

THE DEATH PENALTY IN LAW AND IN PRACTICE

IRAQ

الله أكبر

**EC
PM** TOGETHER
AGAINST
THE DEATH
PENALTY

REPRIEVE

IMPLEMENTATION OF THE DEATH PENALTY AND CONDITIONS OF DETENTION FOR DETAINED PEOPLE SENTENCED TO DEATH

GLOBAL SITUATION OF DETAINED PEOPLE SENTENCED TO DEATH¹

The situation of detained people sentenced to death in Iraq is dire and marked by significant human rights violations. Iraq retains the death penalty for a wide range of offenses, many of which do not involve intentional killing, contravening its obligations under international law, including the International Covenant on Civil and Political Rights (ICCPR) and the Arab Charter on Human Rights. The Anti-Terrorism Law (No.13) of 2005 is particularly problematic, as it allows for the death penalty for non-lethal offenses and has a broad definition of terrorism that can include individuals who have not committed any violent acts. This law mandates the death penalty for those who incite, plan, finance, or assist terrorists, without considering their level of involvement or the severity of their actions.

By the end of 2025, at least 8,000 people were facing death penalty in Iraq. In 2025, at least 79 new death sentences were handed down — a significant decrease of 61% compared to the 200 death sentences and more recorded in 2024. Among those sentenced in 2025, 27 were convicted under anti-terrorism legislation, 35 for drug-related offenses, 13 for murder, and one for genocide. Despite this decrease, death sentences continue to be imposed following procedures that fail to meet international fair trial standards.

Torture is reportedly widespread in Iraq's judicial system, with torture-extracted confessions being used to sentence individuals to death. This practice has been criticized by UN legal experts who pointed out serious structural problems in Iraq's legal system, including unfair trials and lack of adequate legal representation. In 2024, several United Nations experts expressed their concerns and stated that: "The Government of Iraq's systematic executions of prisoners sentenced to death based on torture-tainted confessions, and pursuant to an ambiguous counterterrorism law, amount to arbitrary deprivation of life under international law and may amount to a crime against humanity."²

Furthermore, access to Iraq's prisons is severely restricted, and the country has not published data on its use of the death penalty since 2014. However, a 2021 statement from Iraq's Ministry of Justice indicated that there are 50,000 people detained on terrorism charges, half of whom have been sentenced to death, with 90% of these sentences not yet finalized.



* Amnesty International

¹ Source: Reprieve/ECMP 2023 report

² Source : OHCHR

DETAINED WOMEN SENTENCED TO DEATH

The treatment of women in Iraq's prison system, especially those sentenced to death, is a cause for serious concern. Reports indicate overcrowding, poor infrastructure, and inadequate material conditions in female prisons³. Women also face additional challenges, including limited access to legal representation and family visitation. Many are mothers separated from their children, adding to their psychological distress. The lack of gender-sensitive approaches in the judicial process and detention facilities further exacerbates their vulnerability. In January 2021, there were 332 women facing execution, with the majority convicted on terrorism-related charges. Many of these women were sentenced for mere affiliation with terrorist organizations, often due to familial connections rather than direct involvement in violent acts. In 2025, 3 women were newly sentenced to death, including one for murder, one for a terrorism-related offense, and one for a drug-related offense.

DEATH PENALTY AND FOREIGN NATIONALS⁴

Between 2018 and 2019, Iraq sentenced more than 500 foreign nationals to death or long prison terms for their alleged membership of the Islamic State. These sentences are part of the Iraqi government's fight against terrorism, which executed at least 63 people in 2024, placing the country fourth in the world among states practising capital punishment. The trials of these foreigners raise serious concerns about respect for international human rights and fair trial standards. Several NGOs, including ECPM, have denounced the serious dysfunctions of the Iraqi judicial system before the UN Human Rights Council. In theory, detained foreign nationals are entitled to consular protection⁵, but in practice this is often limited. Between 2019⁶ and 2026, several transfers (at least 3) of detained foreign nationals have been organised from Syria to Iraq⁷.

PARDONS

The ICCPR requires that anyone sentenced to death has the right to seek clemency or pardon or commutation of the sentence⁸. However, in practice, pardons for people sentenced to death in Iraq appear to be rare. While the Iraqi Constitution provides for the possibility of clemency, its application is limited.

In January 2025, the Iraqi Parliament adopted an amendment to the General Amnesty Law No. 27 of 2016, authorizing a judicial commission to review convictions for certain offenses when the judgment is based on confessions obtained under duress, on evidence provided by anonymous sources, or on confessions provided by third parties. Under this amendment, the list of covered offenses was extended to include "association with or

3 OHCHR. Experts of the Committee against Torture praise Iraq's Human Rights Training in Police and Military Colleges, ask about overcrowding in prisons and the continued use of the death penalty. 2022.

4 ECPM. 10 questions pour mieux comprendre la situation des citoyens français condamnés à mort en Irak. 2022

5 Consular protection refers to the assistance that a country provides to its citizens when they are arrested, detained, or facing legal issues in a foreign country. This can include legal advice, communication with local authorities, and ensuring fair treatment.

