

**LEGAL PROTECTION OF TORTURE VICTIMS IN THE  
FRAMEWORK OF THE IRAQI LEGISLATION**

**BY**

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## **ABSTRACT**

This study reviews legal texts related to the legal guarantees of individuals to protect them from any form of torture and scrutinises the efforts of the Iraqi legislator to punish its perpetrator. Such a study is significant at the international and internal levels because torture has the cruellest effect on fundamental rights and freedom and the physical and psychological safety of the victim. The study employs the analytical method to analyse the legal texts related to the subject of the study. It also uses the comparative method when it is necessary to compare the contents of some Iraqi criminal legislative texts with those of other international laws and criminal legislation of other countries in this regard. This study is divided into five chapters, with each chapter containing many essential subject matters related to the study. Including the concept of torture in domestic and international legislation, its elements, and the legal protection of individuals from torture. The study has reached many important results and findings. This includes ineffectiveness of the current Iraqi Penal Code in regulating this issue as Article 333 of the Iraqi Penal Code states the criminalisation and prohibition of torture crimes to compel the accused to confess or obtain certain information from a witness or expert. Otherwise, if the offender commits torture for other purposes, this Article does not apply. In addition, the Iraqi legislator stipulates that the victim must be accused of a crime, a witness, or an expert in a certain case. Thus, if the offender tortures a person who does not have these mentioned attributes, the crime of torture does not arise. Moreover, the provisions of punishment set by the Iraqi legislator for the perpetrator of this crime are inadequate and ineffective for the reason that the minimum penalty set by the Iraqi legislator for the perpetrator of this crime is confinement. Indeed, this punishment is very trivial compared to the seriousness of this crime. The study has further found that the current penal code does not comprehensively deal with the issue. Therefore, the Iraqi legislator did not explicitly specify the punishment for other dreadful consequences as a result of torture. For example, if torture led to the death of the victim, permanent disability, insanity, or rape of the victim, or if it was committed against a pregnant woman or a minor person not yet 18 years old. For the aforementioned reasons and others detailed in this study, the Iraqi Penal Code in force needs to be reformed by the Iraqi legislator to comprehensively address all aspects of this issue.

## ملخص البحث

تسعى هذه الرسالة والتي جاءت بعنوان "الحماية القانونية لضحايا التعذيب في إطار التشريع العراقي" إلى مراجعة النصوص القانونية المتعلقة بالضمانات القانونية للأفراد لحمايتهم من أي شكل من أشكال التعذيب وتمحيص جهود المشرع العراقي في معاقبة مرتكبيها. تكمن أهمية الدراسة في أنها تناولت موضوعاً مهماً للغاية على المستويين الداخلي والدولي، والتي لها أثر بالغ على السلامة الجسدية والنفسية للضحية وعلى الحقوق والحريات الأساسية للإنسان أيضاً. استخدم الباحث في هذه الدراسة المنهج التحليلي لتحليل النصوص القانونية المتعلقة بموضوع الدراسة، والمنهج المقارن عند الضرورة لمقارنة نصوص التشريع الجنائي العراقي مع القوانين الدولية والتشريعات الجنائية للدول الأخرى في هذا الصدد. تنقسم هذه الدراسة إلى خمسة فصول، احتوى كل فصل على العديد من الموضوعات المتعلقة بعنوان الدراسة، ومن ذلك مفهوم التعذيب في التشريعات الداخلية و الدولية، و بيان عناصرها، و الحماية القانونية الاشخاص من التعذيب. و من خلالها قد توصلت هذه الدراسة إلى العديد من النتائج المهمة من أبرزها، عدم فاعلية قانون العقوبات العراقي الحالي في تنظيم هذه المسألة حيث تنص المادة 333 من قانون العقوبات العراقي على تجريم وحظر جريمة التعذيب لإجبار المتهم على الاعتراف أو الحصول على معلومات معينة من الشاهد أو الخبير. وبخلاف ذلك، إذا ارتكب الجاني التعذيب لأغراض أخرى، فلا تنطبق هذه المادة. كما اشترط المشرع أن يكون المجنى عليه متهماً بجريمة أو شاهداً أو خبيراً في قضية معينة أما إذا قام الجاني بتعذيب شخص ليست له هذه الصفات المذكورة، فإن المادة 333 لا تنطبق عليه ولا تنشأ جريمة التعذيب. إضافة لذلك فإن العقوبات التي حددها المشرع العراقي لمرتكب هذه الجريمة غير كافية وغير فعالة لأن الحد الأدنى للعقوبة التي فرضها المشرع العراقي على مرتكب هذه الجريمة هو الحبس. في الواقع، إن هذه العقوبة خفيفة جداً مقارنة بخطورة هذه الجريمة. إضافة إلى ذلك، وجدت هذه الدراسة أن قانون العقوبات الحالي ليس شاملاً في التعامل مع هذه القضية. فإن المشرع العراقي لم يحدد بصراحة العقوبة على العواقب المروعة الأخرى نتيجة للتعذيب، كأن يؤدي التعذيب إلى وفاة الضحية أو إعاقة دائمة أو جنون أو اغتصاب الضحية، أو إذا ارتكبت ضد امرأة حامل أو شخص قاصر لم يبلغ 18 عاماً وما إلى ذلك. و لهذه الأسباب المذكورة أعلاه وغيرها التي ذكرناها بالتفصيل في هذه الدراسة نرى أن قانون العقوبات العراقي النافذ يحتاج إلى إصلاح من قبل المشرع العراقي لمعالجة كافة جوانب هذه القضية بشكل شامل.

