The Necessity of Criminalizing War Crimes and Genocide in Iraqi and Iranian Law: A Study in Light of International Conventions

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Abstract

War crimes and genocide are among the gravest international crimes because they threaten fundamental human rights, international peace, and the legal order governing armed conflict and the protection of human groups. This study examines the necessity of expressly criminalizing war crimes and genocide in Iraqi and Iranian law in light of relevant international conventions and principles of international criminal law. Using a descriptive-analytical and comparative legal approach, the study analyzes the conceptual foundations, material and mental elements, and forms of individual criminal responsibility associated with both crimes. Particular attention is given to the distinction between war crimes and genocide, the specific intent required for genocide, the nexus between war crimes and armed conflict, and the role of command and superior responsibility. The study further examines the importance of the Geneva Conventions, the Genocide Convention, and the Rome Statute in shaping the contemporary legal framework governing these offences. The analysis demonstrates that reliance solely on ordinary domestic offences such as murder, assault, unlawful detention, destruction of property, or abduction is insufficient to reflect the international character and particular gravity of war crimes and genocide. Effective domestic criminalization requires clear and autonomous definitions, precise constituent elements, appropriate modes of participation, adequate jurisdictional rules, and penalties proportionate to the seriousness of the crimes. The study concludes that Iraqi and Iranian legislation should adopt a coherent framework for the prosecution of war crimes and genocide that is compatible with international standards while respecting domestic principles of legality. Such reform would strengthen national criminal jurisdiction, reduce opportunities for impunity, improve the protection of victims, and enhance the capacity of both legal systems to prevent and punish the most serious international crimes.

Keywords: War Crimes; Genocide; Criminalization; Iraqi Law; Iranian Law; International Criminal Law; International Humanitarian Law; International Conventions.

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1. Introduction

War crimes and genocide occupy a distinctive position within international criminal law because they concern conduct that transcends the ordinary relationship between an offender, a victim, and a national legal order. Their gravity derives not only from the seriousness of the physical acts committed but also from the interests against which those acts are directed. War crimes attack the legal order established to humanize armed conflict, protect persons who do not or no longer participate in hostilities,

and restrict the choice of methods and means of warfare. International humanitarian law therefore treats certain serious violations of the laws and customs of armed conflict as offences capable of generating individual criminal responsibility rather than merely international responsibility on the part of the State. The historical development of this conception demonstrates a transition from rules primarily regulating relations among belligerent States toward a system in which individuals themselves may be punished for grave violations of humanitarian norms (Al-Anbaki, 2010). War crimes are consequently not synonymous with every violation occurring during warfare. Their criminal character depends upon the seriousness of the prohibited conduct, its connection with armed conflict, the protected status of the persons or objects affected, and the existence of the mental element required for individual criminal responsibility (Nabih, 2011). International legal doctrine has gradually clarified these characteristics through the Hague rules, the Geneva Conventions, the jurisprudence of international criminal tribunals, and finally the Rome Statute of the International Criminal Court, which provides one of the most detailed modern enumerations of conduct constituting war crimes (Al-Sarrabi, 2018). This development is particularly important from the perspective of domestic criminal legislation because the effectiveness of international prohibitions ultimately depends to a substantial extent upon the willingness and legal capacity of national courts to investigate, prosecute, and punish persons responsible for the prohibited acts.

Genocide is even more specific in its legal structure because it is directed not merely against individual human beings but against the continued existence of a protected human group. Its historical emergence as a distinct international crime reflected the recognition that ordinary categories such as homicide, assault, unlawful detention, or destruction of property could not adequately express the collective and exterminatory character of conduct intended to destroy a national, ethnical, racial, or religious group. The international legal prohibition of genocide consequently protects both individual life and the existence of the group to which the victim belongs (Al-Raoud, 2010). The essential feature of genocide lies in the specific intent accompanying the prohibited act. The killing of a person may constitute murder, a war crime, a crime against humanity, or genocide depending upon the context, the status of the victim, and especially the intention of the perpetrator. Genocide requires that one or more of the internationally recognized acts be committed with the intent to destroy, in whole or in part, one of the protected groups (Jihad, 2009). This requirement distinguishes genocide from other international crimes even where the external conduct appears similar. International criminal law has therefore developed a complex legal structure in which the material acts and the genocidal purpose must be considered together. The crime may involve direct killing, the infliction of serious bodily or mental harm, the deliberate imposition of destructive conditions of life, measures intended to prevent births, or the forcible transfer of children, but these acts acquire their genocidal character only when linked to the requisite specific intent (El-Daqqaq, 2015). The prohibition is not limited to wartime, because genocide may occur in peace as well as during armed conflict, another feature that differentiates it from war crimes (Jaillardon, 2008).

The importance of domestic criminalization emerges from the relationship between international prohibition and the principle of legality in national criminal law. International law may recognize conduct as criminal through treaty law, customary international law, and the jurisprudence of international tribunals, but domestic courts ordinarily operate within legal systems that require crimes and penalties to be clearly prescribed by legislation. The principle that there can be no crime and no punishment without law protects the accused against arbitrary punishment, yet it also places a positive legislative responsibility upon States that undertake international obligations to suppress certain offences. A State cannot effectively claim to prohibit genocide or grave war crimes if its national criminal code provides no sufficiently precise legal basis for prosecuting conduct corresponding to those crimes. The problem is not always solved by prosecuting perpetrators under ordinary offences. Murder provisions may punish killing, assault provisions may cover bodily injury, and property offences may address destruction or pillage, but such classifications fail to express the distinct international wrong involved in an attack on protected civilians, prisoners of war, wounded combatants, or an entire human group. International criminalization therefore possesses an expressive as well as punitive function. It identifies the protected interest, clarifies the contextual elements of the offence, establishes appropriate forms of participation and superior responsibility, and enables the national legal order to respond to conduct in a manner consistent with its international character (Suleiman, 2003). The distinction between domestic and international criminal responsibility is especially significant because international crimes are characterized by the gravity of the interests violated and by the concern of the international community in their repression (Mohammad, 2013).