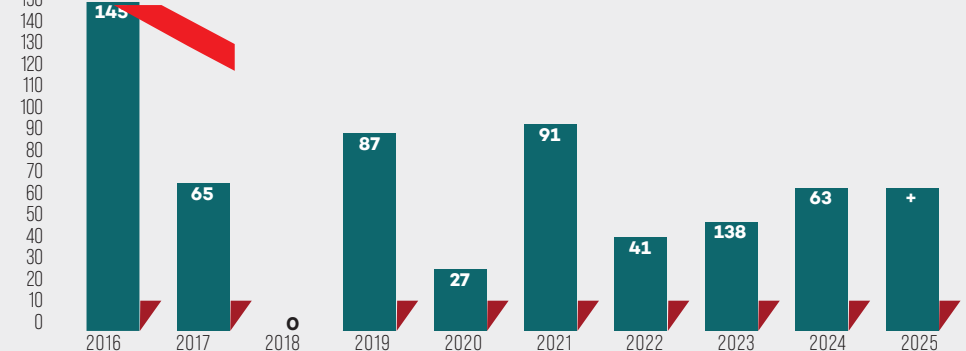
6 ECPM. 10 questions pour mieux comprendre la situation des citoyens français condamnés à mort en Irak. 2022

7 Commission Nationale Consultative des Droits de l'Homme (CNCDH). Lettre à l'attention de Jean-Noël Barrot au sujet des ressortissants français en Irak et en Syrie. 2026

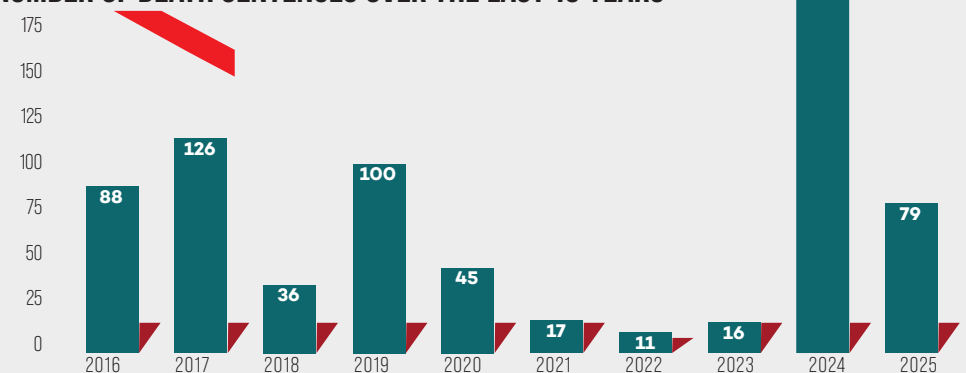
8 OHCHR, UNAMI. Report on the Death Penalty in Iraq. 2014

membership of terrorist organizations" for acts predating January 2025, potentially opening the way for sentence reviews for a significant number of death row prisoners. However, despite this legal development, its practical impact remains uncertain. The UN has repeatedly urged Iraq to grant clemency and commute death sentences as a step toward abolition. To date, there is little evidence that such measures have been implemented on a large scale, and Iraq continues to apply the death penalty extensively, particularly in terrorism-related cases.

EVOLUTION OF THE NUMBER OF EXECUTIONS OVER THE LAST 10 YEARS



NUMBER OF DEATH SENTENCES OVER THE LAST 10 YEARS⁹



9 These data are an attempt to compile the number of death sentences handed down by civil and military courts.

NATIONAL LEGAL FRAMEWORK

It is important to note that Iraq has ratified the International Covenant on Civil and Political Rights (ICCPR), which places restrictions on the use of the death penalty. However, Iraq's national laws appear to be in conflict with these international obligations in many respects.

CONSTITUTION OF IRAQ (2005)¹⁰

Article 15 of the Iraqi Constitution of 2005 guarantees the essential rights to life, security, and liberty for all individuals. This article also states that "deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority", emphasizing the importance of due process.

The constitution also delineates the powers of the President in Article 73, which includes the authority to issue special pardons upon the Prime Minister's recommendation, with certain exceptions for specific crimes. The President can also ratify death sentences issued by competent courts.

IRAQI PENAL CODE (LAW NO. 111 OF 1969)¹¹

The Iraqi Penal Code contains the most extensive provisions related to capital punishment in Iraq. However, its content has been revised to limit the number of crimes punishable by death. In 2003, under the influence of the Coalition Provisional Authority (CPA) and the Iraqi Interim Government, the death penalty was suspended in Iraq and replaced with life imprisonment or lesser sentences as prescribed by the Iraqi Penal Code. This suspension was part of the CPA's efforts to reform the Iraqi judicial system after the fall of Saddam Hussein's regime and align it with international human rights standards. When capital punishment was reintroduced in 2004, the government restricted its use to specific crimes.

These crimes include : serious political offenses such as attempting to overthrow the republican regime by force or inciting armed rebellion. Acts of terrorism or sabotage, such as destroying important public facilities, contaminating public water resources causing deaths, or sabotaging transportation infrastructure resulting in fatalities, are also included. Additionally, the code covers aggravated murders, including premeditated killings, those committed with toxic substances or explosives, for base motives or payment, against relatives or officials, or linked to other crimes. Kidnapping, particularly of minors or women, especially if accompanied by sexual

¹⁰ Constitution of Iraq (2005)

¹¹ Iraqi Penal Code (Law No. 111 of 1969)

assault, is also punishable by death. Aggravated robbery, committed at night by armed groups, with use of force, or causing serious injury or death, is also listed. Finally, treason and espionage, especially during wartime, are included. Some of these offenses do not meet the international standard of most serious crimes.