## **APPROVAL PAGE**

I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Law.

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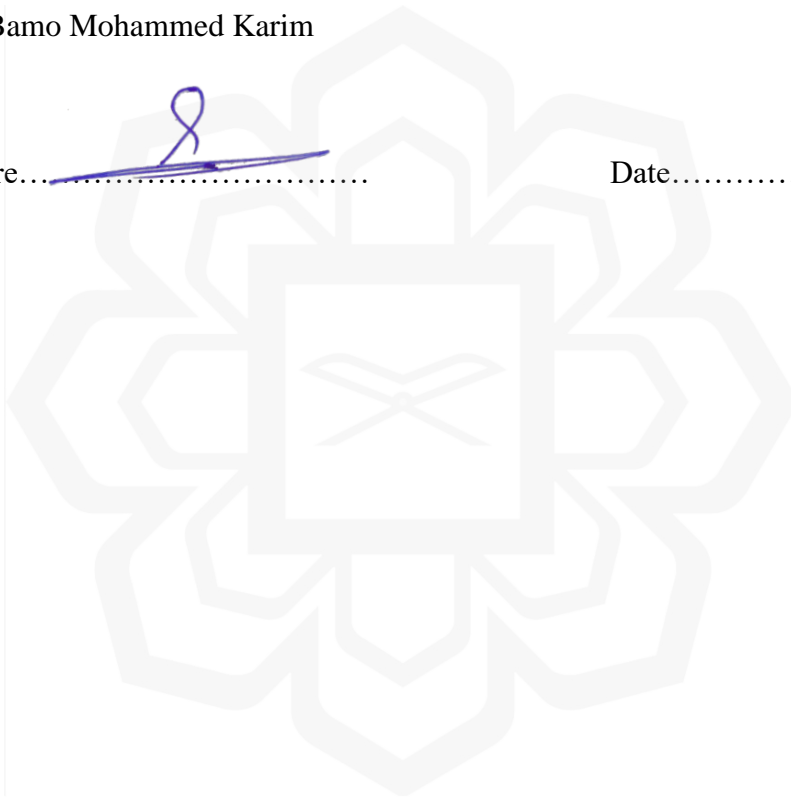
## DECLARATION

I hereby declare that this dissertation is the result of my own investigation, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at the International Islamic University Malaysia or other institutions.

