



COI QUERY

Country of Origin	IRAQ
Title	Official documents
Reference period	January 2021 to 5 May 2022
Topic(s)	<ol style="list-style-type: none">1. Samples of standardised forms for birth, death certificates, certificates of violent deaths, police warrants2. Samples of standardised court decisions, including official markings, stamps of documents contained in court decisions, as well as person responsible for signing these documents3. Formal and informal procedure and samples of standardised form/letter issued by tribes for expulsion from tribe
Date of completion	18 May 2022
Query Code	Q30-2022
Contributing EU+ COI units (if applicable)	N/A

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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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COI QUERY RESPONSE – Iraq

Official documents

1. Samples of standardised forms for birth, death certificates, certificates of violent deaths, police warrants

Among all sources consulted within the time constrain for responding to this COI query, no information could be found on samples of standardised forms for birth, death certificates, certificates of violent deaths, police warrants.

The following paragraphs provide some general information about the aforementioned certificates as well as some resources useful to consult.

Birth certificates:

UNHCR reports the following:

‘Birth registration in the civil registry establishes the existence of a person under the law and lays the foundation for establishing one’s legal identity including nationality and safeguarding civil, political, economic, social, and cultural rights. It is therefore imperative that every child is registered at birth. To register new-born children in Iraq, parents must:

- Obtain a birth certificate from the hospital where the child was born, or from the obstetrician, licensed nurse or midwife in case of birth outside of health facilities.
- Bring the birth certificate to the Directorate of Health for validation and recording in the Birth and Deceased logs.
- In Central & Southern governorates: A copy of the endorsed birth certificate should be delivered by one of the parents to the Civil Affairs Directorate to maintain the family record.

Under Iraqi law (Law no.148 for 1971), birth registration procedures must be completed within 15 days in case of hospital birth, and 30 days in case of home birth. If parents miss the deadline, a court procedure is required to obtain a birth certificate and a nominal fee must be paid’.¹

A 2015 report by Landinfo on ‘Iraq: Travel documents and other identity documents’ contains information, *inter alia*, on registration and procedures for obtaining birth certificates, including cases of forgeries. According to this source:

‘The registration of births and deaths is regulated by the Registration of Births and Deaths Law No 148 of 1971. This act followed law No 30 of 1947, which made the registration of births and deaths mandatory (IIVRS, 1980).

A birth must be registered within 15 days if the child was born in hospital and within

¹ UNHCR, Iraq, Birth Registration, n.d., [url](#)



30 days if the child was born at home in a city. If the child was born at home in a rural area, the deadline is 45 days (Iraq e-GOV Portal, n.d.a). The deadline is 60 days for children born abroad. A fine is imposed if the deadline is exceeded.

The doctor, midwife or registered nurse assisting the birth is responsible for issuing and signing a birth certificate and for sending it for approval and registration at a dedicated health enterprise (Iraq e-GOV Portal, n.d.a). The health enterprise retains one copy, while a second copy is sent to the relevant health authority and a third copy is given to the child's parents. The health authorities are responsible for sending the birth certificate to the correct population registration office.

In connection with births outside health enterprises, the doctor, midwife or registered nurse shall issue, sign and send the birth certificate to the relevant authority for approval and registration. This must be done within 30 days if the birth takes place in a city, and within 45 days if the birth takes place in a rural area. The first copy of the birth certificate shall be sent to the population registration office, while the two other copies shall be returned to the person who was present during the birth. This person shall retain one copy and give the other one to the child's parents.

The parents must bring the child's birth certificate to their local population registration office so that the child can be issued a mandatory national ID card.'

Citing a Western embassy in Amman (as quoted by the Norwegian embassy in Jordan, email, February 2011), the Landinfo report noted that 'fake birth certificates are the personal documents most frequently uncovered by this embassy. One possible reason for this may be that many people do not have a birth certificate, but need to obtain one to be issued an ID card and nationality certificate. The information in a fake birth certificate is not necessarily false.'²

Additional information on birth certificate can be found in the EUAA COI Report Iraq Key Socio-economic Indicators for Baghdad, Basrah, and Sulaymaniyah, November 2021, [Section 3.1.3 Birth certificate](#) (pp. 53-54).

Death Certificates:

Citing 'diplomatic sources in Amman, the aforementioned 2015 report by Landinfo referred that 'a large percentage of fake death certificates have been detected'. The same source also reported:

'Death certificates are issued by hospitals, but the Ministry of Health is responsible for registering deaths and certifying death certificates with a stamp. A standard form exists, and the certificate is issued in four copies, of which the deceased's parents or other close relatives are given one, while the three others are filed in the same way as birth certificates.

If a death takes place at a hospital or clinic, the doctor shall ensure that the death is

² Norway: Landinfo - Country of Origin Information Centre, Iraq: Travel documents and other identity documents, 16 December 2015, [url](#), pp. 27-29



registered immediately, and the death certificate must be sent to the health authorities within 15 days (Iraq e-GOV Portal, n.d.b).