Article 86 of the Iraqi Penal Code also specifies hanging as one of the main methods of execution.

MILITARY PENAL CODE (NO. 19 OF 2007)¹²

The Iraqi Military Code of 2007 includes several provisions regarding the death penalty for military personnel. It specifies that the death sentence is carried out by shooting.

The code outlines numerous offenses punishable by death, particularly during times of mobilization, including assisting the enemy, causing harm to allied forces, or actions resulting in deliberate murder. These offenses range from instigating mutiny and disclosing military secrets to vandalizing combat equipment and obstructing commanders. The code also allows for the death penalty in cases where the use of force results in a victim's death. However, it provides some flexibility, allowing for life imprisonment instead of death in certain circumstances where provocation or mitigating factors are present.

THE COUNTER-TERRORISM ACT (NO. 13 (2005))¹³

The death penalty is provided for in Article 4 of the Iraqi Counter-Terrorism Act. Among the terrorist offences punishable by death are the direct commission and indirect support such as planning, financing or encouraging terrorist activities. The law broadly defines terrorism to include acts of violence, threats, sabotage and organised terrorist undertakings that endanger life, damage property or threaten national security.

THE JUVENILE WELFARE ACT (NO. 76 (1983))¹⁴

The Juvenile Welfare Act is the primary legal instrument governing juvenile justice in Iraq. It stipulates that no death sentence can be imposed on individuals who were under 18 years of age at the time of committing an offense.

In total, at least 47 legislative provisions provide for the application of the death penalty in Iraq.

¹² Iraqi Military Penal Code (No. 19 of 2007)

¹³ Iraqi Counter-Terrorism Act (No. 13 of 2005)

¹⁴ Constitution of Iraq (2005)

LIST OF LEGISLATIVE PROVISIONS ON THE DEATH PENALTY

CONSTITUTION OF IRAQ – 1 PROVISION

- Article 73** The President of the Republic shall assume the following powers:
- 1 - To issue a special pardon on the recommendation of the Prime Minister, except for anything concerning a private claim and for those who have been convicted of committing international crimes, terrorism, or financial and administrative corruption ; [...]
 - 8 - To ratify death sentences issued by the competent courts.

IRAQI PENAL CODE (LAW NO. 111 OF 1969) – 37 PROVISIONS

- Article 2** Anybody who cultivates poppies, coca or cannabis for the purpose of producing narcotic drugs or industrial non-medical psychotropic drugs shall be sentenced, in addition to his crops being destroyed, to the following punishments according to the amount of his or her cultivation:
1. First offense, a fine in the amount of ten million to one hundred million rials in cash.
 2. Second offense, a fine in the amount of fifty million to five hundred million rials in cash, plus 30 to 70 lashes.
 3. Third offense, a fine in the amount of one hundred million to one billion rials in cash, plus 1 to 70 lashes together with two to five years of imprisonment.
 4. Fourth offense, death penalty.
- Article 22** (1) Life imprisonment replaces the death sentence for political offences.
- Article 25** A felony is an offence punishable by one of the following penalties:
- (1) Death [...]
- Article 31** Attempted felonies or misdemeanors are punishable by the following penalties unless otherwise stipulated by law.
- (1) Life imprisonment if the prescribed penalty for the offence is death.
- Article 72** If a child commits a felony, he shall be sentenced to confinement in a reform school for a period of not less than 2 years but not exceeding 5 years if the felony is punishable by the death sentence or life imprisonment and a period of not less than 1 year but not exceeding 4 years if the felony is punishable by imprisonment for a term of years.
- Article 73** (1) If a young person commits a felony, he shall be confined in a school for young offenders, for a period of not less than 2 years but not exceeding 15 years if that felony is punishable by the death sentence or life imprisonment.

- Article 79** No person between the ages of 18 and 20 at the time of committing an offence can be sentenced to death. In such a case, he will receive life imprisonment instead of the death sentence.
- Article 85** The primary penalties are:
1. Death penalty [...]
- Article 86** The death penalty is the hanging of the condemned person by the neck until he is dead.
- Article 98** Any death sentence imposed on the condemned person means that, from the day it is imposed until the sentence is carried out, the condemned person is, in accordance with the law, deprived of the rights and privileges prescribed in the preceding 2 Articles. Any disposal or administrative transaction undertaken by him during the above period other than making a will or endowment are void. A legal or personal court will, according to the circumstances and on the application of the public prosecutor or any person who has an interest, an executor for the condemned person.
- Article 130** If there exists a mitigating excuse for a felony for which the penalty is death, the penalty shall be reduced to life imprisonment or imprisonment for a term of years or detention for a period of not less than 1 year. If the penalty is life imprisonment or imprisonment for a term of years; the penalty shall be reduced to a period of detention of not less than 6 months unless otherwise stipulated by law.
- Article 132** If the court considers that the circumstances of a felony or of the offender call for leniency, it may substitute a lesser penalty for the penalty prescribed for the offence, as follows:
- (1) Life imprisonment or imprisonment for a term of years not less than 15 years may be substituted for the death penalty
- Article 136** If there exists any aggravating circumstances in the commission of an offence, the court may rule as follows:
- (1) If the penalty prescribed for the offence is life imprisonment, the death penalty may be imposed.
- Article 163** The following persons are punishable by life imprisonment or imprisonment for a term of years: [...]
- (3) Any person who endangers military plans or plans for the defense of the country.
- The penalty will be death if the offence occurs during time of war.
- Article 190** Any person who attempts to overthrow by force or with the use of violence the constitutionally appointed Republican regime or change the constitution or the State or the formation of the government is punishable by life imprisonment or imprisonment for a term of years. If the offence is committed by a group using bombs, dynamite or other explosives or firearms, the penalty will be death or life imprisonment. The penalty will be death if the offence results in any fatalities.