For Iraq and Iran, the question is therefore not merely whether acts such as killing, torture, destruction, deportation, or bodily injury can be punished under general criminal law. The more fundamental question is whether the domestic legal order provides a sufficiently complete and autonomous framework for identifying conduct as war crimes and genocide according to internationally accepted definitions, establishing all relevant modes of individual responsibility, and ensuring prosecution in circumstances corresponding to international obligations. The geographical and historical position of both States reinforces the practical importance of this inquiry. The broader region has repeatedly experienced international and non-international armed conflicts, occupation, forced displacement, attacks against civilians, and allegations concerning serious violations of humanitarian law. Such realities make the existence of precise national provisions more than an abstract doctrinal matter. National criminal legislation becomes a principal mechanism through which the State affirms the inviolability of humanitarian rules and provides domestic courts with a clear legal foundation for addressing the gravest forms of criminal conduct. International humanitarian law has increasingly emphasized that the protection of victims cannot depend exclusively upon international institutions and that national implementation remains indispensable to the effectiveness of humanitarian norms (Matar, 2007). The development of international criminal justice has likewise demonstrated that international tribunals can only address a limited proportion of perpetrators and situations, meaning that national criminal jurisdictions remain central to the repression of international crimes (Freija, 2014).

The necessity of criminalization also relates to individual criminal responsibility and the rejection of impunity based upon official position. International criminal law developed significantly through the recognition that senior political and military officials may bear responsibility for international crimes and that the acts of the State do not automatically shield individuals from punishment. The international responsibility of heads of State and other senior officials has therefore become an important dimension of the modern law of international crimes (Al-Arousi, 2020). The same applies to commanders and superiors who may incur responsibility where they order crimes, participate in their commission, assist perpetrators, or culpably fail to prevent or repress criminal acts committed by persons under their effective authority (Al-Ajmi, 2008). Domestic legislation that criminalizes only the direct physical perpetrator may therefore be inadequate in situations in which atrocities result from organized structures, chains of command, institutional planning, or coordinated policies. The structure of war crimes and genocide frequently requires the law to reach planners, commanders, organizers, inciters, aiders, and persons who contribute to collective criminal conduct. General doctrines of participation may address some of these situations, but explicit incorporation of international modes of responsibility provides greater legal certainty and reduces the possibility that systemic crimes will be fragmented into isolated ordinary offences.

International instruments provide the normative foundation against which domestic criminalization should be assessed. The Geneva Conventions established detailed protections for wounded and sick combatants, prisoners of war, civilians, and other protected persons, while the Hague tradition developed restrictions on methods and means of warfare. Together these bodies of rules form the central framework of international humanitarian law applicable to armed conflict (Boulennouar, 2015). The Convention on the Prevention and Punishment of the Crime of Genocide transformed the prohibition of group destruction into a treaty obligation requiring prevention and punishment, while subsequent international criminal instruments developed the substantive and procedural content of the offence (Beloul, 2003). The Rome Statute represents a particularly important codification because it identifies genocide and war crimes among the most serious crimes of concern to the international community and elaborates both their elements and the forms of individual criminal responsibility relevant to their prosecution (Bassiouni, 2004). The significance of these instruments is not confined to the jurisdiction of international courts. They provide legislative models against which domestic criminal systems may determine whether their definitions, responsibility rules, penalties, and jurisdictional provisions adequately reflect contemporary international criminal law.

Against this background, the objective of this study is to analyze the legal necessity of expressly criminalizing war crimes and genocide within the domestic legal systems of Iraq and Iran in light of the principal rules developed by international humanitarian law and international criminal law. The study seeks to clarify the conceptual distinction between these crimes, examine their constituent elements, identify the international obligations and principles relevant to national implementation, and assess why reliance exclusively upon ordinary criminal offences is insufficient for the effective repression of conduct that possesses an international criminal character. It further seeks to formulate the principal legislative requirements that a coherent Iraqi and Iranian framework should satisfy in order to provide effective protection against impunity while respecting the

principle of legality. The study adopts a descriptive-analytical and comparative legal approach. It first reconstructs the concepts and elements of war crimes and genocide as developed in international legal doctrine and instruments, then considers the relationship between these international standards and domestic criminalization, and finally evaluates the legislative necessity of incorporating autonomous and sufficiently precise offences into Iraqi and Iranian law. The central proposition is that effective domestic criminalization is not achieved merely by the existence of scattered provisions capable of punishing some underlying conduct; rather, it requires a coherent legal framework that recognizes the specific protected interests, contextual elements, mental elements, forms of participation, and international character of war crimes and genocide.

2. Conceptual and International Legal Framework of War Crimes and Genocide

The conceptual definition of war crimes begins with the law applicable during armed conflict. Traditional legal terminology described them as violations of the laws and customs of war, while contemporary doctrine more precisely associates them with serious violations of international humanitarian law that entail individual criminal responsibility. The distinction is important because international humanitarian law contains many rules, yet not every breach necessarily constitutes a war crime. Some violations may generate State responsibility, disciplinary consequences, or other legal effects without reaching the threshold of an international crime (Al-Anbaki, 2010). War crimes therefore form a criminally qualified category of humanitarian-law violations. They presuppose a connection between the conduct and an armed conflict and ordinarily concern persons, property, methods, or means protected or regulated by humanitarian law. The modern conception developed from the Hague law governing the conduct of hostilities and the Geneva law protecting victims of armed conflict. The Hague tradition restricts the methods and means that belligerents may employ, while the Geneva tradition establishes protections for wounded and sick combatants, prisoners of war, civilians, and other persons affected by hostilities (Matar, 2007). These two branches are now understood as complementary components of international humanitarian law rather than isolated systems. The criminalization of serious breaches reflects the principle that military necessity does not eliminate humanitarian limitations and that individuals may be personally responsible when they intentionally violate those fundamental restrictions.

The material element of a war crime therefore contains both conduct and context. The prohibited act must have a sufficient nexus with an armed conflict. A formal declaration of war is not indispensable, and modern international humanitarian law recognizes criminal violations arising in both international and non-international armed conflicts. The contextual requirement separates a war crime from an identical act committed under ordinary peacetime circumstances. The intentional killing of a protected civilian during an armed conflict may amount to a war crime, whereas an unrelated intentional killing may constitute an ordinary homicide. Similarly, unlawful deportation, torture, destruction of protected property, hostage-taking, or attacks directed against civilian objects acquire their war-crime character through the combination of prohibited conduct and the armed-conflict context (Al-Sarrabi, 2018). The significance of this distinction for domestic legislation is considerable, since an adequate offence must enable the court to identify why the conduct constitutes an international crime rather than merely an ordinary offence. The external act cannot be separated from the legal status of the victim or object, the existence and nature of the conflict, and the relationship of the act to that conflict.