If a death takes place without medical personnel present, the next-of-kin must notify the closest health office or the local mayor can certify the death in consultation with two witnesses and report it to the local health office (IIVRS, 1980).

The doctor who is notified must send the death certificate to the health authorities within 15 days (Iraq e-GOV Portal, 2013b). A copy is sent to the deceased's local population registration office.

Iraq does not have a central register of deaths (Karagiozakis, 2009).³

Police warrants:

In a March 2019 article by Asharq Al-Awsat⁴, a photo of the warrant issued by Iraq for the arrest of the former Nineveh governor as tweeted is included.⁵

Article 93 of the Criminal Procedure Code provides the following:

'The arrest warrant should contain the full name of the accused, with his identity card details and physical description if these are known, as well as his place of residence, his profession, and the type of offence to which the warrant relates, the legal provision which applies and the date of the warrant. It should be signed and stamped by the court. In addition to the details given, the warrant should contain an instruction to members of the police force to arrest the accused, by force if he will not come voluntarily'.⁶

2. Samples of standardised court decisions, including official markings, stamps of documents contained in court decisions, as well as person responsible for signing these documents

Among all sources consulted within the time constrain for responding to this COI query, no information could be found on samples of standardised court decisions, including official markings, stamps of documents contained in Iraqi court decisions, as well as on person responsible for signing these documents.

3. Formal and informal procedure and samples of standardised form/letter issued by tribes for expulsion from tribe

Among all sources consulted within the time constraint for responding to this COI query, no information could be found regarding formal and informal procedure as well as standardised form/letter issued by tribes for expelling members. The following information may be relevant nonetheless.

³ Norway: Landinfo - Country of Origin Information Centre, *Iraq: Travel documents and other identity documents*, 16 December 2015, [url](#), pp. 26-28

⁴ Asharq Al-Awsat is an Arabic international newspaper headquartered in London. It focuses on Arab and international affairs. See: Asharq Al-Awsat, About Us, n.d., [url](#)

⁵ Asharq Al-Awsat, Iraq Orders Arrest of Ex-governor after Mosul Ferry Sinking, 28 March 2019, [url](#)

⁶ Iraq, Criminal Procedure Code 23 of 1971 (As Amended on 14 March 2010), 2010, [url](#)



Tribal customary law (*urf*) in Iraq does not vary significantly between tribes⁷, and it has been estimated that around 80 % of ‘tribal structures, customs, and processes between Arab tribes are the same’.⁸ Tribal law in Iraq is generally unwritten, but increasingly tribes are deciding to codify their norms in formal, written documents.⁹

Conflict resolution

Tribal conflicts can be triggered by various offences, such as ‘intentional or unintentional killing, [...] infliction of injury, loss of “honour” (e.g. as a result of the kidnapping or rape of a woman or girl, or socially unacceptable activities on social media), theft, unpaid debts, or unresolved disputes over land, access to water supplies or property’, etc.¹⁰

The tribal law resolution process usually begins by the tribal leader (*shaykh*) of the perpetrator by reaching out to the tribal leader of the victim or his/her family, and starting the negotiations towards a settlement of the dispute.¹¹ If needed in more serious cases, a temporary ceasefire (*atwa*) may be imposed by the two tribal leaders, to last until an acceptable solution (*fasl*) is found.¹² During the negotiations, the offender may be temporarily exiled from the tribe¹³, and in some cases also the offender’s ‘close male relatives’.¹⁴

The solution to negotiations is ‘commonly’ an agreement to pay financial compensation, including blood money (*diyya*), to the victim’s family¹⁵, but may also include an agreement to provide services, or the expulsion/exile of the offender, among others.¹⁶ According to researcher Haley Bobseine, the final agreement between the parties is usually hand-written and signed by the parties, and, once reached, ‘the agreement is almost always upheld’.¹⁷

Expulsion

The expulsion of an offender may be decided as a solution to the dispute, or as a part of it.¹⁸ Accounts vary as to whether this includes the offender’s family: it has been reported that the

⁷ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#); Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 12

⁸ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#)

⁹ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#); Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 12

¹⁰ UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 1, 2

¹¹ Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 14

¹² Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#); Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 14

¹³ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#); Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 14

¹⁴ Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 14

¹⁵ UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 1, 2

¹⁶ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#); UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 1, 2; Helfand A. M., Negotiating state and non-state law: the challenge of global and local legal pluralism, 2015, [url](#), pp. 239

¹⁷ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#)

¹⁸ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#); UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 2, 3; Helfand A. M., Negotiating state and non-state law: the challenge of global and local legal pluralism, 2015, [url](#), pp. 241-242; Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 14



offender together with his family may be sent into exile¹⁹; another source stated that only the offender ‘and perhaps his close male relatives’ would be affected, while in different tribes, the offender’s family may be allowed to remain.²⁰