- Article 191** Any person who, with criminal intent, takes command of part of the armed forces or a military post or port or town without authorization from the government is punishable by death or life imprisonment. The same penalty applies to any person who remains in a position of military command in contravention of the orders given to him by the government and to any commander who maintains his units under arms or mobilized after the government has ordered their demobilization or disbandment.
- Article 192** (1) Any person who attempts to incite armed rebellion against the constitutionally appointed authorities or who is a member of a conspiracy or group aspiring to that end is punishable by imprisonment. [...]
(3) If such rebellion results in an armed confrontation with the armed forces of the State or in fatalities or if the offender is the commander in charge of an armed force, the penalty will be death.
- Article 193** Any person who is entitled to command units of the armed forces and who asks or instructs those units to obstruct the execution of the government's orders is punishable by life imprisonment or imprisonment for a term of years if he has criminal intent. If such an act does result in the obstruction of the government's orders, he is punishable by death or life imprisonment and any commander who obeys that person's orders is punishable by life imprisonment or imprisonment for a term of years.
- Article 194** Any person who organizes, directs or assumes command of an armed group that attacks any sector of the population or has, as its objective, the prevention of the rule of law, the invasion of territory or the appropriation by force of property belonging to the State or a group of people or who resists with the use of arms members of the public authorities is punishable by death. However, any person who joins such a group without participating in its formation or assuming control of it is punishable by life imprisonment or imprisonment for a term of years.
- Article 195** Any person who has as his objective incitement to civil war or sectarian fighting by arming the population or by encouraging one section of the population to arm itself against another or by urging them to fight is punishable by life imprisonment. The penalty will be death if the objective is realized.
- Article 196** Any person who attempts to occupy with the use of force or menaces any public property or building or building belonging to a government agency or departments or public utility or general establishment or to take control in any way of such property or prevent it from being used for the purpose for which it was intended.
If the offence is committed by an armed group, the penalty will be life imprisonment or imprisonment for a term of years for its members or death or life imprisonment for the person who formed the group or assumed the leadership or command of that group.

- Article 197** (1) Any person who willfully destroys, demolishes, spoils or seriously damages a public building or property or property belonging to a government agency or department or public utility or general establishment or property belonging to associations considered by law to be for the public welfare or oil installation or any other state industrial installation or hydroelectric power station or means of communication or bridge or dam or public waterway or place set aside for public use or recreation or any public property of significant importance to the national economy with intent to overthrow the constitutionally appointed regime is punishable by death or life imprisonment.
(2) The penalty is death if the offender uses explosives in the commission of the offence or if that offence leads to the death of any person found in such place.
- Article 269** Any person who enables another who has been seized, arrested or detained in accordance with the law to escape or helps or assists him to do so and such other person is accused of an offence for which the penalty is death is punishable by a period of detention not exceeding 7 years.
- Article 271** Any public official or agent who is entrusted with the arrest of a person or with guarding a person under arrest, detainee or prisoner or with escorting or transferring such person and who subsequently enables him to escape or is negligent in respect of that person or is lax while carrying out the necessary procedures of the arrest with intent to assist him to escape is punishable by a term of imprisonment not exceeding 10 years if the escapee has already been sentenced to life imprisonment or imprisonment for a term of years or if he is accused of an offence for which the penalty is death.
- Article 273** (1) Any person who, himself or through another, knowingly conceals or shelters another person who runs away following his arrest or the issue of a warrant for his arrest or who is accused or has been convicted of a felony or misdemeanor is punishable by the following penalties:
(a) A term of imprisonment not exceeding 7 years if the person concealed or given shelter has been sentenced to death or life imprisonment or imprisonment for a term of years or is accused of an offence for which the penalty is death.
- Article 349** Any person who willfully causes or attempts to cause flooding which endangers the life or property of others is punishable by a term of imprisonment not exceeding 15 years. The penalty will be death or life imprisonment if such flooding results in the death of others or life imprisonment or imprisonment for a term of years if such flooding results in serious damage to property.
- Article 351** (1) Any person who willfully endangers the life or safety of others by contaminating with substances, bacteria or other such material which cause death or serious harm to the public health, a well, water store, public storage depot or other such thing set aside for use by the public is punishable by life imprisonment or imprisonment for a term of years. The penalty will be death if such contamination results in the death of others.

Article 354 Any person who willfully endangers in any way safety of navigation in the air or at sea or the safety of a train, ship, aircraft or other mode of public transport is punishable by imprisonment.
The penalty will be life imprisonment if such act results in a train disaster or accident involving any of the modes of transport mentioned above. The penalty will be death or life imprisonment if it results in the death of others.

Article 355 (1) Any person who willfully causes damage to or sabotages a public highway or airport or bridge or dam or railway or navigable channel or river is punishable by detention plus a fine or by one of those penalties. [...]
(3) The penalty will be death or life imprisonment if the offence results in a disaster or the death of others.