War crimes may be grouped broadly according to whether they concern prohibited means and methods of warfare or prohibited acts directed against protected persons and property. The first category derives strongly from the Hague tradition and includes restrictions on weapons or methods considered incompatible with humanitarian principles. The law of armed conflict has long rejected the proposition that belligerents possess unlimited freedom in their choice of means of injuring the enemy. Rules prohibiting certain projectiles, poisonous substances, chemical or biological means, perfidious practices, and other methods reflect the principle that unnecessary suffering and indiscriminate harm cannot be justified merely by the existence of military conflict (Boulennouar, 2015). The second category is closely associated with Geneva law and includes wilful killing, torture, inhuman treatment, serious injury, unlawful confinement, unlawful deportation or transfer, hostage-taking, deprivation of fair-trial guarantees, and unjustified destruction or appropriation of protected property (Khalaf Allah, 2007). The distinction is analytically useful, although contemporary codifications increasingly bring the two traditions together in a unified enumeration of war crimes.

The mental element of war crimes connects the external violation with the culpability of the perpetrator. Criminal responsibility cannot ordinarily arise from the material act alone. The prohibited conduct must be attributable to a person acting with the required knowledge and will. General criminal intent therefore requires awareness of the relevant factual circumstances and a volitional relationship with the prohibited conduct (Mohammad, 2013). The perpetrator must intentionally engage in the conduct, while particular offences may require additional knowledge concerning protected status, civilian character, military objectives, or the consequences of an attack. This mental dimension differentiates punishable international crime from accidental or otherwise non-culpable harm occurring in the complex environment of warfare. The importance of the mental element is especially apparent where military operations cause incidental civilian harm. International humanitarian law does not treat every civilian death during armed conflict as a war crime. Criminal responsibility depends upon the character of the attack, the target, the expected civilian consequences, the information available to the decision-maker, and the applicable standards of distinction and proportionality. The law therefore combines humanitarian protection with principles of personal culpability.

Genocide possesses a different conceptual structure. It protects the continued physical or biological existence of certain human groups and is defined through a limited set of prohibited acts accompanied by a specific destructive intent. International criminal law recognizes national, ethnical, racial, and religious groups as the protected categories within the conventional definition (Al-Raoud, 2010). This group-oriented dimension means that the immediate victim of a genocidal act is simultaneously an individual human being and a member of the group targeted for destruction. The crime is consequently not established merely because many persons are killed or harmed. Large-scale violence may constitute crimes against humanity, war crimes, ordinary offences, or other international crimes without amounting to genocide. The decisive element is the intention to destroy the protected group, in whole or in part, as such (Jihad, 2009). Genocide has therefore been regarded as a crime distinguished by an exceptionally demanding mental element.

The material element of genocide consists of one or more recognized forms of conduct. Killing members of the group is the most direct means of physical destruction. Causing serious bodily or mental harm extends the offence beyond death and includes conduct capable of inflicting severe physical or psychological injury. International criminal practice has recognized that torture, rape, sexual violence, mutilation, and comparable forms of abuse may satisfy this category when committed with genocidal intent (Kamel, 2004). The legal significance of sexual violence is especially important because it demonstrates that genocide cannot be reduced to mass execution. Acts that destroy the physical and psychological integrity of group members, undermine reproductive capacity, or create conditions incompatible with the group's continued existence may participate in a genocidal process. The development of international criminal jurisprudence has therefore broadened understanding of the mechanisms through which group destruction may be pursued while remaining within the defined categories of genocidal acts (Kittichaisaree, 2001).

A further form of genocide consists of deliberately inflicting conditions of life calculated to bring about the physical destruction of the group in whole or in part. This mode concerns conduct whose destructive effect may operate gradually rather than instantaneously. The deprivation of food, essential medical services, shelter, or other indispensable conditions of survival may constitute genocidal conduct when deliberately imposed for the purpose of destroying the protected group (Al-Ashaawi, 2014). The legal focus is therefore not exclusively upon the immediate bodily act of the perpetrator but also upon the intentional creation of circumstances that make survival impossible or severely threaten the group's physical continuity. This category is particularly significant because organized destruction may occur through administrative, military, economic, or territorial measures that do not resemble conventional forms of killing but are nevertheless designed to eliminate a population. Such conduct illustrates the necessity of criminal definitions capable of encompassing systemic methods of destruction rather than relying exclusively on ordinary homicide law.

Measures intended to prevent births within the protected group represent biological destruction. They may include forced sterilization, measures separating the sexes, coercive reproductive practices, forced abortion, or other acts intended to prevent the group from reproducing (El-Daqqaq, 2015). The focus lies on the purpose of preventing continuation of the group. The forcible transfer of children from one protected group to another similarly attacks group continuity by removing the younger generation from its social and collective environment. Although the conventional definition does not create a general offence of cultural genocide, the forcible transfer of children recognizes that physical continuity may be undermined by removing

children from the community into which they were born (Beloul, 2003). The international definition thereby protects the future existence of the group while preserving the principle of legality through an enumerated set of acts.

The specific intent required for genocide is the principal point at which the crime differs from war crimes and other international offences. General intent to kill or injure is insufficient. The perpetrator must act with the further purpose of destroying a protected group, in whole or in part (El-Daqqaq, 2015). This special intent may rarely be demonstrated through direct documentary evidence. Organized perpetrators may conceal objectives, avoid explicit exterminatory orders, or employ administrative language that disguises the destructive purpose. International criminal adjudication has therefore relied upon inferences drawn from the systematic character of acts, the selection of victims, statements by perpetrators, the scale and pattern of violence, the deliberate targeting of a substantial part of a group, and other contextual circumstances (Freija, 2014). Nevertheless, inference must not dissolve the special-intent requirement. The distinction between knowledge that conduct may contribute to destruction and the intent to bring about destruction remains central to the legality and precision of the genocide offence.

War crimes and genocide may overlap, but they must not be conflated. Genocide can occur during armed conflict, in which case the same conduct may potentially satisfy the elements of both genocide and one or more war crimes. However, genocide does not require armed conflict and may be committed in peacetime. War crimes, by contrast, require the armed-conflict nexus (Jaillardon, 2008). The objects of protection also differ. War-crime rules protect persons and objects according to humanitarian status and regulate conduct during hostilities, whereas genocide protects specified groups against intentional destruction. Their mental elements differ correspondingly. A person may intentionally attack civilians in violation of humanitarian law without intending to destroy their national, ethnical, racial, or religious group. Such conduct can be a war crime without being genocide. Conversely, genocidal policies may be implemented outside any armed conflict. The distinctions are therefore substantive rather than merely terminological, and domestic legislation must preserve them if it is to reflect international criminal law accurately.