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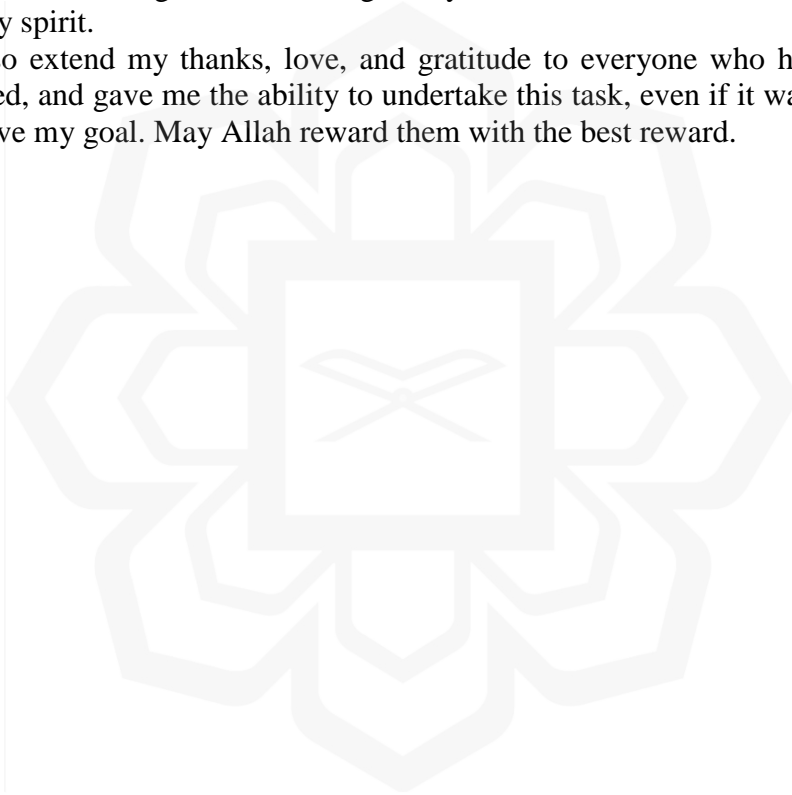
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# CHAPTER ONE

## INTRODUCTION

### 1.1 BACKGROUND OF THE STUDY

Man is the successor of God on earth and he is a creature that God has honoured and preferred over other creatures. Therefore, prohibiting torture is one of the most important issues that must be preserved in order to honour people and their dignity. Nonetheless, torture was a natural and permissible matter within many societies and laws of antiquity. Its use was permitted in order to obtain information or to obtain a confession from torture victims who were accused of a certain crime but opposed or protested the society's system. The idea of torture was considered as the best means to obtain a confession. This was common in Pharaonic Egypt, in ancient Greece, among the Romans, and this extended until the date of the French Revolution. States began to realise the extent of the horror of the crime of torture and the negative consequences of torture for persons who were subjected to torture and for the entire community. Consequently, the human community struggles to consecrate its human rights. As a result, torture has been criminalised and is becoming a global crime against humanity and human dignity.

On this basis, the international community and most of the world governments took the initiative to establish peremptory and strict rules prohibiting the torture crime and other inhuman treatment. This is because the crime of torture is not just a minor violation, but it is related to a gross and fundamental violation of the human right not to infringe upon his physical, psychological, and mental integrity.

However, despite the many developments that have taken place at the level of human rights legislation and national laws, especially since the end of the Second World War and the declarations of rights issued to exclude the idea of torture and to establish the principle of voluntary confession, torture is still practiced on a large scale. It has become the preferred method to maintain power and to overcome and take control of peoples by many regimes in the world, including the Iraqi State. Indeed, the reason for the spread of the crime of torture in some contemporary countries, despite the existence of laws in place to reduce it, is in fact due to the poverty in the strict texts within their laws and the lack of appropriate punishment for the perpetrator of this crime in their criminal provisions. This is additionally due to the lack of legal procedures as well as inadequate and inappropriate guarantees for the legal protection of victims of torture, which is the main reason to prevent this crime. On the other hand, it goes back to the criminal policy of some non-democratic and authoritarian countries, as political despots use this crime as a systematic policy to suppress opponents, to stay in power, and to continue to rule by subduing people and forcing them to accept the ruling without protestation.

Along with that, the crime of torture is one of the most serious crimes that unpleasantly affect the existence of persons and societies, and the issue also acquires a human and social dimension as it adversely affects the dignity and basic freedom guaranteed by the various international laws, charters, divine laws, and the Islamic religion. This matter is of utmost significance as this crime deprives the victims of most of their human rights, personal freedoms, human dignity in life, the integrity of their body, mental and moral, and other rights and freedoms.

In connection to that, this issue adversely impacts the lack of integrity of the judicial procedures, and the sanctity and prestige of the judiciary in achieving criminal

justice. Therefore, according to all different laws and international covenants, every person has the right to be investigated and tried before fair and impartial courts, and he or she cannot be forced to obtain confession via the use of coercion or torture. This imposes the obligation on the national legislator to pay more attention to the crime of torture, to prohibit the use of torture by all means through explicit texts in the domestic laws, to provide the essential legal protection for all person, and to arrange a strict and appropriate punishment on the perpetrators which commit this crime by the name of authority. Placing trivial penalties for the perpetrator of this crime or simply setting forth on human rights are not sufficient to deter and prevent the occurrence of this crime.

