

مركز البيدر للدراسات والتخطيط

Al-Baidar Center For Studies And Planning



Research paper

A Reading of Article 4 from the Law Criminalizing Normalization with the Zionist Entity

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Introduction

On May 26, 2022, the Iraqi Council of Representatives voted on the law criminalizing normalization with the Zionist entity (comprising 16 articles). The law begins by defining the terms “Zionist entity” and “normalization,” then specifies the objectives of this legislation, followed by the scope of application, crimes and penalties, the concluding provisions, and the reasons necessitating the legislation.

The existence of a law criminalizing any relationship with the usurping Zionist entity—any relationship concerning the land of Palestine and the holy sites—remains a fundamental and significant issue in Iraq, both socially and politically, for two main reasons:

1. Absence of Clear Legal Texts:

There is no clear constitutional or legal text in the Iraqi legislative system that precisely defines such crimes and their appropriate penalties, except for Article 201 of Penal Code No. 111 of 1969, which states: “Anyone who advocates or promotes Zionist principles, including Freemasonry, or affiliates with any of its institutions, or assists it materially or morally, or works in any way to achieve its goals, shall be punished by death.” This text does not keep pace with current realities and developments; it is a general and imprecise provision, mentioning advocacy or promotion of Zionist and Masonic principles vaguely.

2. Necessity of Criminalization Law:

The need for a law criminalizing relations and normalization with the Zionist entity, and its passage in the Council of Representatives, has become acute in light of the accelerating normalization projects in many Arab and Islamic countries, which are opening political, economic, and security relations with the Zionist en-

tity. Thus, the existence of such legislation is an advantage for the Iraqi state and people.

Article Four of the Law

The law criminalizing normalization with the Zionist entity consists of 16 articles, as noted above. It defines crimes and sets deterrent penalties ranging from death to temporary and life imprisonment. The law has many advantages and merits, but also contains some defects and loopholes; this paper focuses specifically on Article Four.

Content of Article Four

- **First Paragraph:**

Punishes with life or temporary imprisonment anyone who travels to the Zionist entity, visits any of its embassies or institutions worldwide, or contacts any of them.

- **Second Paragraph:**

Exempts religious visits that are approved in advance by the Iraqi Ministry of Interior from the provisions of this article.

Analysis of Article Four, Paragraph Two

The first paragraph stipulates imprisonment for anyone who travels, visits, or contacts the Zionist entity. However, the second paragraph introduces a significant exception: the provisions do not apply to religious visits approved in advance by the Ministry of Interior. This exception is considered extremely dangerous and sensitive, and is regarded as one of the most important loopholes in the legislation, for several reasons:

1. Hasty Legislation and Drafting:

The law was legislated and drafted hastily, resulting in confused and weak drafting of some articles, and the inclusion of defects and loopholes that should not exist, especially in such important and sensitive legislation. Any legal text, whether legislated or proposed, should undergo multiple stages of review and discussion before final approval.

2. Late Addition Without Discussion:

Review of the legislative process reveals that the second paragraph of Article Four was not present in the initial or second readings of the draft law, but was added later without sufficient discussion or reflection before being included and approved.

3. Vague and Broad Exception:

The exception for “religious visits” is formulated in a general and flexible manner, lacking specificity regarding penalties. The law does not define what constitutes a “religious visit,” nor does it specify which categories of Iraqis are eligible for this exception. It also fails to clarify the conditions or nature of approval, or to refer to any detailed instructions or regulations issued by the Ministry of Interior or any other body. As such, this exception opens the door wide for relations with the Zionist entity under the pretext of “religious visits,” at a time when the law was enacted to criminalize and prohibit such relations.

4. Contradiction with the Spirit of the Law:

The second paragraph of Article Four contradicts the general spirit, objectives, and purposes of the law, which aims to prohibit and criminalize normalization and prevent any form of relationship with the Zionist entity, including media,

promotional, practical, and behavioral means, with strict penalties such as death, life imprisonment, and temporary imprisonment. The law's general spirit is one of prohibition and strict criminalization, without mitigation under any circumstances. How, then, can an article in such a law allow travel and visits to the Zionist entity, even under the guise of "religious visits"?

5. Insufficient Conditions for Approval:

Some may argue that the law requires prior approval from the Ministry of Interior for religious visits. This is inaccurate for two reasons:

- The principle in the exception is the permissibility of religious visits to the Zionist entity by any Iraqi citizen, with explicit text that leaves no doubt.
- The law does not detail the conditions for prior approval, nor does it refer this matter to a regulatory system. What would the Ministry of Interior do if individuals or groups (ordinary citizens or officials) requested to travel to the Zionist entity to visit Jerusalem or other religious sanctuaries under the pretext of a "religious visit"?

6. The "Abrahamic Project" and Regional Risks:

The exchange of "religious visits" with the Zionist entity is a well-known major project, referred to as the "Abrahamic Project," promoted by the Zionist entity and the United States. Some Arab and Islamic countries have joined this initiative. Iraq is undoubtedly a main target, and there are efforts to push Iraq towards it in various ways. Thus, the legal cover for "religious visits" to the Zionist entity under Article Four, Paragraph Two, must be viewed as serving this dangerous project for Iraq and the region.

Conclusion

It follows from the above that the Iraqi Council of Representatives and the active political forces must urgently address this dangerous flaw and loophole in Article Four, Paragraph Two, by proposing an amendment to the law through proper constitutional mechanisms. Article Four should be reconsidered so that the law, in its entirety, is consistent and integrated with its stated objectives and purposes, and to close any loopholes that could be exploited by suspicious and dangerous projects contrary to the values and principles of Iraqi society.

Research Identity

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Note: The opinions expressed in this research do not necessarily reflect the views of the center, but only the opinions of its author.

About center

Al-Baydar Center for Studies and Planning is a non-governmental and non-profit organization established in 2015 and registered with the NGO directorate in the general secretariat of the council of ministers in Baghdad.

The center seeks to contribute to developing the state and its institutions, by proposing ideas and practical solutions to the main problems and challenges facing the state, including improving public sector management, policies, and strategic planning, using reliable data and best practices. The center engages the relevant authorities in the state with regular meetings to support this objective and utilizes the support of international organizations dedicated to assisting Iraq's development. The center also seeks to support economic reforms, and sustainable development and provide technical assistance to the public and private sectors. The center also seeks to support the development of the private sector to provide job opportunities for citizens through training and upskilling, in a way that reduces dependence on government institutions and contributes to supporting and diversifying the country's economy.

The center aims to utilize the vast amount of potential in Iraq's human resources by organizing programs to prepare and develop promising young people, including leaders capable of proposing, adopting and implementing visions and future plans that advance society and preserve its value-system based on the commitment to a high moral standard and rejection of all types of corruption.

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