The concept of individual criminal responsibility completes the international framework. International crimes are often collective in execution but individual in legal attribution. Responsibility may extend beyond the person who physically performs the prohibited act to those who order, solicit, induce, assist, facilitate, or otherwise intentionally participate in its commission (Abdel Halim, 2007). International criminal law also recognizes the particular role of superiors and commanders. A hierarchical system cannot be allowed to insulate leaders merely because they did not personally kill, torture, transfer, or detain victims. Command responsibility therefore addresses failures by persons exercising effective authority to prevent or punish crimes committed by subordinates when the legal requirements of knowledge and control are satisfied (Al-Ajmi, 2008). The importance of these principles for Iraqi and Iranian domestic law lies in the need to ensure that criminalization reaches the organizational structure of international crime rather than only its lowest-level physical perpetrators.

3. International Obligations to Criminalize War Crimes and Genocide

The international obligation to suppress war crimes developed from the transformation of international humanitarian law from a predominantly inter-State regulatory regime into a system that imposes duties concerning individual criminal accountability. The Hague tradition articulated important limits on the methods and means of warfare, while the Geneva framework established extensive protections for persons affected by armed conflict (Hamouda, 2009). The humanitarian rules would lose much of their practical effect if serious violations could be treated only as diplomatic disputes between States. The grave-breaches system therefore reflects the proposition that certain violations require penal repression. International humanitarian law does not merely instruct belligerents how to conduct hostilities; it also establishes a legal basis for holding individuals accountable when protected persons or objects are subjected to particularly serious unlawful acts (Al-Anbaki, 2010). This connection between substantive protection and penal enforcement is central to understanding why domestic criminalization is necessary.

The Geneva Conventions represent a particularly important foundation for national implementation. Their protective structure distinguishes categories such as wounded and sick members of armed forces, shipwrecked persons, prisoners of war, and civilians, while imposing corresponding obligations upon parties to armed conflicts. Serious offences against these

protected persons include wilful killing, torture, inhuman treatment, biological experimentation, the deliberate infliction of great suffering or serious injury, extensive unlawful destruction of property, unlawful deportation or confinement, and other grave violations (Khalaf Allah, 2007). The logic of the grave-breaches regime requires States to possess legal mechanisms capable of prosecuting responsible individuals. Domestic criminal law therefore performs the institutional function through which international humanitarian obligations become enforceable against persons within national jurisdiction. A State whose legislation contains no offence capable of capturing the contextual and protected-status elements of grave breaches risks reducing treaty obligations to general statements without an adequate penal mechanism.

The Hague rules complement this protective regime by regulating the conduct of hostilities and restricting the freedom of belligerents to select methods and means of warfare. Humanitarian law rejects unrestricted military discretion and requires respect for principles including distinction between civilians and combatants, protection of civilian objects, and limits on weapons and tactics that cause unnecessary suffering or operate indiscriminately (Boulennouar, 2015). The criminalization of serious violations therefore serves a preventive function: military personnel and decision-makers must be able to know in advance that intentionally directing attacks against protected civilians, employing prohibited means, or committing other grave breaches may result in personal criminal liability. This function is weakened where the national penal code treats the matter only through ordinary offences lacking reference to armed conflict, civilian protection, military objectives, or humanitarian-law standards.

The Rome Statute brought together important strands of customary and treaty-based international criminal law and supplied a highly developed legislative model for genocide and war crimes. Its significance lies not merely in establishing the International Criminal Court but also in systematizing the substantive content of crimes, modes of responsibility, and jurisdictional principles (Bassiouni, 2004). Article 8 identifies grave breaches of the Geneva Conventions and numerous other serious violations of the laws and customs applicable in armed conflict. This enumeration demonstrates the breadth of conduct requiring criminal-law attention. War crimes are not limited to killing or bodily injury; they also include unlawful transfers, hostage-taking, attacks against civilian objects, certain attacks against humanitarian missions, unjustified destruction or seizure of property, attacks against protected buildings, and other conduct violating fundamental rules of warfare (Al-Sarrabi, 2018). A domestic code limited to conventional offences against the person cannot fully reproduce this structure without specific international-crime provisions.

The Rome Statute is equally influential in relation to genocide because it maintains the established international definition while integrating the crime into a broader system of individual criminal responsibility. The acts of killing, causing serious bodily or mental harm, imposing destructive conditions of life, preventing births, and forcibly transferring children must be interpreted in conjunction with the intent to destroy a protected group in whole or in part (Al-Raoud, 2010). This definition demonstrates why direct domestic incorporation is preferable to prosecuting the same physical conduct solely under ordinary penal provisions. Ordinary homicide does not require proof that the offender intended to destroy a group; ordinary assault does not identify group destruction as the protected interest; offences concerning child abduction do not necessarily express the genocidal significance of transferring children from one group to another. The autonomous offence therefore allows criminal law to classify the conduct according to its true normative character.

The Genocide Convention provides the central treaty foundation for the obligation to prevent and punish genocide. Its importance lies in the recognition that genocide is an international crime whether committed in peace or war and that persons responsible must be subject to punishment (Dagboush, 2004). The Convention rejects the idea that the internal character of atrocities places them beyond international concern. Genocide targets values whose protection belongs to the broader international community, and its prohibition cannot depend upon whether the victims and perpetrators share the same nationality or whether an international armed conflict exists. The treaty framework also extends responsibility beyond completed genocide to associated forms of conduct such as conspiracy, incitement, attempt, and complicity. This wider structure reflects the preventive logic of genocide law: waiting until the targeted group has actually been destroyed would contradict the very purpose of prevention.

The obligation to criminalize genocide at the domestic level follows from the need to enact legislation capable of giving effect to the treaty prohibition and imposing effective penalties. International criminal law recognizes that punishment cannot rest upon moral condemnation alone. The principle of legality requires sufficiently clear definitions and penalties, while the

Genocide Convention requires the prohibition to be made practically enforceable (Al-Shazli, 2002). Domestic legislation therefore acts as the bridge between the international definition and the jurisdiction of national courts. Where national law does not expressly criminalize genocide, prosecutors may attempt to use homicide, assault, conspiracy, abduction, or other ordinary offences, but such substitutes fragment the criminal episode and may obscure the collective target and specific intent that define the international crime. They may also fail to cover incitement, complicity, superior responsibility, or other forms of participation in a manner corresponding to the international framework.