Unfortunately, the actual and theoretical realities confirm that the inadequate legal penalties in the domestic criminal laws of some countries for this crime and its seriousness, and enough guarantees for people not to be subjected to torture. With great regret, the Iraqi criminal law's approach is akin to some other countries. Therefore, the Iraqi parliament and its government are obligated to adopt a new legislative draft and/or independent legislation or law to address the main deficiencies related to the crime of torture in the Iraqi legal system.

## **1.2 STATEMENT OF THE PROBLEM**

The crime of torture is considered one of the most serious crimes in contemporary societies which constitutes aggression against human dignity. It has become a widespread phenomenon in many countries including Iraq. Despite the criminalisation of torture in the Iraqi penal code to reduce it, torture is still practiced on a large scale in the country. This matter directly relates to poverty in the legal texts of the Iraqi penal code in comparison to other developed and modern laws and mechanisms to combat the crime of torture. At present, there is only a single legal text or Article in the Iraqi penal

code that is specific to regulating the crime of torture, which is Article 333.

Accordingly, the penal says,

Punish by imprisonment or confinement any employee or person charged with a public service who tortures or orders the torture of an accused, witness, or expert in order to induce him to confess to a crime or to make statements or information about it or to conceal a matter or give a specific opinion about it, and the use of force or threat is considered as the torture.<sup>1</sup>

In lieu of this Article, it can be seen that the Iraqi Penal Code does not provide criminal protection for all persons, but rather, it aims to protect a person who enjoys a special or specific character. This character may be the accused, the witness, or the expert, in the sense that the legal protection from torture exclusively protects the accused, the expert, and the witness according to Article 333. Apparently, there is the absence of a legal text that protects ordinary individuals from the crime of torture. In other words, if ordinary people are subjected to torture, the text of Article 333 that relates to torture may not be applied. Rather, other texts may be applied, and here it does not constitute a crime of torture, but another crime. This is undoubtedly a shortcoming and insufficient legal protection of ordinary persons who may be subjected to torture as they are not identified with the special characters mentioned above.

Another issue in relation to this is the criminal liability of the perpetrator of the crime of torture, which period ranges from three months to fifteen years. According to the Iraqi penal code, the minimum penalty prescribed for this crime is three months, while this crime is committed by government individuals and authoritative officials in the name of the authority. This undesirably affects the integrity of the investigation and the dignity of the public office. At the same time, it severely affects and harms the

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<sup>1</sup> The Iraqi Penal Act 1969 (Act 111), art 333.

physical, mental, and moral integrity of the victim of torture. It is therefore unsurprising that the crime of torture is considered one of the dreadful crimes and detestable methods that are universally prohibited by inland and international laws.

Based on this, it can be said that the penalty which has been determined by the Iraqi penal code is not suitable or compatible with the seriousness of this crime, and it does not comply with the laws of other developed countries and international agreements concluded for this crime. As such, this matter needs to be studied and researched to determine the appropriate punishment that is compatible with the seriousness of this crime.

By the same token, the practice of torture sometimes leads to the death of the victim during detention and investigation. Here, the question over the best prescribed punishment for the offender if the practice of torture leads to the death of the victim arises. This is especially vital since it is acknowledged by law that the accused is considered innocent until proven guilty. Thus, it is apparent that the Iraqi Penal Code has yet to formulate a comprehensive legislation explicitly in the aforementioned Article 333, and this matter therefore requires a legal search for a better legal solution.

Apart from that, Article 333 of the Iraqi penalties code states that the perpetrator of torture must commit this crime to obtain a confession from the accused or certain information from the witness or the expert. This specifically subject the crime of torture to this particular intention or purpose, which is to obtain a confession or certain information. This is another limited definition, as torture may be committed for other purposes like revenge, retaliation, and so on.

