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COI QUERY

Country of Origin	IRAQ
Main subject	Penal and Criminal Codes in Iraq and the KRI
Question(s)	<u>Information on whether the Kurdistan Region of Iraq applies the same Penal and Criminal Codes as the Central Government</u>
Date of completion	13 January 2022
Query Code	Q5-2022
Contributing EU+ COI units (if applicable)	N/A

Disclaimer

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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 13 January 2022. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE - IRAQ

Penal and Criminal Codes in Iraq and the KRI

Information on whether the Kurdistan Region of Iraq applies the same Penal and Criminal Codes as the Central Government

National Iraqi courts are responsible for applying the Iraqi Penal Code No 111 of 1969¹ and the Iraqi Criminal Procedures Code No 23 of 1971², in line with general constitutional guarantees relating to the punishment of crime.³ In the Kurdistan Region of Iraq (KRI), the Iraqi Penal Code and Penal Procedure Code apply.⁴ However, the KRI might amend the Criminal Procedure Code as it deems appropriate. In addition, the KRI does not recognise new laws and amendments passed by the central government after 23 October 1991, unless they are enacted into law by the Kurdistan Parliament. As a result, there are significant differences between the procedural codes of the KRI and the central government.⁵ An English version of the KRI Criminal Procedure Code, amended on 14 February 2010⁶, is accessible on the website of the Kurdistan Center for International Law (KCIL).⁷

For more detailed information regarding the judiciary, legal system, criminal procedures in both Iraq central government and KRI, it is possible to consult the [EASO COI Report, Actors of Protection, November 2018](#). In particular, the following sections:

- 4. Legal Framework**
 - 4.1 Constitution and fundamental rights overview
 - 4.2 Criminal law and anti-terrorism laws
- 6. Judiciary and legal system**
 - 6.1 Court structure
 - 6.2 Criminal trial procedures
 - 6.3 Capacity
 - 6.4 Effectiveness
 - 6.5 Integrity
 - 6.6 Tribal interactions with state justice
- 8. Kurdistan Region of Iraq**
 - 8.4 Judiciary⁸

¹ Iraq, Iraqi Penal Code No 111 of 1969, available at: ILO, [url](#)

² Iraq, Iraqi Criminal Procedures Code No 23 of 1971 (as amended to 14 March 2010), available at: hrlibray, University of Minnesota [url](#)

³ Iraq, Consideration of reported submitted by States parties under article 40 of the Covenant: Fifth periodic reports of States parties due in 2000 (CCPR/C/IRQ/5), 12 December 2013 [url](#), para. 52.

⁴ UK, British Consulate-General Erbil, Information Pack for British Prisoners in Kurdistan Region of Iraq, July 2018 [url](#), pp. 9-10.

⁵ Stanford Law School and American University of Iraq Sulaimani, Introduction to the Laws of Iraq and Iraqi Kurdistan, Working Papers Series, Criminal Law, 2013, [url](#), pp. 6-7

⁶ KRI, Criminal Procedure Code 23 of 1971 Kurdistan region of Iraq (as amended to 14 February 2010), available at: KCIL, [url](#)

⁷ KCIL, is a Kurdish-German, non-governmental academic centre with a primary focus on research and analysis of the international law pertaining to Kurdistan's communities. See KCIL, About us, n.d., [url](#)

⁸ EASO COI Report, Actors of Protection, November 2018, [url](#)

SOURCES USED

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KCIL (Kurdistan Center for International Law), About us, n.d., <https://kc-interlaw.org/Detail.aspx?jicare=238>, accessed 13 January 2022

KRI (Kurdistan Region of Iraq), Criminal Procedure Code 23 of 1971 Kurdistan region of Iraq (as amended to 14 February 2010) available at: KCIL (Kurdistan Center for International Law), https://kc-interlaw.org/web/viewer.html?file=https://images.kc-interlaw.org/root/root/images/191982021_gjpi-cpc-1971-kurdish-v2.pdf, accessed 13 January 2022

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