The principle of legality creates a particularly strong argument for legislative precision. International criminal law may derive prohibitions from customary law as well as treaties, and international tribunals have historically relied upon multiple sources in determining the criminality of conduct (Suleiman, 2003). Domestic criminal courts, however, ordinarily operate under constitutional and penal principles requiring written and foreseeable offences. A national legislature that expressly codifies war crimes and genocide simultaneously advances international compliance and strengthens legality. Clear criminalization informs potential perpetrators of prohibited conduct, guides prosecutors and judges, limits arbitrary interpretation, and enables defence rights to be exercised against a defined charge. The apparent tension between international obligations and legality is therefore reduced, rather than intensified, by careful domestic implementation.

International criminal responsibility is also based upon the idea that official status does not extinguish responsibility. Historical experience demonstrated that mass atrocities frequently involve governmental authority, military command, or organized institutional power. If domestic law were to recognize international crimes but preserve broad immunities for persons occupying senior positions, criminalization would be largely ineffective. Modern international criminal law has consequently developed principles restricting reliance upon official capacity as a defence to personal responsibility (Al-Arousi, 2020). The responsibility of commanders and superiors further ensures that individuals exercising effective control cannot escape accountability merely because subordinate actors physically committed the offences (Al-Ajmi, 2008). These principles should inform the design of domestic implementation because the organizational nature of war crimes and genocide means that responsibility may be distributed across several levels of authority.

Modes of participation are equally important. International crimes may be committed directly, jointly, through another person, by ordering or inducing conduct, or through intentional assistance. Genocide presents additional concerns because direct and public incitement itself possesses particular significance in the preventive framework. International criminal law therefore does not conceptualize responsibility exclusively around the immediate physical perpetrator (Abdel Fattah, 2013). Domestic legislation that criminalizes the principal act without adequately addressing participation risks leaving the architects of collective criminality beyond reach. This is especially problematic in genocide, where the specific intent to destroy the group may be clearest among planners, political leaders, commanders, or organizers rather than among every individual who physically implements the policy.

Jurisdiction is another dimension of the duty to repress international crimes. International criminal justice has developed on the understanding that territorial jurisdiction remains fundamental but cannot always provide an adequate response where the State is unwilling or unable to prosecute those responsible. The creation and evolution of international criminal tribunals reflect the need for mechanisms capable of overcoming impunity in exceptional circumstances (Hegazy, 2005). Nevertheless, international courts cannot replace domestic systems. Their institutional capacity is necessarily limited, and the large number of persons potentially involved in systematic international crimes makes national prosecution indispensable (Freija, 2014). Domestic criminalization thus strengthens the overall architecture of international criminal justice by enabling national courts to perform the primary role in investigating and punishing serious crimes.

The relationship between international and domestic jurisdiction is especially important in systems influenced by the principle of complementarity associated with contemporary international criminal justice. The existence of an international tribunal does not remove the responsibility of domestic authorities to maintain functioning criminal mechanisms. Instead, international jurisdiction operates against the background of national systems expected to investigate and prosecute genuinely. The modern international criminal order therefore encourages States to adopt legislation compatible with the substantive definitions of international crimes (Bassiouni, 2004). For Iraq and Iran, the practical implication is that domestic criminal law should be sufficiently comprehensive to allow national institutions to address war crimes and genocide without depending upon ad hoc legislative responses after atrocities occur.

The international obligation also contains a preventive dimension. Criminalization communicates that specified conduct is prohibited before it occurs, establishes potential personal consequences, facilitates military training and legal advice, and creates a framework for investigation at an early stage. The preventive role is particularly important in genocide, where direct and public incitement, organized discriminatory measures, and escalating attacks against a protected group may precede large-scale destruction. The law must therefore be capable of intervening before the final objective is completed. The development of international criminal law has increasingly connected punishment with the broader goal of preventing recurrence and protecting fundamental human rights (Bassiouni, 2001). Domestic legislation contributes to that objective by transforming international norms into enforceable national commands.

The obligation to repress international crimes should nonetheless be implemented with precision rather than through vague or excessively broad provisions. Effective criminalization requires fidelity to the internationally recognized elements of the offence. War crimes should retain their nexus to armed conflict and the relevant protected persons, objects, methods, or means. Genocide should preserve the specific intent requirement and the defined protected groups. Expanding these crimes beyond their established structure may undermine legality and blur distinctions between genocide, crimes against humanity, war crimes, and ordinary offences. International legal scholarship has repeatedly emphasized the importance of distinguishing mass atrocity categories according to their constituent elements rather than using them interchangeably (Ascensio et al., 2018). The objective of domestic implementation is therefore not maximal criminalization but accurate criminalization.

For Iraq and Iran, international instruments provide both a normative benchmark and a legislative model. A coherent domestic framework should identify the acts constituting war crimes and genocide, define the necessary contextual and mental elements, establish liability for direct and indirect participation, regulate superior responsibility, provide appropriate penalties reflecting the seriousness of the crimes, and ensure a jurisdictional basis compatible with international obligations. The need for such legislation does not depend upon whether international jurisdiction is actually exercised in a particular case. It follows from the domestic legal system's responsibility to provide a foreseeable and effective response to conduct that the international community has recognized as among the gravest crimes.

4. The Necessity of Criminalizing War Crimes and Genocide in Iraqi and Iranian Law

The necessity of criminalizing war crimes and genocide in Iraqi and Iranian law should first be understood through the distinction between punishing the underlying act and criminalizing the international crime itself. A national criminal code may prohibit murder, bodily injury, unlawful detention, destruction of property, abduction, sexual violence, or other conduct that can also form part of war crimes or genocide. Such provisions are necessary, but they are not equivalent to autonomous criminalization of international crimes. The legal wrong contained in a war crime includes the violation of humanitarian protections applicable because of armed conflict. Similarly, genocide contains a group-destructive purpose that ordinary offences do not require. International criminal law therefore gives these offences a legal identity that cannot be fully reconstructed from a collection of ordinary crimes (Suleiman, 2003). The domestic legal systems of Iraq and Iran should consequently be evaluated not merely by asking whether some physical acts are punishable but by asking whether the legal framework permits those acts to be prosecuted in accordance with their international character.