For the aforementioned reasons and others, such as the criticism of jurists and journalists as well as the United Nations's reports on the phenomenon and spread of torture in Iraq, the Iraqi parliament has prepared a draft law against torture. However,

this draft is embedded with many of the aforementioned deficiencies or insufficiency, and it is not lined with international standards. This serves as a reason to its status as still under consideration before the Council of Iraqi Representatives. Therefore, the Iraqi government and parliament should focus on this legislative reform and should issue legislation aimed at addressing the main deficiencies related to protecting individuals from torture in the Iraqi legal system. Such an effort should also take measures to reduce the risks of this crime so that the Iraqi legislation is in line with the laws of developed countries and international standards in this regard. Hence, it is necessary to study the subject in detail to contribute to solving this problem that the Iraqi people have suffered for decades. This can be achieved by analysing the advantages and shortcomings of the legal texts related to the crime of torture and forwarding the most appropriate viewpoint of jurisprudence on this issue.

### **1.3 RESEARCH QUESTIONS**

This study seeks to answer the following questions:

1. Is the concept of the crime of torture in the Iraqi legislation consistent with international standards? Also, what is the convergence between Iraqi legislation and international standards regarding the concept of torture crime and its means?
2. What are the special elements to arise the crime of torture? In other words, are there special characteristics required for the offender and the victim to apply the provisions of the torture crime in the Iraqi criminal law?
3. To what extent do legal guarantees have been provided to protect people from being subjected to torture? Or, to what extent is the specific criminal responsibility for the crime of torture sufficient and appropriate to deter its perpetrator, and how should these issues be dealt with in the Iraqi legal system?



## 1.4 RESEARCH OBJECTIVES

Based on the research questions, the following objectives are thus formulated:

1. To determine whether the concept of the crime of torture in the Iraqi legislation is consistent with international standards and to locate the convergence between Iraqi legislation and international standards regarding the concept of torture crime and its means. This is achieved by discussing the concept of torture in Iraqi legislation, some other Arabic legislations and international conventions, and further analysing the attitude of the Iraqi legislators and legal jurists on the crime of torture.
2. To identify the special elements which cause the crime of torture. This relates to the special characteristics required for the offender and the victim to apply the provisions of the torture crime in the Iraqi criminal law. This is achieved by discussing the general elements and analysing the particular elements of the torture crime which are special characteristics for the offender and the victims of torture as well, and by highlighting the deficiencies that exist in the texts of Iraqi criminal law in this regard.
3. To measure the extent to which legal guarantees have been provided to protect people from being subjected to torture and the extent of sufficiency and appropriateness of the specific criminal responsibility for the crime of torture to deter its perpetrator, along with suggesting how should these issues should be dealt with in the Iraqi legal system. This is achieved by evaluating and analysing the legal protection of the torture victims, the responsibility of the perpetrator of the crime of torture within the framework of the Iraqi penal legislation, and comparing the attitude of the Iraqi legislator with some developed Arabic

legislations such as the Tunisian, and Moroccan, in these regards. Since these countries are Arab countries like Iraq and have amended their criminal legislation on torture fairly well.

## **1.5 RESEARCH IMPORTANCE**

This study is important in several ways.

Practically, torture is considered a highly serious violation of the principles of human and constitutional rights. This makes torture one of the worthiest subjects of legal research because it violates or assaults personal freedom, human dignity, and human rights when a person is forced to confess through torture. On the other hand, the existence and spread of torture indicate a lack of respect for the law by the executive authority. This subsequently suggests the existence of a non-democratic country in society. The affected society or country is therefore unable to build an institutional state when faced with this serious violation of human rights.

Theoretically, books, legal thesis and dissertation about torture crime in the framework of Iraqi legislation in the English language are strikingly limited. Therefore, this study contributes to the increase of sources about this serious crime in the Iraqi legislation, especially in the English language. It can further serve as a guidance method to fill or resolve the legal gaps and deficiencies that exist in Iraqi legislation.

Another significance of this study is that through this research, the most appropriate way to activate the legal protection system against torture can be identified. This is possible by strengthening the appropriate legal provisions that criminalise torture and in choosing the most effective way to combat this serious crime at the level of domestic criminal laws in Iraq.

## **1.6 SCOPE AND LIMITATION OF THE STUDY**

This research work focuses on the crime of torture in the Iraqi penal code. For this purpose, it concentrates on jurisprudence books, dissertations, theses, materials, and articles related to this issue, more especially in the Iraqi legislation. Additionally, the study makes use of secondary sources that explain the torture crime in other developed Arabic legislations such as the Tunisian, Lebanese, Moroccan, and Egyptian law which may apply to this research. The greater perspectives and notions of international laws, jurists, and scholars regarding this issue signal that the crime of torture is an international crime.

