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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/}

[30 December 1982]

^{*}/ Re-issued for technical reasons.

^{1/} The initial and second reports submitted by the Government of Iraq (E/CN.4/1353/Add.3 and E/CN.4/1505/Add.5) were considered by the Group of Three at its 1980 and 1982 sessions respectively.

Introduction

Further to the basic information contained in the second report concerning Iraq's implementation of the Convention, we wish to point out that Iraq has consistently opposed all forms of racism at both the internal and the international levels and has acceded to all of the international conventions designed to combat racism, such as:

1. The International Convention on the Elimination of All Forms of Racial Discrimination;
2. The International Covenant on Civil and Political Rights;
3. The UNESCO Convention against Discrimination in Education;
4. The ILO Convention concerning Discrimination in Respect of Employment and Occupation.

Iraq regards the principle of non-discrimination as an imperative rule of international law and a reflection of the cultural values upheld by the States which signed the Charter of the United Nations.

Iraq is also participating in the international struggle for the elimination of racism and is supporting all of the liberation movements which represent colonized peoples since it regards racism and colonialism as crimes against humanity.

Details concerning the implementation of the Convention in accordance with the guidelines established by the Group of Three to which reference is made in article IX of the Convention

1. Information concerning legislative, judicial and administrative measures relating to the implementation of the Convention

- (a) Textual provisions under which apartheid is regarded as a crime against humanity

In affirmation of the fact that it regards apartheid as a crime against humanity, Iraq acceded to the International Convention, the second article of which designates apartheid as a crime against humanity.

By virtue of this accession, the text of that second article became an integral part of Iraqi national legislation.

Accordingly, apartheid is regarded as a crime against humanity and a serious violation of international law and of the principles embodied in the Charter of the United Nations.

In this connection, we wish to recall the texts to which reference has already been made in the second report, in particular article 19 of the Iraqi Constitution which stipulates that: Citizens shall be equal before the law without discrimination on grounds of sex, race, language or social or religious origin.

Racial discrimination and, in particular, apartheid are punished under the Penal Code in the manner specified below.

Iraqi courts have not passed any legal judgements in connection with apartheid since, as already explained in the second report, this question never arises in Iraq.

(b) Textual provisions under which organizations and individuals engaged in apartheid are regarded as criminal

Article 36 of the Constitution stipulates that: It shall be forbidden to engage in any activity incompatible with the objectives of the people as defined in this Constitution, to embark on any act or conduct with the intention of disrupting the national unity of the popular masses, to stir up racial, sectarian or regional animosity among the people, or to attack their progressive gains and achievements.

Article 200, paragraph 2, of the Iraqi Penal Code stipulates that: Any person who provokes, propagates or stirs up confessional or sectarian bigotry, incites others to engage in intercommunal or inter-racial conflict, or arouses feelings of hatred and animosity among the people of Iraq shall be punished by imprisonment for a period of not more than seven years.

Article 203 of the same Code stipulates that: Any person who provides financial, material or moral support with a view to encouraging others to commit any of the crimes specified in article 200 shall be punished by imprisonment for a period of not more than seven years.

Article 204 stipulates that: Any person in Iraq who establishes or joins any association, body or organization attempting to mobilize or propagate confessional bigotry, who incites others to engage in intercommunal conflict, or who arouses feelings of hatred and animosity among the population of Iraq shall be punished by imprisonment for a period of not more than 15 years together with a fine not exceeding 1,000 dinars, and any person who joins such organizations or bodies shall be punished by imprisonment for a period of not more than 10 years.

Article 208 of the Penal Code stipulates that: Any person who, with nefarious intent, possesses or acquires written or printed documents or recordings with a view to their publication or distribution to other persons for the purpose of provoking or advocating commission of the acts specified in articles 200 and 202 shall be punished by imprisonment for a period of not more than seven years together with a fine not exceeding 500 dinars.

The same penalty shall be imposed on any person possessing any equipment for the printing, recording or broadcasting of the resolutions, slogans or propaganda of any movement, association or body pursuing any of the objectives specified in the preceding articles.

Article 209 stipulates the penalty for the acquisition of money or facilities for the purpose of advocating commission of the acts specified in the preceding articles.

Apartheid is regarded as a crime punishable under these legislative provisions in accordance with article II of the Convention which has become part of Iraqi domestic law.