The first legislative necessity concerns definition. War crimes require a sufficiently clear description of the nexus between the offence and an armed conflict. They also require identification of the humanitarian rule violated, whether concerning protected persons, protected property, prohibited targets, unlawful methods, or prohibited means of warfare. International legal doctrine distinguishes serious criminal violations from lesser breaches and disciplinary infractions (Al-Anbaki, 2010). A domestic provision should therefore avoid defining every violation of military regulations as a war crime. Instead, it should reflect the seriousness and substantive content of the internationally recognized offences. The Rome Statute and the Geneva framework offer detailed categories capable of guiding national drafting (Al-Sarrabi, 2018). For both Iraq and Iran, a coherent legislative approach would ensure that domestic judges can distinguish an ordinary military offence from an international war crime and can identify the legally protected interest affected by the conduct.

This requirement is particularly important because war crimes may occur in both international and non-international armed conflicts. Modern conflicts are frequently internal, transnational, or characterized by the involvement of armed groups alongside State forces. A domestic statute restricted only to formally declared war between States would therefore leave

substantial gaps in protection. International criminal law has progressively recognized serious humanitarian violations committed in non-international armed conflicts as capable of generating individual criminal responsibility (Kittichaisaree, 2001). National legislation should accordingly be drafted in a manner that reflects the legal classification of contemporary armed conflicts rather than relying upon an outdated requirement of formal interstate war. This would be especially significant for legal systems in a region where armed violence may involve governmental forces, non-State armed groups, cross-border operations, and complex territorial control.

The second necessity is the autonomous criminalization of genocide. Genocide cannot be reduced to mass murder because the crime encompasses acts other than killing and because its distinguishing feature is the specific intent to destroy a protected group. International definitions include serious bodily or mental harm, destructive conditions of life, measures intended to prevent births, and forcible transfer of children (Al-Raoud, 2010). A domestic system relying exclusively upon homicide provisions would therefore fail even at the level of the material element. It would also fail to recognize the protected collective interest. The legal characterization of genocide communicates that victims are targeted not as isolated individuals but because their continued existence as members of a group is threatened. This expressive dimension has substantive consequences for investigation, proof, sentencing, and the historical record of the crime.

The specific intent requirement must be preserved carefully. The gravity of the term genocide creates a risk of its political or rhetorical expansion to situations that, although serious, do not satisfy the legal definition. Domestic legislation should therefore require proof that the perpetrator intended to destroy, in whole or in part, a national, ethnical, racial, or religious group as such (Jihad, 2009). At the same time, the evidentiary rules and judicial interpretation should permit intent to be inferred from circumstances when direct evidence is unavailable. International criminal practice shows that the pattern of conduct, systematic selection of victims, repeated statements, scale of violence, and character of the targeted part of a group may all be relevant to proving genocidal intent (Freija, 2014). A national statute should neither dilute the intent requirement nor make prosecution practically impossible by demanding explicit written orders.

The third necessity concerns the legal element and the principle of legality. Domestic prosecution must rest upon a clear legislative foundation. The legal prohibition of genocide and war crimes exists at the international level, but national courts should not be compelled to construct criminal offences retrospectively from broad treaty language or customary principles where the domestic constitutional order requires statutory criminalization. The international nature of the prohibition does not eliminate domestic legality; rather, it makes timely national legislation more urgent. International criminal-law scholarship recognizes that customary rules may constitute sources of international criminality (Al-Ashaawi, 2006), yet domestic penal systems often demand greater formal precision. Iraq and Iran can therefore strengthen both accountability and defence rights by adopting legislation that prospectively defines the offences and penalties.

A fourth necessity relates to modes of individual responsibility. War crimes and genocide are frequently organizational crimes. The physical perpetrator may be only one participant in a broader structure involving planning, orders, logistical support, incitement, coordination, financing, concealment, and command. International criminal law consequently recognizes different forms of participation extending beyond direct commission (Abdel Halim, 2007). Domestic legislation should ensure that ordering, soliciting, inducing, aiding, abetting, and other intentional contributions are punishable where the legal requirements are satisfied. This is particularly important for genocide because the person who formulates or promotes a destructive policy may bear greater responsibility than a subordinate who performs one component of the physical conduct.

Direct and public incitement to genocide deserves particular legislative attention because it reflects the preventive character of the international prohibition. Genocidal violence may be preceded by systematic dehumanization, calls for destruction, and deliberate encouragement of attacks against members of the protected group. Waiting until killings or other physical acts occur may defeat the preventive purpose of the law. The international framework therefore treats certain forms of incitement as independently punishable (Al-Shazli, 2002). Iraqi and Iranian legislation addressing genocide should consequently contemplate not only completed destruction but also legally recognized preparatory and participatory forms, while maintaining the precision required by criminal legality.

Command and superior responsibility constitute another essential component. The organizational structure of armed forces and other hierarchical bodies creates circumstances in which superiors possess authority capable of preventing, stopping, or punishing crimes committed by subordinates. International law has developed responsibility doctrines to prevent commanders

from escaping liability through deliberate inaction or calculated ignorance (Al-Ajmi, 2008). An effective domestic statute should therefore address the responsibility of military commanders and, where appropriate, civilian superiors according to standards of effective authority, knowledge, and failure to take necessary and reasonable measures. Such provisions should be carefully distinguished from strict liability. Responsibility should arise from the superior's legally relevant relationship to the crimes and culpable failure rather than merely from rank.

Official capacity also requires legislative attention. The gravest international crimes may be connected with State institutions, and the principle of equality before criminal law is undermined if domestic provisions permit official position to become an absolute barrier to accountability. International criminal law has progressively rejected official status as a substantive defence to personal criminal responsibility (Al-Arousi, 2020). Domestic implementation must nonetheless be reconciled with constitutional rules concerning immunity, procedural privileges, and jurisdiction. The central requirement is that such rules should not create permanent impunity for genocide or war crimes. Where procedural immunity applies temporarily to a particular office, the legal system should preserve the possibility of subsequent investigation and prosecution when the constitutional impediment ceases.

A further necessity concerns omission liability. International crimes may sometimes result not only from positive acts but also from deliberate failures to perform legally required duties. Genocidal conditions of life, for example, may involve intentional deprivation of food, medical assistance, or essential services. Superior responsibility may likewise arise from failure to prevent or repress crimes within the scope of effective authority. International criminal practice has recognized the significance of culpable omission where a legal duty to act exists (Al-Ashaawi, 2014). Domestic law should therefore clarify when omission can satisfy the material element or generate responsibility, rather than relying upon uncertain analogies with ordinary offences.