Article 406 (1) Any person who wilfully kills another is punishable by death in the following circumstances:
(a) If such killing is premeditated.
(b) If such killing occurs as a result of the use of toxic substances or explosives.
(c) If the motive for such killing is base or such killing is in exchange for money or if the offender uses brutal methods in the commission of the offence.
(d) If the victim is a parent of the offender.
(e) If the victim is a public official or agent while in the course of executing his duty or employment or if he is killed as a consequence of such duty or employment.
(f) If the offender intends to kill two or more people and does so as a result of a single act.
(g) If the murder is related to one or more other murders or attempted murders.
(h) If the killing is committed as a prelude to the commission of a felony or misdemeanor punishable by a period of detention of not less than 1 year or in order to facilitate the commission of such offence or while carrying out such offence or in order to enable the offender or accessory to make his escape or avoid punishment.
(i) If the offender has been sentenced to life imprisonment for murder and he commits murder or attempts to do so during the term of his sentence.
(2) The penalty will be death or life imprisonment in the following circumstances:
(a) If the offender intends to kill one person but his action results in the death of two or more persons.
(b) If the offender mutilates the body of the victim.
(c) If the offender sentenced to life imprisonment in circumstances other than those described in Sub-Articles (a)(i) of this Article and he commits murder during the term of his sentence.

Article 421 Any person who seizes, detains or deprives a person of his liberty in any way without an order from a competent authority in circumstances other than those described in the laws and regulations to that effect is punishable by detention. The penalty will be a death sentence in the following circumstances:
(1) If the offence is committed by a person who is wearing the uniform of a government employee without being entitled to do so or a distinctive official insignia belonging to such employee or assumes a false public identity or issues a false order for the arrest, imprisonment or detention of a person while claiming it to be issued by a competent authority.

(2) If the offence is accompanied by the threat of death or physical or mental torment.
(3) If the offence is committed by two or more persons or by a person openly carrying a weapon
(4) If the period of seizure, detention or deprivation of freedom exceeds 15 days.
(5) If the motive for the offence is financial gain or the sexual assault of the victim or the taking of vengeance on the victim or on another.
(6) If the offence is committed against a public official or agent in the execution of his duty or employment or as a consequence of it.

Article 422 Any person who himself or through another kidnaps a person under the age of 18 without the use of force or deception is punishable by a death sentence if the victim is female or by a death sentence if the victim is male. If the kidnapping is carried out with the use of force or deception or there exists any aggravating circumstance described in Article 421, the penalty will be the death sentence if the victim is female or the death sentence if the victim is male.

Article 423 Any person who himself or through another kidnaps a woman over the age of 18 with the use of force or deception is punishable by a death sentence. If the kidnapping is accompanied by any sexual intercourse with the victim or an attempt to have intercourse with her, the penalty will be death.

Article 424 If the use of force described in Article 422 and 423 or the torment described in Article 421 results in the death of the victim, the penalty will be death or life imprisonment.

Article 440 The penalty will be death if theft is committed in the following circumstances:
(1) If the offence is committed between dusk and dawn.
(2) If the offence is committed by two or more persons.
(3) If any of the offenders is openly carrying a weapon or carrying a concealed weapon.
(4) If the offence is committed in a place of residence or place set aside for that purpose or part thereof and if entry is gained by climbing a wall, forcing a door or other such method or by the use of a counterfeit key or by assuming an official identity or claiming to be on public service or by conspiring with a resident of such place or by deception.

Article 441 The penalty will be death for an offence of theft committed against a person on a public highway away from a town or city or on a train or other conveyance on land or at sea at such times when it is remote from any populated area and in the following circumstances:
(1) If the offence is committed by two or more persons and one of them is openly carrying a weapon or carrying a concealed weapon.
(2) If the offence is committed with the use of force by two or more persons.
(3) If the offence is committed by a person who is openly carrying a weapon or is carrying a concealed weapon between dusk and dawn with the use of force or by threatening with the use of a weapon or if he tortures the victim or uses extreme force.

Article 442 The penalty will be death for an offence of theft committed in any of the following circumstances:

- (1) If the offence is committed by two or more persons one of whom is openly carrying a weapon or is carrying a concealed weapon.
- (2) If the offence is committed between dusk and dawn by two or more persons with the use of force or by threatening another with the use of a weapon. Force or threats are considered to have been used even though the offender employs such tactics only after he has committed the theft with intent to retain the stolen goods or escape with them.
- (3) If the offence is committed with the use of force which results in a permanent disability or broken bone or harm or illness that prevents the victim from carrying out his normal business for more than 20 days or which results in the death of another

Article 443 The penalty will be death if an offence of theft is committed in any of the following circumstances:

- (1) If the offence is committed with the use of force.
- (2) If the offence is committed between dusk and dawn by a person openly carrying a weapon or carrying a concealed weapon.
- (3) If the offence is committed between dusk and dawn by three or more persons.
- (4) If the offence is committed between dusk and dawn in a place of residence or a place set aside for that purpose or part thereof.
- (5) If the offence is committed between dusk and dawn in a bank, shop, store or depot to which the offender gains entry by climbing a wall, forcing a door, making an opening or by using some other such method or with the use of a counterfeit key or by assuming the identity of a public official or claiming to be on public service or by conspiring with a resident of such place or by deception.

MILITARY PENAL CODE (NO. 19 OF 2007) – 7 PROVISIONS

Article 10 Offences fall into two categories:
First: Original Penalties:
A) Death Sentence: Putting the convicted to death by means of shooting. Implementation is by virtue of the Law of "Principles of Military Trials" for military persons no. (30) of 2007 and Principles of Criminal Trials law no. 23 of 1971.