2. Information concerning legislative, judicial and administrative measures relating to the implementation of the Convention

(a) The undertaking contained in article IV, paragraph (b), of the Convention

The above-mentioned provisions of the Iraqi Penal Code apply to any person who commits any of the acts specified in article II of the Convention.

Since article II of the Convention has become part of Iraqi legislation, these provisions apply to acts committed by persons resident in or outside Iraq.

(b) The undertaking contained in article III of the Convention

As already indicated, persons guilty of the acts specified in the Convention, together with their accomplices, are punished under the provision of the Iraqi Penal Code.

We have already pointed out that no cases of apartheid have ever been brought before the Iraqi courts since this problem does not arise in Iraq.

Iraq is making a positive and effective contribution to the joint international endeavours aimed at the prosecution and punishment of persons guilty of the crime of apartheid.

(c) The undertaking contained in article XI of the Convention

Since apartheid constitutes a crime against humanity, persons guilty thereof cannot be regarded as political criminals and must be extradited in accordance with article XI of the Convention which forms part of Iraqi legislation

Iraq emphasizes the need for international co-operation in this field and refers to General Assembly resolution 3074 (XXVIII) of 3 December 1973 concerning principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity.

3. Information on legislative, judicial and administrative measures relating to the implementation of the Convention

(a) The undertaking contained in article IV, paragraph (a), of the Convention

The above-mentioned legislative and constitutional provisions are designed primarily to prevent the spread of manifestations of racism and, in particular, of apartheid since the punishment of criminal acts under the Penal Code has the dual purpose of prevention and retribution.

These legislative acts constitute measures in fulfilment of the undertaking contained in article IV, paragraph (a) of the Convention.

(b) Dissemination of information and stimulation of public awareness concerning the provisions of the Convention

Information policy in Iraq is derived from the principles of the Arab Socialist Ba'ath Party and is based on central fundamental concepts aimed at combating racism, apartheid and colonialism.

Accordingly, the information media, comprising the press, radio and television, attach considerable importance to the campaign against racism and apartheid to which special coverage is given with a view to providing readers, listeners and viewers with a wide range of news and information concerning the struggle of peoples against apartheid and colonialism.

The information media cover all conferences concerning the campaign against racism. The media also publish the texts of conventions dealing with human rights and the suppression of racist crimes on occasions such as the anniversary of the Universal Declaration of Human Rights, the International Day for the Elimination of Racial Discrimination, and the International Week of Solidarity with the People of Namibia.

4. Information concerning the implementation of article VI of the Convention

Iraq is making an effective contribution to the prevention and suppression of racism and apartheid at various international levels and is supporting and assisting peoples who have fallen victim to apartheid. This contribution takes the following forms:

(a) Iraq's participation in all United Nations activities to combat racism since the promulgation of the Charter of the United Nations until the proclamation by the General Assembly in 1973 of the Decade for Action to Combat Racism and Racial Discrimination.

Iraq has also participated effectively at all United Nations conferences to combat racism and has expressed its unreserved support for resolutions condemning racism, particularly that practised by the South African regime, and denouncing the infamous co-operation between South Africa and the racist Zionists in Palestine in all fields, particularly that of nuclear energy.

Iraq therefore became a target and its nuclear installations for peaceful purposes were bombed by the Zionist entity allied with the South African regime in conjunction with the attack launched against Iraq by the racist regime in power in Iran which is receiving arms from the Zionist entity.

(b) Iraq has always given its unlimited and unconditional support to African liberation movements representing the peoples of Africa who have fallen victim to apartheid.

This support is based on the concepts of humanitarianism and liberation embodied in the Revolution of 17-30 July 1968 which aimed to establish a society free from any form of discrimination among citizens living in a humanitarian community based on equality among peoples without any discrimination on grounds of colour, race, language or religion.

Iraq will remain committed to these principles and will continue to support the peoples of the world in their struggle to achieve the aims embodied not only in the Charter of the United Nations but also in all the international instruments concerning human rights and, in particular, those relating to the campaign against racism. Iraq always faithfully implements the international conventions to which it has acceded.

Within the context of its activity at the United Nations, Iraq is endeavouring to promote the establishment of the international penal tribunal to which reference is made in article V of the Convention. To this end, Iraq is supporting the bodies concerned with a view to contributing towards the drafting of a statute for the said tribunal.