

STATE SANCTIONED PERSECUTION OF JEWS IN IRAQ

(From Research conducted at the UNHCR Archives in Geneva)

by Stanley A. Urman

June, 2003

**(PLEASE NOTE: This does not represent an exhaustive survey
but rather as a sample of such decrees and enactments)**

I) Discriminatory Decrees and Violations of Human Rights

Beginning in 1948, Iraqi authorities took discriminatory measure against their Jewish citizens by enacting a number of legislative and other decrees.

Not an exhaustive list by any means, the following are provided merely as examples:

- The first piece of legislation enacted that violated the rights of Jews was the 1948 amendment ¹ to the 1938 supplement² to the Penal Code of Baghdad. The Baghdad Penal Code set out the provision regarding communism, anarchy and immorality in section 89A(1). The section generally prohibits the publication of anything the incites the spread of hatred, abuse of the government or the integrity of the people. The Code was initially enacted by the British authorities in Iraq on November 21, 1919, but in essence it followed the Ottoman Penal Code of 1859, the source of which is French. This amendment, enacted in 1948, added “Zionism” to communism, anarchism and immorality, the propagation of which constituted an offense punishable by seven years imprisonment and/or a fine.
- Law No. 1 of 1950, entitled “Supplement to Ordinance Canceling Iraqi Nationality”, in fact deprived Jews of their Iraqi nationality. Section 1 stipulated

¹ Law No.11 of 1948 which amended Law No. 51 of 1938, itself an addition to the Baghdad Penal Code: *Official Gazette*. 14 November 1948. (p. 591 of the English edition)

² Law No. 51 of 1938. *Official Gazette*. 24 July 1938 (p.475 of the English edition). This addition does not mention the number of the section of the Penal Code which is involved.

that “the Council of Ministers may cancel the Iraqi nationality of the Iraqi Jew who willingly desires to leave Iraq for good pending putting his signature on a special form in the presence of an official whom the Minister of Interior designates” (official Iraqi English translation)³

- Law No. 5 of 1951. entitled “ A law for the Supervision and Administration of the Property of Jews who have Forfeited Iraqi Nationality” also deprived them of their property. Section 2(a) “freezes” Jewish property. ⁴
- There were a series of laws that subsequently expanded on the confiscation of assets and property of Jews who “forfeited Iraqi nationality”. These included Law No. 12 of 1951⁵ and the attached Law No. 64 of 1967 (relating to ownership of shares in commercial companies) and Law No. 10 of 1968 (relating to banking restrictions).

³ Law No. 1 of 1950 entitled “supplement to Ordinance canceling Iraqi Nationality”, *Official Iraqi Gazette*, March 9, 1950.

⁴ Law No. 5 of 1951 entitled “ A law for the Supervision and Administration of the Property of Jews who have Forfeited Iraqi Nationality” (*Official Gazette*, 10 March 1951. English version, p.17).

⁵ Law No. 12 of 1951, supplementary to Law No. 5 as above (*Official Gazette*, English version, 27 January 1952, p.32)