Article 15 First: Discharge or termination of contract shall be enforced in case of prescription of any of the following penalties:
a. Death sentence;

Article 29 Death penalty shall not be applied to whosoever commits any of the following crimes, during mobilization, with intent to assist the enemy or cause harm to the army or any forces of allied countries, or leads to deliberate murder or death of one or more military persons or civilians:

- First: Instigation, those who can carry arms of Iraqis or members of forces under countries allied with the Iraqi government, to take the enemy side;
- Second: Propagating the spirit of mutiny amongst Iraqi military forces or forces of an allied state in order to stir armed uprising against the constitution-based government;
- Third: Disclosure of secrets, countersigns, special signals, alerts or instructions of guards, patrolmen, patrol stations and wireless codes;
- Fourth: Distortion of information or service-related directions or negligence of the same at confrontations with the enemy;
- Fifth: Guiding the enemy to Iraqi government forces or forces in alliance with Iraqi government or deliberately misleading the latter authorities to the wrong road;
- Sixth: Causing panic within an Iraqi force or making it execute erroneous movements or actions via use of military sign, etc, or instigating to flee or hinder gathering of scattered soldiers;
- Seventh: Communicating with, or causing to communicate with, persons under enemy forces or residing in enemy states with the aim disclosure of conditions relating to management of war, whether in writing, verbally or via any other means of communication;
- Eighth: Negligence of carrying out part or all of his duty or alternation in an order by himself or instructing armed forces' personnel, under his command, to suspend government orders;
- Ninth: Announcement or distribution of enemy bulletins or statements among army forces maliciously;
- Tenth: Negligence of subsistence of the division under his charge;
- Eleventh: Release of prisoners of war or causing them to escape;
- Twelfth: Informing the enemy of the set of signs used at war or briefing them of the same;
- Thirteen: Vandalizing or destroying combat gear of military aircrafts or vessels, or their engines, or equipments, or destroying or reducing their combat capabilities or causing the same in a manner that weakens the capabilities

of security authorities in maintaining safety and security for citizens and their properties, as well as state borders;

- Fourteen: Deliberate execution of an action that would jeopardize security and safety of means of communication through enabling the enemy to tap communications relating to movements or warfare or acquisition of the communication equipment or the wireless network.

Article 35 First: Whosoever escapes to join the enemy is punishable with death sentence

Article 43 First: Whosoever obstructs his Commander, or person of higher rank, using force or threat, from execution of an order relating to his duties is punishable with imprisonment not exceeding (10) ten years. The same penalty is applicable where obstruction is exercised against soldiers assigned or prepared for Commander's protection. (...)

Third: Where the assault occurs at time of mobilization, imprisonment not exceeding (15) fifteen years shall be applicable. Death sentence is applicable where the assault led to death of the higher-ranked officer.

Article 44 First: where offence stated in sections "First", "Second and "Third" of Article (XLII) herein due to lower-ranked officer's provocation by higher-ranked officer's committal of an act of breach of military system or rules, or as a result of exceeding the limitations of his powers, penalty shall be set at half of designated term. However, where designated penalty is death sentence, it shall be altered to life imprisonment, provided that court explains, in the grounds for its decision, the justification or circumstances necessitating extenuation.

Article 61 First: Whosoever utilizes the horror of war or misuses military power for unlawful or coercive seizure of other persons' possessions, or unauthorized collection of monies or funds or exceeding limitations of all warfare expenditure for his personal benefit, is punishable with imprisonment for a minimum period of (10) ten years. [...]
Seventh: Death penalty is applicable, provided that the use of force results in the death of the victim.

THE COUNTER-TERRORISM ACT (NO. 13 (2005)) – 1 PROVISION

Article 4 1. Anyone who, as a primary perpetrator or accomplice, commits any of the terrorist actions set forth in articles 2 and 3 of the present Act, shall be punished by a sentence of death. Anyone who incites, plans, funds or enables terrorists to commit the offences set forth in the present Act shall be punished by the same penalty as a primary perpetrator.

THE JUVENILE WELFARE ACT (NO. 76 (1983)) – 1 PROVISION

Article 76 In case the boy committed a felony punishable by imprisonment for a life or with capital punishment so the Juvenile's Court should pass a judgement against him instead of the penalty that is legally decided by sending him to the school of Rehabilitating the Boys for a period of (5) years.

