.

Article 19 of the Iraqi Constitution stipulates that all citizens are equal before the law, without distinction on grounds of sex, race, language, social origin or religion.

Article 36 of the Constitution prohibits any activity that is at variance with the aims of the people as defined in the Constitution, and any act or conduct aimed at undermining the national unity of the people, provoking racial, sectarian or regional bigotry among them or prejudicing their progressive gains and achievements.

These constitutional provisions are fully applicable in respect of the acts defined in article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid and in respect of similar policies and practices.

(b) Organizations, institutions and individuals practising apartheid are considered criminal:

Article 200, paragraph 2, of the Iraqi Penal Code stipulates that any person who instigates, promotes or provokes religious or sectarian bigotry, encourages conflict among sects and ethnic groups, or stirs up feelings of hatred and animosity among the population of Iraq shall be liable to a term of imprisonment not exceeding seven years.

Article 203 of the Penal Code stipulates that any person who, by providing financial, material or moral assistance, encourages the commission of the acts referred to in article 200 shall be liable to a term of imprisonment not exceeding seven years or to imprisonment together with a fine not exceeding ID 500.

The creation, establishment, organization or management in Iraq of any association, body or organization for the purpose of committing any of the above-mentioned acts shall be punishable by a term of imprisonment not exceeding 15 years, and any person who joins any of the said associations, bodies or organizations shall be liable to a term of imprisonment not exceeding 10 years.

Article 208 of the Penal Code stipulates that any person who, with unlawful intent, possesses or acquires any written, printed or recorded matter intended for distribution, publication for the information of others and advocating, instigating or promoting any of the acts referred to in articles 200 and 202 shall be liable to a term of imprisonment not exceeding seven years and/or a fine not exceeding ID 500. Article 208 further stipulates that any person possessing any printing, recording or other equipment intended for the printing, recording or dissemination of policies, slogans or propaganda of any sect, association, body or organization seeking to achieve any of the objectives referred to in the preceding articles shall be liable to the same penalty.

Since, under the terms of the International Convention, apartheid is regarded as a crime against humanity, and since the articles of the Convention have been incorporated into Iraqi legislation, the above provisions are deemed to be fully applicable to the aforesaid acts.

2. Information on the legislative, judicial, administrative or other measures adopted which give effect to the following provisions of the Convention

(a) The undertaking, as required under article IV (b) of the Convention:

The provisions of the Convention, together with the above-mentioned Iraqi legislation already in force, are applicable to all persons accused of committing the acts defined in article II of the Convention, irrespective of whether or not such persons are resident in the territory of Iraq.

(b) Article III of the Convention, that international criminal responsibility shall apply to persons responsible for the commission of the crime of apartheid:

As already indicated, Iraqi legislation provides for the punishment of the crime of apartheid, although no case involving apartheid as such has yet been brought before the Iraqi courts. Iraq's accession to the Convention has rendered the Iraqi courts competent to try persons responsible for crimes involving apartheid, irrespective of whether or not such persons are resident in Iraq, and bearing in mind the possible establishment of an international tribunal to try persons accused of the crime of apartheid.

Iraqi legislation directed against racial discrimination prohibits and precludes any attempt to encourage any form of racial discrimination.

(c) The undertaking, as provided for under article XI of the Convention:

Under Iraqi legislation, apartheid is regarded as a crime against humanity. Consequently, the perpetrators of this crime are considered to be international criminals. Crimes involving apartheid are not regarded as political crimes and, accordingly, persons guilty of such crimes are not regarded as political prisoners. The Government of Iraq undertakes to deliver such persons to the State or authority requesting their extradition, in accordance with accepted international practice and, in particular, with the International Convention on the Suppression and Punishment of the Crime of Apartheid.

3. Information on the legislative, judicial and administrative measures that give effect to the following provisions of the Convention

(a) The undertaking, as required under article IV (a) of the Convention:

The above-mentioned Iraqi legislative acts designed to suppress and punish all forms of racial discrimination, including apartheid, using every available means to prevent the spread of racist manifestations and ideologies, provide an adequate idea of Iraq's application of article IV (a) of the Convention, bearing in mind that the question of apartheid poses no problem whatsoever in Iraq. Further details in this respect can be obtained by referring to previous reports by Iraq on the application of the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination.

(b) The undertaking to acquaint the public with the provisions of the Convention:

In accordance with the fundamental principles of the revolution of 17-30 July 1968, the information media in Iraq are playing an important role in acquainting the public with the practices of apartheid, all of which are regarded as a crime against humanity and a flagrant violation of human rights. The official Iraqi information media are continually endeavouring to publicize crimes of apartheid in South Africa, together with similar practices of racial discrimination in Rhodesia and the racist Zionist policy in occupied Palestine. The information media, including the various radio and television stations, daily newspapers and weekly and monthly magazines, believe that it is extremely important to draw attention to the evils of such racist practices through their reports, articles and news broadcasts. The information media in Iraq also highlight the role played by the United Nations in combating the crime of apartheid and similar practices. The importance that the media are attaching to this aspect can be seen, for example, in their coverage of the work of the United Nations conferences on racial discrimination held at Lagos in 1977 and Geneva in 1978 and the International Conference on Sanctions against South Africa held in Paris in 1981. The media also attaches considerable importance to the Day of Solidarity with the people of Namibia who are fighting against the hostile policy of apartheid pursued by South Africa and to the Day of World Solidarity with the People of South Africa.

4. Information on the application of article VI of the Convention

(a) Iraq has always participated in, and contributed towards, the activities of the United Nations aimed at the elimination of all forms of racism. Iraq played a prominent part in the adoption by the United Nations General Assembly of a decision to inaugurate a Decade for Action to Combat Racism and Racial Discrimination in 1973. Iraq has also played an active role in all the conferences on racism and apartheid such as the Conference at Lagos in 1977 which discussed questions relating to apartheid, the World Conference to Combat Racism and Racial Discrimination held at Geneva in August 1978 and the conference held at Paris in 1981 on the imposition of sanctions against the racist régime of South Africa.

(b) Iraq is also taking part in the efforts to eliminate racism and apartheid which are being made by other regional and international organizations such as the Non-aligned Movement, the Organization of the Islamic Conference and the League of Arab States.

(c) Iraq fully supports the resolutions of the Security Council, the General Assembly and other organizations and specialized agencies of the United Nations which call for the punishment and economic and military boycott of régimes practicing apartheid. Iraq is in favour of the adoption of sterner measures, in keeping with the provisions of Chapter VII of the Charter of the United Nations, with a view to inducing racist régimes to cease their inhuman practices. Iraq also advocates the punishment of any State that maintains economic or military relations with those régimes. We refer in particular to the co-operation between the Zionist entity and the racist régime in South Africa that is aimed at preventing peoples from exercising their right to life and self-determination. A brief glance at the records of voting on resolutions of the United Nations is sufficient to show that Iraq has always voted in favour of resolutions condemning racist régimes, particularly in the General Assembly, the Economic and Social Council and the Commission on Human Rights.

(d) At all international and regional forums, Iraq has expressed unconditional and unreserved support for all peoples subjected to racist practices and, in particular, for the peoples of the African continent who are suffering under régimes that are pursuing a policy of apartheid. Iraq is providing those peoples with material and moral support through the African liberation movements with which the Baath Party and the Government of Iraq maintain the closest links. In accordance with the guiding principles of liberation and humanitarianism embodied in its revolution, Iraq is supporting those movements in various ways. There is no need for us to quote precise details concerning the volume of such aid since they are already known to the authorities concerned.

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