This study will moreover concentrate on the Iraqi statutes and regulations and acts as a primary source related to this issue. These include the Iraqi Penal Act No. 111 (1969) and the Iraqi Criminal Procedural Act No. 23 (1971). This scope is set since the main objective of this thesis is to identify the defective aspects of Iraqi criminal laws on torture and to find a solution to resolve it.

In addition to that, the interview method with some of the competent, expert individuals to express their views on the issue is employed. This serves to strengthen the validity and reliability of this research which will be more robust in terms of theory and in terms of the process as well.

## **1.7 RESEARCH METHODOLOGY**

This research is library-based research termed as doctrinal research methodology. Accordingly, it uses a well-known legal research method, namely, the analytical approach or method. Likewise, the nature of the research topic on torture crime as an international crime requires a comparative approach to compare the criminal texts on

torture in the Iraqi Penal Code with the international standards and the laws of other developed countries. Consequently, from this comparison, several results, conclusions, and recommendations can be reached.

This study employs the analytical method specifically to study the legal texts contained in the Iraqi penal codes applied to torture in terms of the concept of the crime of torture, its basic elements, and forms or types of torture. Likewise, the attitude of the Iraqi legislation in terms of legal means or procedures to protect the victim of the crime of torture will be analysed. In addition to that, in light of the aforementioned legislation, the responsibility of the offender in the crime of torture will also be a factor scrutinised in the study.

Apart from that, the opinions of legal jurists and scholars on each of these issues will be discussed to clarify the positive and negative aspects of the Iraqi penal codes towards this crime and the extent of the compatibility and success of the mentioned penal code in regulating the crime of torture. As a result, the present study is able to recommend an appropriate solution to address the issue of the crime of torture in the Iraqi criminal laws.

The aim of the analysis is to discover the advantages and disadvantages of the Iraqi legal system in relation to the organisation of the crime of torture and providing legal protection for persons against torture. This analysis will arguably benefit the Iraqi legal system because it will point out the flaws and deficiencies in the regulation of the crime of torture in its legislation. Undoubtedly, this opens the door for the Iraqi legislator or parliament to enact a better Act or law to improve the legal system, provided there is a need for such improvement.

The materials are used in the study are collected from both primary sources (e.g., statutes and regulations of the Iraqi legal system) and secondary sources which are mainly books, articles, and materials available on the Internet.

### **1.8 LITERATURE REVIEW**

There are some books, theses, articles, and researches related to this issue. They are further discussed in this section.

In his article entitled *Reading in Types of Criminal Conduct of Torture*, Sahib (2014) clarified the concept of practicing torture and the concept of ordering torture. In this study, Sahib further defined the people involved in the practice of torture and those subjected to the act of torture according to the Iraqi penal code. Sahib then explained the forms of torture, means, and methods used in torture against the victim.<sup>2</sup> Despite discussing the character of the offender and the character of the victim in the crime of torture, Sahib did not explain the concept of torture and its elements. Moreover, his study did not analyse the legal procedures or mechanisms to protect torture victims within the framework of the Iraqi legal system. Additionally, the author did not interview any individuals on the torture issue, and never referred to the perspectives of international scholars or jurists about this crime even with its status as an international crime. Furthermore, Sahib's analysis did not compare the Iraqi legislation with any laws in other developed countries.

Accordingly, despite that, there is a similarity between Sahib's study and the current research. This involves the attempt to clarify the characteristics of the perpetrator and the victim. Moreover, Sahib's points and explanation on the methods

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<sup>2</sup> A. M. Sahib, "Reading in types of criminal conduct of torture: Comparative study", *Journal of Law for Legal Studies and Research*, vol.8 (2014): 173-204.

used in torture are beneficial to the thesis. However, there is a significant difference between the two in relation to their explanations and analysis of the matters or subjects related to the crime of torture. For instance, the present study aims to examine the concept of torture and all its general and particular elements which consist of the crime itself, the legal guarantees for victims of torture, and the legal responsibility of the offender of this crime. In this regard, the thesis will not only rely on the views of the Iraqi legal jurisprudence, but also on the jurisprudence of international law and some others in neighbouring Arab countries in addition to the opinions of competent individuals in the interview stage. Therefore, this thesis will forward many findings and recommendations that will differ from the previous study conducted by Sahib (2014).