INTERNATIONAL LEGAL FRAMEWORK

MAIN INTERNATIONAL TEXTS ON THE ABOLITION OF THE DEATH PENALTY

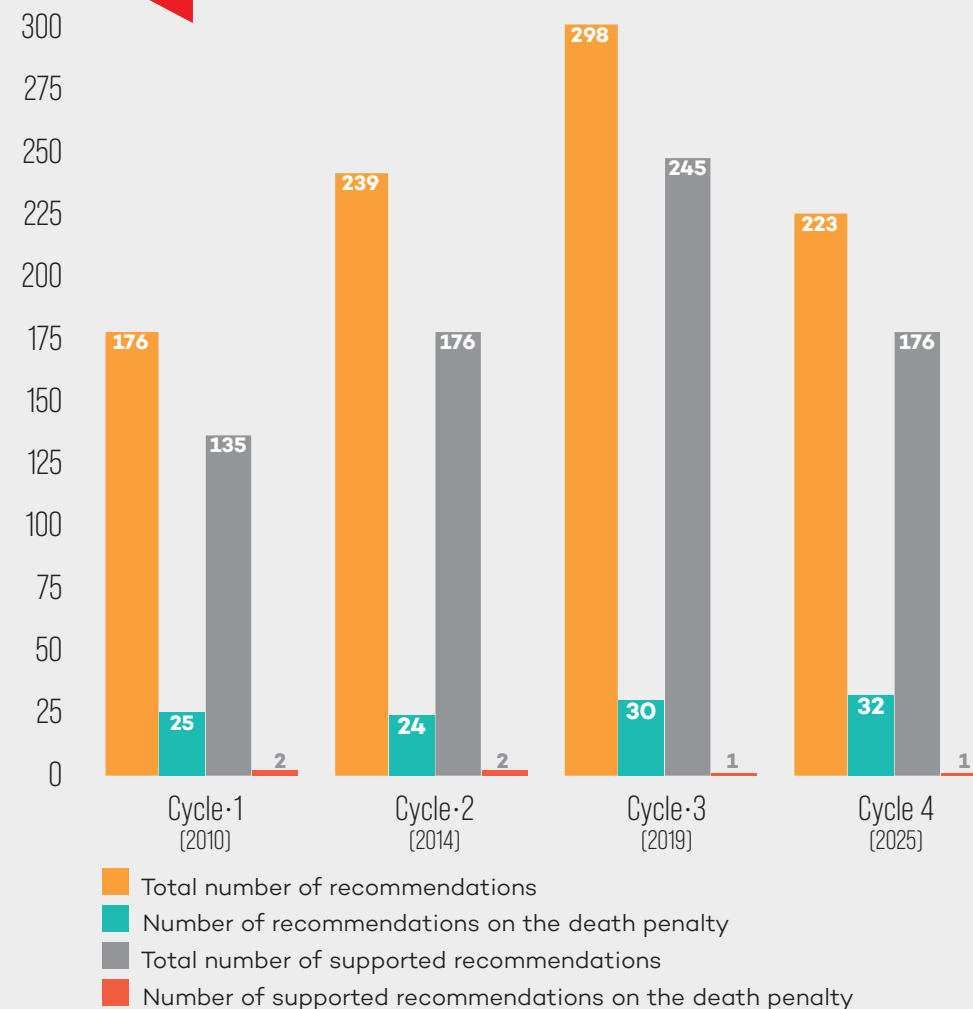
TEXT	DATE OF RATIFICATION OR ACCESSION
International Covenant on Civil and Political Rights, 1966	1971
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989	X
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	2011
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002	X
International Convention on the Rights of the Child, 1989	1994

VOTE ON THE UN GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY



Since 2007, Iraq systematically votes against the UN General Assembly resolution calling for a universal moratorium on the use of the death penalty.

UNIVERSAL PERIODIC REVIEWS (UPR)



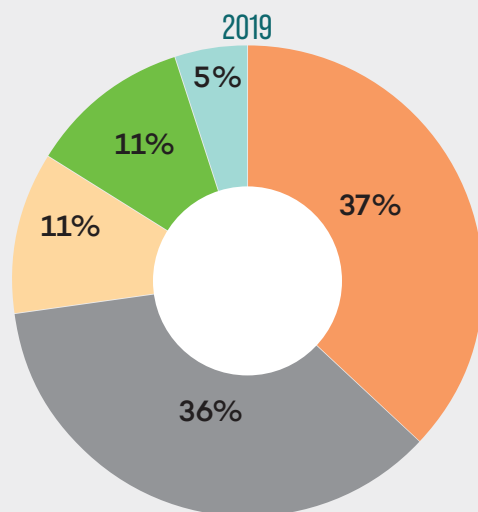
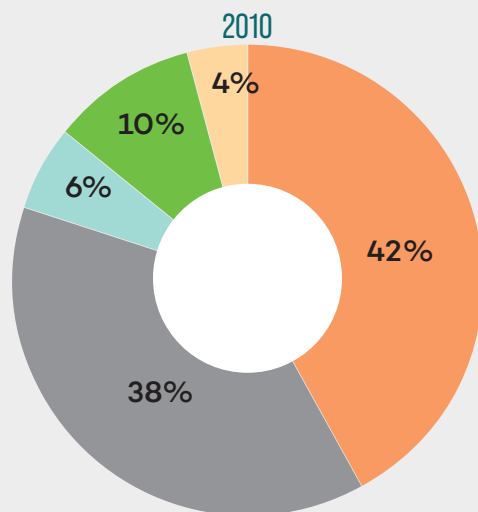
During its 4th cycle in 2025, Iraq received 32 recommendations regarding the death penalty but only partially supported one, specifically rejecting all calls for abolition. This outcome continues the trend from previous cycles: after supporting two death penalty recommendations during its 2nd UPR cycle, Iraq has limited its commitment to just one single recommendation in 2019, focused on the limitation of capital punishment to the most serious crimes.