The criminalization of prohibited means and methods of warfare presents another challenge. National penal codes traditionally focus on offences against persons and property, while the law of armed conflict also regulates the manner in which military force is employed. International humanitarian law restricts certain weapons and practices because of indiscriminate effects, unnecessary suffering, or other humanitarian concerns (Boulennouar, 2015). Domestic war-crime legislation should therefore be capable of incorporating violations involving prohibited methods and means where international law imposes criminal responsibility. This does not require every technical military rule to appear in the general penal code. A specialized international-crimes statute may incorporate defined categories and coordinate with military legislation and treaty obligations, provided that legality and accessibility are maintained.

The protection of civilians and civilian objects is particularly important. Contemporary armed conflicts frequently occur in populated areas where the distinction between military objectives and civilian objects becomes operationally difficult but legally indispensable. International criminal law treats intentional attacks against civilians and civilian objects as serious offences when the required elements are satisfied (Khalaf Allah, 2007). Domestic criminalization should therefore provide prosecutors and courts with concepts capable of evaluating targeting decisions, protected status, intent, and the relationship between anticipated civilian harm and concrete military advantage. Ordinary homicide law is poorly suited to these questions because it does not contain the humanitarian-law categories required to determine the legality of attacks.

Protected cultural, religious, educational, medical, and humanitarian objects also illustrate the need for specialized legislation. International humanitarian law accords particular protection to hospitals, medical units, places where the wounded are collected, religious buildings, cultural property, and certain humanitarian missions. Attacks against such objects may constitute war crimes where the international elements are present (Hamouda, 2009). Iraqi and Iranian law should therefore permit the criminal significance of such attacks to be assessed through humanitarian-law standards rather than only through general property-damage provisions. The value protected is not simply ownership but the humanitarian or cultural function of the object during armed conflict.

Jurisdictional rules form another indispensable component. A domestic offence is ineffective if national courts lack jurisdiction over relevant perpetrators or conduct. Territorial jurisdiction will remain the primary basis in many cases, but international crimes can involve foreign perpetrators, victims of different nationalities, cross-border conduct, occupation, or suspects found outside the territory where crimes occurred. International criminal justice has therefore developed broader jurisdictional approaches reflecting the international concern generated by such offences (Hegazy, 2005). Iraqi and Iranian

legislation should clearly determine the circumstances under which national courts may prosecute war crimes and genocide committed abroad, taking into account nationality, territoriality, treaty obligations, and any broader jurisdiction recognized by domestic law.

The relationship between extradition and prosecution is similarly relevant. Genocide and war crimes should not be treated as ordinary political offences merely because they occur in a political or military context. The gravity of international crimes requires legal mechanisms that prevent perpetrators from exploiting territorial borders or political classifications to evade justice (Al-Lamsawi, 2006). Domestic legislation should therefore coordinate criminalization with extradition, mutual legal assistance, evidence gathering, and cooperation rules. Effective prosecution of international crimes often depends upon documents, witnesses, suspects, and forensic material located in several jurisdictions.

Penalties must also reflect the exceptional seriousness of the offences while remaining consistent with the constitutional principles of each State. International law requires effective punishment but generally leaves national legal systems considerable discretion concerning sentencing frameworks. The classification of war crimes and genocide as grave felonies should be accompanied by penalties proportionate to the scale of harm, the perpetrator's role, the number and vulnerability of victims, abuse of authority, discriminatory purpose, and other aggravating factors. At the same time, sentencing should distinguish among levels of culpability rather than treating every participant identically. International criminal responsibility is individualized, and the punishment imposed should correspond to the offender's contribution and mental state (Mohammad, 2013).

Limitation periods require serious consideration because international crimes are often discovered, investigated, or prosecuted only after substantial time has passed. Evidence may emerge following political transition, armed-conflict termination, opening of archives, exhumation of mass graves, or the return of witnesses. Short ordinary limitation periods can therefore create structural impunity. The extraordinary gravity of genocide and serious war crimes supports a legislative approach that prevents ordinary prescription rules from extinguishing responsibility before meaningful prosecution becomes possible. Such an approach should be enacted expressly so that the legal consequences are foreseeable and consistent with legality rather than derived through retrospective judicial interpretation.

The comparative necessity for Iraq and Iran ultimately lies in harmonization rather than mechanical copying. Domestic implementation should reflect the constitutional and penal traditions of each State, but the substantive definitions should remain compatible with the international elements of the crimes. A specialized chapter or statute could consolidate genocide, war crimes, modes of participation, superior responsibility, jurisdiction, and applicable penalties. The precise legislative form may differ between the two countries, yet fragmentation across unrelated ordinary offences should be avoided where it prevents recognition of the international character of the conduct. International criminal law provides a model but does not require identical drafting in every jurisdiction (Bassiouni, 2004). What matters is substantive capacity: courts must be able to identify and punish the same core criminality that international law recognizes.

A comparative framework should also emphasize institutional implementation. Criminalization without investigative capacity, prosecutorial expertise, judicial training, military dissemination, victim protection, and evidence-preservation mechanisms remains largely symbolic. International crimes are legally and factually complex. They may require proof of armed-conflict classification, organizational structure, command relationships, patterns of violence, protected-group identity, specific intent, and widespread documentary or forensic evidence. International criminal justice has developed specialized methods because ordinary case-by-case investigation may be insufficient for mass crimes (Freija, 2014). Iraq and Iran would therefore benefit from integrating substantive criminalization with procedural and institutional mechanisms capable of implementing it effectively.

The need for precise domestic criminalization also serves the protection of accused persons. A detailed international-crimes framework prevents prosecutors from stretching ordinary offences or invoking undefined international concepts after the event. Clear elements enable the accused to know the charge, contest the classification of the conflict, challenge the protected status of persons or objects, dispute the alleged mental element, and distinguish personal conduct from the acts of others. Criminalization should therefore be understood as a rule-of-law measure rather than solely a punitive expansion. The same legislation that strengthens accountability also creates legal boundaries within which accountability must operate.

Finally, harmonized criminalization contributes to the broader prevention of impunity. When domestic legislation accurately reflects international crimes, national institutions can respond without waiting for an international tribunal or exceptional political decision. Investigators can classify allegations correctly from the beginning, prosecutors can select charges corresponding to the true nature of the conduct, and courts can issue judgments that acknowledge both individual harm and the international legal interests violated. The result is a more coherent relationship between national sovereignty and international criminal justice. Instead of viewing international criminal law as an external limitation upon domestic authority, effective legislation enables Iraq and Iran to exercise their own sovereign criminal jurisdiction over conduct recognized internationally as exceptionally grave.