In October 2021, a covenant was agreed and signed by ‘more than 40 confederate tribal leaders and 40 tribal leaders from all over Iraq’, which contained, *inter alia*, the recommendation that a tribal conflict, and the decision to expel, ‘should be related to the person concerned and should not include others (women, children, and relatives)’.²¹

Accounts with regards to the duration of the expulsion vary, with sources reporting that the expulsion may last for a fixed period ranging from several months up to ‘more than five years’²², or it may last forever.²³

Formal expulsion

The expulsion of offenders from their tribe is a rare and severe measure.²⁴ According to Professor Michael A. Helfand, it can take place in three different ways, depending on the additional punishments that accompany the decision to expel.²⁵ The most severe type of expulsion is the formal expulsion, which is announced by letter containing ‘a document (“*sanad*”, or “certification”)²⁶ to other tribes, whereby the offender’s tribe informs that it has expelled the offender and that it shall no longer be responsible for his actions.²⁷ This puts the offenders in a very vulnerable position, as that person will lose all protection from his tribe, and ‘no tribal action is possible to defend him if violence were directed against him’.²⁸

According to a 2018 report by the United Nations High Commissioner for Refugees (UNHCR), letters containing the *sanad* ‘do not follow a standard format. The perpetrator may receive a copy of such a letter based on his standing in the tribe and his relationship with the sheikh, or may be informed verbally through relatives or other members of the tribe’.²⁹

¹⁹ UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 2.3; Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#)

²⁰ Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, [url](#), p. 14

²¹ USIP and Sanad for Peacebuilding, Press release, 5 October 2021, [url](#), pp.1,4

²² Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#)

²³ UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), p.3

²⁴ Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#); Helfand A. M., Negotiating state and non-state law: the challenge of global and local legal pluralism, 2015, [url](#), pp. 241-242

²⁵ Helfand A. M., Negotiating state and non-state law: the challenge of global and local legal pluralism, 2015, [url](#), pp. 241-242

²⁶ UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 2.3

²⁷ UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 2.3; Helfand A. M., Negotiating state and non-state law: the challenge of global and local legal pluralism, 2015, [url](#), pp. 241-242

²⁸ Helfand A. M., Negotiating state and non-state law: the challenge of global and local legal pluralism, 2015, [url](#), pp. 241-242

²⁹ UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), pp. 2.3



BIBLIOGRAPHY

Asharq Al-Awsat, Iraq Orders Arrest of Ex-governor after Mosul Ferry Sinking, 28 March 2019, <https://english.aawsat.com/home/article/1654006/iraq-orders-arrest-ex-governor-after-mosul-ferry-sinking>, accessed 18 May 2022

Bobseine H., Tribal Justice in a Fragile Iraq, 7 November 2019, <https://tcf.org/content/report/tribal-justice-fragile-iraq/>, accessed 4 May 2022

Carroll B. K., Tribal Law and Reconciliation in the New Iraq, 2011, <https://www.jstor.org/stable/23012091?seq=1>, accessed 4 May 2022

EUAA (European Union Agency for Asylum) COI Report - Iraq Key Socio-economic Indicators for Baghdad, Basrah, and Sulaymaniyah, November 2021, https://coi.euaa.europa.eu/administration/easo/PLib/2021_11_EASO_COI_Report_Iraq_Key_socioeconomic_indicators_for_Baghdad_Basrah_and_Sulaymaniyah.pdf, accessed 18 May 2022

Helfand A. M., Negotiating state and non-state law: the challenge of global and local legal pluralism, 2015, <https://books.google.com.mt/books?id=f4IsCQAAQBAJ&pg>, accessed 4 May 2022

Iraq, Criminal Procedure Code 23 of 1971(As Amended on 14 March 2010), 2010, <http://hrlibrary.umn.edu/research/Egypt/Criminal%20Procedures.pdf>, accessed 4 May 2022

Norway: Landinfo - Country of Origin Information Centre, *Iraq: Travel documents and other identity documents*, 16 December 2015, https://www.landinfo.no/asset/3369/1/3369_1.pdf, accessed 18 May 2022

UNHCR (United Nations High Commissioner for Refugees), Iraq, Birth Registration, n.d., <https://help.unhcr.org/iraq/en/rights-and-obligations/birth-registration/>, accessed 4 May 2022

UNHCR (United Nations High Commissioner for Refugees), Tribal Conflict Resolution in Iraq, 15 January 2018, <https://www.refworld.org/pdfid/5a66f84f4.pdf>, accessed 4 May 2022

USIP (United States Institute of Peace) and Sanad for Peacebuilding, Press release, 5 October 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Press%20Release%20-%20Announcing%20the%20Tribal%20covenant.pdf>, accessed 4 May 2022

ADDITIONAL SOURCES CONSULTED

ECOI.net; EUAA COI Portal; Refworld; Reliefweb, EU PRADO Database, Iraq: Ministry of Interior, Ministry of Foreign Affairs