RECOMMENDATIONS ON THE DEATH PENALTY MADE TO IRAQ IN 2025

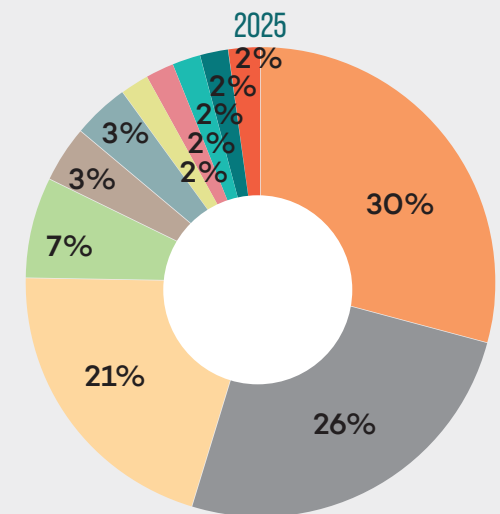
No.	RECOMMENDATION	Number	Accepted	Noted
117.3	"Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Togo);"	1		1
117.4	"Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Iceland);"	1		1
117.5	"Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and adopt a moratorium on the death penalty, as a first step towards its definitive abolition (Spain); Immediately establish a moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing the death penalty (Croatia); Adopt a moratorium on the application of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);"	3		3
117.9	"Ratify all pending optional protocols to human rights treaties, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Malta);"	1		1
117.10	"Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Rome Statute of the International Criminal Court (Estonia);"	1		1
117.11	"Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court (Mexico);"	1		1
117.12	"Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal);"	1		1
117.13	"Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay);"	1		1
117.15	"Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Paraguay);"	1		1

117.44	"Establish a moratorium on the use of the death penalty (Latvia) (Montenegro);"	2		2
117.45	"Abolish the death penalty in all instances (Malta); Abolish the death penalty (Canada);"	2		2
117.46	"Adopt an immediate moratorium on the death penalty with a view to its abolition (Albania); Establish a moratorium on the death penalty, with a view to abolishing it (Finland); Establish a moratorium on the use of the death penalty with a view to abolishing capital punishment (Slovenia);"	3		3
117.47	"Establish immediately a moratorium on executions and commute all death sentences with a view to abolishing the death penalty (Sweden); Establish immediately a countrywide moratorium on executions as a first step towards the abolition of the death penalty and commute all death sentences (Belgium);"	2		2
117.48	"Establish a formal moratorium on the death penalty and seek alternative outcomes for those already sentenced to capital punishment (Australia);"	1		1
117.49	"Impose an immediate moratorium on the death penalty and ensure respect for prisoners' rights, including by investigating allegations of torture and inadequate medical care (Norway);"	1		1
117.50	"Immediately suspend executions and adopt a formal moratorium on the death penalty, with a view to its abolition (Dominican Republic);"	1		1
117.51	"Consider establishing a moratorium on the use of the death penalty (Cyprus); Consider placing a moratorium on the death penalty with a view to its eventual abolition (Sierra Leone); Take into consideration the possibility of introducing a de facto moratorium on the death penalty with a view to its abolition (Italy);"	3		3
117.52	"Accede to the Optional Protocols to the International Covenant on Civil and Political Rights, and prohibit the use of the death penalty for crimes still punishable by it (Colombia);"	1		1
117.53	"Review current legislation in order to reduce the number of types of crime punishable by death, in accordance with article 6 of the International Covenant on Civil and Political Rights, with a view to total abolition (Paraguay);"	1		1
117.54	"Reduce the number of crimes punishable by death and limit them to the most serious crimes under international law, in accordance with Iraq's international obligations (Switzerland);"	1		1
117.55	"Reduce the number of crimes punishable by death and encourage public debate on a moratorium on the death penalty (Chile);"	1		1
117.56	"Abolish the death penalty and ensure in law and in criminal justice practice that the right to life and fair trial guarantees are fully respected (Costa Rica);"	1	1 (partially)	
117.57	"Promote public debate and public awareness campaigns on the complete abolition of the death penalty (Lithuania);"	1		1
Total		32	1	29 2

EVOLUTION OF THEMES OF RECOMMENDATIONS MADE TO IRAQ BETWEEN ITS FIRST (2010) AND LAST CYCLES (2025)



#22



- Moratorium
- Abolition
- Commutations
- Legislative Reform
- Crimes punishable by the death penalty
- Respect of International Standard
- Pardons
- Public debate
- Standoff on executions
- Most serious crimes
- Fair trials
- Alternative sentences
- Awareness-raising

Since 2010, the scope of death penalty recommendations made to Iraq has significantly diversified. While the introduction of a moratorium and the total abolition of the death penalty remain central pillars of the discourse, accounting for a combined 56% of recommendations in 2025, the focus has shifted toward more procedural and systemic concerns. Calls for ratifying the OP2 have surged to 21% of the total compared to 2019. Moreover, the recommendations now encompass a wider range of procedural safeguards, including specific requirements for fair trials, the limitation of the death penalty to only the “most serious crimes,” and the importance of fostering public debate on the issue.

#23

THE DEATH PENALTY WORLDWIDE 2025

114 ABOLITIONIST STATES FOR ALL CRIMES

States or territories where the death penalty is abolished.

9 ABOLITIONIST STATES FOR ORDINARY CRIMES

States or territories where the death penalty is abolished unless there are exceptional circumstances.

29 STATES WITH A MORATORIUM ON EXECUTIONS

States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2*.

47 RETENTIONIST STATES

States or territories where the death penalty is implemented.

* Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

** Palestine is a particular case: it cannot vote the moratorium resolution, has ratified OP2, but the death penalty is still applied in Gaza (last documented executions in 2023).

ABOLITION NOW

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Projet
soutenu par



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