5. Conclusion

War crimes and genocide represent two distinct but closely related categories of international crimes whose gravity requires a clear and effective response within national legal systems. War crimes derive from serious violations of the rules governing armed conflict and therefore depend upon a nexus between prohibited conduct and an international or non-international armed conflict. Their legal structure protects civilians, prisoners of war, wounded and sick persons, humanitarian personnel, protected property, civilian objects, and the fundamental limitations imposed upon the conduct of hostilities. Genocide, by contrast, protects the existence of national, ethnical, racial, and religious groups against intentional destruction. It may occur in wartime or peacetime and is distinguished above all by the specific intent to destroy a protected group in whole or in part. The conceptual difference between the two crimes must remain clear because the accuracy of criminalization depends upon preserving their separate material, contextual, and mental elements.

The analysis demonstrates that the mere existence of ordinary criminal offences is not sufficient to provide a complete legal response to international crimes. Murder, bodily injury, unlawful detention, destruction of property, abduction, and other conventional offences may punish portions of the physical conduct involved, but they do not necessarily reflect the humanitarian-law context of war crimes or the group-destructive intent of genocide. Fragmenting mass atrocities into ordinary offences can conceal the international character of the wrongdoing, limit the ability of courts to address organized structures of responsibility, and weaken the expressive function of criminal justice. Autonomous criminalization therefore provides a more accurate legal framework by identifying the protected international interests, defining the contextual requirements, and permitting the conduct to be classified according to its actual gravity.

For Iraqi and Iranian law, the principal legislative requirement is the adoption or consolidation of sufficiently precise provisions defining war crimes and genocide in conformity with the established structure of international criminal law. War-crime provisions should cover the serious violations applicable to both international and non-international armed conflicts and should distinguish offences against protected persons and property from unlawful methods and means of warfare. Genocide provisions should reproduce the recognized categories of prohibited conduct and preserve the essential requirement of specific intent. Such criminalization should neither broaden the offences beyond their established legal boundaries nor reduce them to simplified formulations that omit decisive elements.

The principle of legality supports rather than obstructs this process. Clear statutory provisions provide advance notice of prohibited conduct, restrict arbitrary judicial interpretation, protect defence rights, and ensure that prosecution is grounded in law. Reliance upon unwritten international principles or broad analogies with domestic offences creates unnecessary uncertainty. Express national legislation enables international obligations to operate through the ordinary institutions of the domestic legal system and makes the relationship between international prohibition and national punishment foreseeable for individuals, prosecutors, judges, and military authorities.

Effective criminalization must extend beyond the immediate physical perpetrator. War crimes and genocide are frequently organized through hierarchical political, military, or administrative structures. Domestic legislation should therefore address direct and joint commission, ordering, inducing, intentional assistance, and other legally recognized forms of participation. It should also provide a carefully defined basis for command and superior responsibility where persons exercising effective authority culpably fail to prevent, repress, or report crimes committed by subordinates. Official capacity should not become a permanent shield against responsibility for offences of such gravity.

Genocide requires particular attention to prevention. The offence is not confined to completed mass killing. Serious bodily or mental harm, destructive living conditions, measures intended to prevent births, and forcible transfer of children may all form part of the destruction of a protected group. National legislation must therefore be capable of addressing these methods without forcing prosecutors to wait until physical extermination has reached an advanced stage. The law should also provide an appropriate basis for punishing legally recognized forms of incitement, attempt, complicity, and participation where the relevant elements are established.

War-crime legislation should similarly recognize that modern armed conflict involves more than conventional battlefield killing. Attacks against civilians, unlawful attacks against civilian objects, mistreatment of prisoners and detainees, torture, unlawful displacement, hostage-taking, destruction not justified by military necessity, attacks against protected medical or cultural objects, and the use of prohibited methods or means of warfare all require a coherent criminal framework. The legal classification of such acts cannot depend exclusively upon general provisions on murder or property damage because their criminal significance arises from the humanitarian protections applicable in armed conflict.

Jurisdictional provisions must accompany substantive criminalization. Iraq and Iran should ensure that national courts possess clear authority to address conduct falling within the legally recognized bases of jurisdiction and that international crimes cannot escape prosecution merely because parts of the conduct, evidence, or organizational structure extend beyond national borders. Rules concerning extradition, mutual legal assistance, evidence preservation, witness protection, and cooperation with foreign or international authorities should support the substantive offences. International crimes are often transnational in evidence and organization even when their principal harm occurs within one territory.

The domestic treatment of limitation periods should also reflect the particular nature of war crimes and genocide. Investigations may become possible only years after the conduct because of continuing conflict, political instability, inaccessible territory, concealed documentation, intimidation of witnesses, or the later discovery of mass graves and institutional records. Legislation should prevent ordinary procedural rules from producing de facto impunity for crimes whose investigation inherently requires time. Any special rule, however, should be expressly established and applied consistently with constitutional legality.

Institutional capacity is as important as formal legislation. Effective implementation requires prosecutors and judges who understand international humanitarian law and international criminal law, investigators capable of handling mass-crime evidence, procedures for documenting command structures and patterns of conduct, and mechanisms for protecting victims and witnesses. Military institutions should also incorporate the relevant prohibitions into training, operational legal advice, and disciplinary systems. Criminalization is most effective when it operates as part of a broader preventive and accountability framework rather than as a provision invoked only after catastrophic violations have occurred.

The comparative position of Iraq and Iran should therefore be approached through the common objective of substantive harmonization with international criminal standards while respecting the internal constitutional structure of each State. The legislative technique need not be identical. Each country may choose whether to amend its penal code, adopt a separate international-crimes statute, coordinate civilian and military legislation, or employ another systematic method. The decisive consideration is whether the resulting legal framework permits national courts to prosecute the full substance of war crimes and genocide without distorting their international definitions.

The study ultimately concludes that explicit domestic criminalization is necessary because international prohibition alone cannot guarantee effective national accountability. A complete domestic framework transforms the international condemnation of war crimes and genocide into enforceable criminal norms, reinforces the protection of victims, reduces the space for impunity, strengthens national jurisdiction, and provides legal certainty for all participants in criminal proceedings. For Iraq and Iran, the incorporation of clear and comprehensive offences would also affirm that the repression of the gravest international crimes is not exclusively the responsibility of international institutions but is an essential function of domestic criminal justice. Such reform would create a more coherent relationship between national law and international obligations and would strengthen the capacity of both legal systems to prevent, investigate, prosecute, and punish conduct that threatens fundamental human dignity and the existence of protected communities.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

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