

Flygtningenævnets baggrundsmateriale

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Country of Origin Information Division



Ministry of Immigration
and Integration

The Danish
Immigration Service

To I

DIS' ref

Date: 28 February 2019

Request for information

Currently, DIS is in need of information on Iraqi legislation that regulates the service by government employees:

- 1) Which law/laws regulates the Iraqi diplomatic service? If possible, DIS would appreciate to receive a copy of the law, preferably in English; in case an English version is not available, DIS would be grateful to receive a copy in Arabic language.
- 2) Is it punishable if an Iraqi diplomat remains absent from his station?
 - a. If so, which penalty provisions apply?
 - b. What is the maximum penalty?
 - c. If so, are there any concrete cases of diplomats being prosecuted?
 - d. Did the prosecution take place in absentia of the accused?

In case of questions with regard to the above, please do not hesitate to contact me.

Thank you in advance for your assistance.

Kind regards,

Rikke Blaaberg Jensen

Senior Advisor

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Reference to the request for information DIS ref

Please find below my answers:

1. The laws that organize diplomatic work in Iraq:

- ❖ Foreign Service Law number 45 in 09/12/2008. This law organizes the diplomats work in foreign for the general principals of the diplomatic work, mechanism of the work, levels of employment, etc.

<http://iraqlid.hjc.iq/LoadLawBook.aspx?page=1&SC=&BookID=28989>

- ❖ civil service law number 24 in 1960. This law organizes the public civil service and all the rights, and duties of employees.

<http://iraqlid.hjc.iq/LoadLawBook.aspx?SC=311020059759549>

- ❖ Law on the discipline of state employees' number 5 in 2008.

<http://iraqlid.hjc.iq/LoadLawBook.aspx?page=1&SC=&BookID=28621>

This law organizes the:

- Powers to impose administrative punishment
- Describe administrative penalties
- Objection to administrative punishment

2. Diplomats are an officers in charge of a public service with diplomatic status is subject to the Foreign Service Law and is also subject to the applicable laws relating to the public service that regulate the work of employees and which are not mentioned in the Foreign Service Law Absent means; Disruption of the employee from work and non-presence in the place of work due to general or special circumstances.

- a) According to foreign service law- Article number 11:
The oldest diplomatic officer in the mission who should occupied passion first secretary shall be in charge to take

[REDACTED]

responsibilities of the ambassador in case the absence of its President for any reason.

II. The administrative task shall be entrusted to its Chief Administrative Officer for a period not exceeding three (3) months in the absence of a diplomatic officer in the Mission. The Minister may send a diplomatic officer from the Center or other functions to perform his duties pending the appointment of a President. the Civil Service law organize the exercise of the general function of all Iraqi employees include the Diplomates.

The Civil Service Law number 24 in 1960 organized the employees work in official offices include diplomats.

b) article number 37/3:

the employee who absent from work places for more than ten days without legal excuse, should considered resigned. This article considered the maximum punishment for the absent from the work for more than 10 days.

If the employees (includes diplomats) absent from the work less than 10 days without legal excuse that will leads to administrative penalties like but not limited:

- Penalty of drew attention
- Penalty Reprimand
- Penalty cutting of salary of absent days for less than 10 days.

c) in any situation Absent could not led to referral the employee to prosecution.

There are no concrete cases of diplomates being prosecuted because of absent from the work.

Respectful,

[REDACTED]

Attorney at Law

[REDACTED]

[REDACTED]

2 of May 019