Al-Matroudi's (2003) thesis elaborate upon the crime of torturing the accused to compel him to confess, along with its criminal responsibility and application in the Saudi system. The researcher used the comparative approach between Islamic law and the Saudi law system on torture, and defined the concept of torture, its elements, and its rules in Islamic law and Saudi law. Al-Matroudi also provided a review of the crime of torture in some ancient civilisations, such as that of the ancient Egyptian civilisation, in the era of the ancient Roman Empire, in the Middle era, and under the old French law system. The researcher discussed the investigation stage and the questioning of the accused in detail, and these involved the competent authority in the interrogation, the interrogation guarantees, and the means of torture during interrogation. In addition to that, he deliberated on the argument and validity of the confession, the criminal

responsibility in the crime of torture, and the rights of the accused in the law and Islamic Sharia.<sup>3</sup>

In his study, Al-Matroudi compared and discussed many aspects of the crime of torture in the Saudi legal system and Islamic Sharia. As mentioned earlier, these included the concept of torture and its elements, the methods of torture, guarantees of the accused during the investigation stage, and others. However, it is known that the Saudi law system and Islamic law differ from the Iraqi legal system. In addition to that, whereas Al-Matroudi performed a comparative analysis between the Saudi penal code and Islamic law, the current study employs an analytical analysis in the first degree. This is to allow it to compare certain legal texts in the Iraqi legislation with the laws of other developed countries or with the international law on torture. In other words, this thesis does not include a comparison of the crime of torture with Islamic law. Rather, it relies mainly on the views of scholars or jurists pertaining to this crime at the national level and at the international level. Moreover, similar to Sahib (2014), Al-Matroudi did not include the interview method in his study. Thus, the input or perspective of others on the issue of torture is missing. On the contrary, the current research adds to this gap by conducting an interview with a select few individuals on the crime of torture in the Iraqi penal code system. This factor serves as a distinction between the present study and that of Sahib and Al-Matroudi. The thesis will address the issue of torture in the Iraqi legal system, the results, and the recommendation reached based on its findings.

Nevertheless, Al-Matroudi's thesis is valuable in that it offers explanations of the methods used in torture, the elements of the crime of torture, and the legal guarantees

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<sup>3</sup> A. S. Al-Matroudi, "The crime of torturing the accused to compel him to confess, criminal responsibility for it and its applications in the Saudi system," (Master's thesis, Naif Arab University for Security Sciences, 2003).

of torture victims. These factors are considered as a similarity between Al-Matroudi's study and the current research.

Abdullah's (2018) article on the torture of defendants to provide confessions is another source of the literature review. This is a journal article on the crime of torture in the Iraqi Penal Code. In it, the researcher briefly analysed this topic in two sections. In the first section, Abdullah discussed the concept of torture and its types, and the confession of the accused under torture. The second section, on the other hand, was allocated for discussing the elements of the crime of torture and the punishment prescribed for the crime of torture according to the Iraqi penal code.<sup>4</sup>

The current research shares a few similarities with that of Abdullah. Both deal with the concept of torture, its elements, and its punishment. Thus, this article is of benefit to this study. Nevertheless, there are also differences between Abdullah's study and this thesis on the issue of torture. For one, while Abdullah examined his study based on Article 333 of the Iraqi Penal Code per se, this thesis extends further to include the analysis of other legal Articles that relate to the crime of torture such as the existing legal Articles in the Iraqi Criminal Procedure Code, the Iraqi Constitution of 2005 on torture, and other legal Articles. Moreover, this thesis will also discuss and analyse other subjects matters or factors that Abdullah did not discuss in his study. They include an analysis of the legal guarantees available to persons from torture in the Iraqi legal system and the methods or means that are used in torture. Furthermore, the interview method is applied to include the perspective of other competent persons in this area. Additionally, the opinions of international jurists on the crime of torture are considered, and the Iraqi legal texts will be compared to the law of other developed countries to

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<sup>4</sup> O. M. Abdullah, "Torture of defendants to make him confess: Analytical study", *Twejer*, vol.1, no.1 (2018): 541-580.