

## **Tough "Cybercrimes Bill" on Hold in Iraq**

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Critics say law combines sweeping descriptions of "information crimes" with excessive penalties.

A tough new law that could place severe restrictions on internet use in Iraq has been put on the back burner, as opponents warn that it could be used to silence legitimate criticism of the government.

In its present form, the "cybercrimes bill" has been criticised for setting out severe punishments for a range of vaguely-defined offences. Media and NGOs in Iraq and international organisations have urged parliament not to pass it.

"I don't expect to put the draft of the cybercrime law to the vote this year or even next," Ali al-Shilah, who heads the Iraqi parliament's culture committee and is one of the architects of the bill, told IWPR.

Shilah said the staff in charge of parliamentary business had noticed that the law had not been dealt with and considered putting it on the agenda, but his committee had requested a delay until further amendments were made, partly in light of the evolving security environment in Iraq.

Legal affairs expert Hasan Shaban is not so sure - he believes the bill will go through anyway, despite what he sees as its obvious infringement of the right to free speech.

"I am afraid this law will be approved, because parliament is dominated by Islamic blocs," he said.

Shaban drew parallels with the way another law, governing journalists, was pushed through in the face of objections raised about its many defects.

In the proposed Information Crimes Law, 21 articles are given over to defining penalties that range from hefty fines to life imprisonment.

The bill was first drafted in 2007 as a way of prosecuting insurgents who used the internet to advocate their violent aims. At the time, Shilah explains, judges were crying out for some legal instrument to allow them to deal with such cases.

Article 3 of the bill stipulates a life term plus a fine of up to 50 million dinars, about 40,000 US dollars, for anyone who uses computer technology to "undermine the independence, unity or security of the country or its overriding economic, political, military and security interests", or to engage in any way with a "hostile entity" with the aim of endangering national security.

Article 18, meanwhile, prescribes three years' imprisonment and a fine of up to 2,400 dollars for anyone using an internet pseudonym with the intention of "misleading or deceiving".

The head of the Iraqi Association for the Defence of Journalists' Rights, Ibrahim al-Saragey, says the loose wording in the law could turn innocent web users into criminals.

"The phrase 'undermining the independence, unity, or security of the country' is highly ambiguous - it can be interpreted any way the authorities choose," he said. "Any article criticising the performance of the security forces could be read as an attempt to undermine security, and any internet user could be deemed a criminal and... put in jail."

Shaban agreed that the penalties set out in the law were completely out of proportion to the offences they were attached to. He pointed out that in most other countries, fines rather than imprisonment were seen as more appropriate for this kind of thing.

Doaa Najim al-Din, 24, is among the Iraqi bloggers who fear that the law - if left unchanged - will threaten all web users.

"I feel this law seeks only to punish internet users, not to regulate their activities," she said.

Human Rights Watch described the law, in a report published last July, as a part of a broader pattern of restrictions on fundamental freedoms in Iraq, particularly freedom of expression, association, and assembly.

Under President Saddam Hussein, email and internet use was restricted and closely monitored. After he was removed in the United States-led invasion of Iraq in 2003, modern technology spread rapidly, so that internet services are now available almost everywhere at reasonable prices.

Saragey agrees that legislation is needed to regulate internet use, but says it must not restrict the freedom of expression guaranteed by the Iraqi constitution.

Abbas al-Baiyati, a member of parliament's defence committee, acknowledges that the bill will need a lot of changes before it can go to the vote. But he maintains it is not an attack on basic rights even in its present form.

"We don't want to pass a law that restricts freedoms; we want one that supports national security," he said.

Baiyati pointed out that in an unstable environment like Iraq, the authorities needed to monitor the internet closely to prevent it being used by insurgent groups. He said this was similar to the US, which also had surveillance systems in place.

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