

British : avasatlar
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of dadasatlar i Iraq

Irak (26)

(269)

In The Name Of Allah, Most Compassionate, Most Merciful

Council of Ministers

Order No: () Year 2004

Re-instituting the Death Penalty for persons who have committed certain dangerous crimes.

Pursuant to the provisions of Article 26 (A, C) of the Transitional Administration Law, the provisions of the second section of its annex and with the approval of the Presidency Council, the Council of Ministers has decided:

20/8/04

To issue the following order:

First: As an exception to the provisions of article (1) section (3) of the CPA order No.7 of June 10, 2004; The death sentence stipulated in the Iraqi Penal Code (IPC) No. (111) of 1969 shall be reinstated for the perpetrators of the following crimes.

1. Crimes that can harm the internal security of the state as stipulated in articles (190), (191), (192) paragraph (3), (193), (194), (195) and (196) and paragraphs (1) and (2) of article (197).

For purposes of implementing this order the phrase Interim Iraqi Government, or Transitional Iraqi Government or the Government which will assume power after enacting the constitution, shall replace the word the regime or the Government wherever it is mentioned in these articles.

2. Crimes against the public and the use of biological materials as stipulated in article (349) and paragraph (1) of article (351).
3. Crimes against the safety of transportation and the means of communications as stipulated in articles (354) and (355) of IPC.
4. Crimes of premeditated murder as stipulated in article (406) of IPC.



Second: The perpetrator of one of the crimes stipulated in items (B), (C) and (D), paragraph (first), article (14) of the drugs code No. 68 of 1965 which are related to drug trafficking and dealing, shall be included in the provisions of item (first) of this order, if the purpose for its perpetration was to finance or assist the activities and deeds as provided in article (190) of IPC.

Third: He who commits the crime of kidnapping people shall be sentenced to death as stipulated in articles (421), (422) and (423) of IPC.

Fourth: The texts used in IPC No. (111)-of (1969)- third edition- 1985, shall be applied in everything related to the articles stipulated in this order.

Fifth: Article (2), section (2) of CPA order No. 7 of June 10, 2003 shall be annulled.

Sixth: As an exception from article (285/B) of the criminal procedure code No. (32) of 1971 and article 286, the death sentence shall be implemented after it is approved by the Prime Minister and the Presidency Council.

Seventh: The death sentence which is stipulated in the final judgments shall be alleviated to life imprisonment before the enforcement of this order.

Eighth: Any text that contradicts the provisions of this order shall be cancelled.

Ninth: This order shall enter into force on the date of issuance and publication in the official Gazette

Baghdad / / 1425 A.H.

/ / 2004

Dr. Ayad H. Alawi

Prime Minister

/ / 2004

Justifying Reasons

Due to the prevailing conditions in Iraq, and in order to protect its internal security, preserve the lives of its population, respect human rights and protect its rights in life, it has become necessary to bring back the death penalty against those who commit serious crimes which target the security of Iraq, the life of its people, the future of its generations and its economy.

So, for the purpose of preventing the perpetration of such crimes, and to punish the perpetrators appropriately for their serious crime. And in return, giving the opportunity to whoever had been sentenced to death before the implementation of this order and to offer them a chance in life by alleviating this punishment to life imprisonment so that they go back to become good citizens after serving their sentence.

This order had been promulgated _____.

Dr. Barham Ahmad Saleh

DPM

Translators Notes:

- 1. The names and positions of the Council of Ministers follow the text of the law on pages 3-5.*
- 2. Included is a one-page letter from the Deputy Prime Minister Barham Salih requesting that the President agree to issue the order (on page 6).*
- 3. Included is a two-page letter from the Presidency Council agreeing to the law (pages 7-8) and attached to this letter is another copy of the law (pages 9-13).*

