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AUG 26 1971

The Weekly Gazette of the Republic of Iraq

PUBLISHED BY
THE MINISTRY OF INFORMATION
BAGHDAD - IRAQ

No. 10

Wednesday 10th. March 1971, And 13th. Muharram 1391

ANNUAL SUBSCRIPTION RATES

In Baghdad	I.D. 7/-
In other Mahafadhat	I.D. 9/-
Abroad by Ordinary Mail	I.D.10/-
Arab Countries by Air Mail	I.D.15/-
Foreign Countries by Air Mail	I.D.18/-

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RESOLUTION NO. (792)

The Council of Revolutionary Command has decided in its session held at 16/7/1970 the promulgation of the New Interim Constitution and publishing thereof in the Official Gazette.

**Ahmed Hassan Al-Baker,
President of the Council of
Revolutionary Command.**

INTERIM CONSTITUTION**Part One****Republic of Iraq**

- Article 1.— Iraq is a Sovereign People's Democratic Republic, its principal aim is to fulfil the united Arab State and to establish the Socialist System.
- Article 2.— The National is the source of authority and its legality.
- Article 3.— (a) Sovereignty of Iraq is undivided unity.
(b) The Land of Iraq is undivided unity and any part of it may not be given up.
- Article 4.— Islam is the religion of the State.
- Article 5.— (a) Iraq is a part of the Arab nation.
(b) The nation of Iraq is formed of two principal nationalities, these are the Arab nationality and Kurdish Nationality. This Constitution shall recognize the national rights of the Kurdish nation and the legitimate rights of all minorities within the Unity of Iraq.
- Article 6.— The Iraqi Nationality and its rules shall be organized by Law.
- Article 7.— (a) Arabic is the official language.
(b) Kurdish language shall be the official language beside the Arabic language in the Kurdish district.
- Article 8.— (a) Baghdad is the Capital of the Republic of Iraq. It may be removed by Law.
(b) The Republic of Iraq shall be divided into administrative units which will be organized on the basis of decentralization.
- Article 9.— The flag of the Republic of Iraq, its emblem and the rules concerning them shall be defined by Law.

Part Two**Social and Economic basis of the
Republic of Iraq.**

- Article 10.— Social solidarity is the first basis for the society. This means that every citizen shall perform fully his duty towards the society and that the society shall insure to the citizen his full rights and freedoms.
- Article 11.— The family is the nucleus of the society. The State shall guarantee its protection and support and shall take care of motherhood and childhood.
- Article 12.— The State shall undertake the planning, directing and guiding the national economy for the aim :

- (a) To establish the socialist system on scientific and revolutionary basis.
- (b) To achieve the Arab economic Unity.

Article 13.— Natural resources and the principal instruments of production are the property of the nation. The central authority of the Republic of Iraq shall invest them directly in accordance with the requirements of the general planning for the national economy.

Article 14.— The State shall guarantee, encourage and support all kinds of cooperation in production, distribution and consumption.

Article 15.— The public properties and the possessions of public sector shall have special inviolability, the State and all individuals of the nation have to secure them and to watch over their security and protection: any destruction thereof or violation thereon shall be considered as destruction in the structure of the society and violation thereon.

Article 16.— (a) Ownership is a social function which shall be exercised within the limits of society aims and State's programs in accordance with the provisions of the Law.

(b) Private ownership and individual economic freedom shall be guaranteed within the limits of the Law and on the basis of non investing them in what contracting or harming to the general economic planning.

(c) The private property may not be expropriated except for the public interest and in accordance with just compensation under the rules defined by the Law.

(d) The maximum of agricultural ownership shall be defined by the Law and what surplus thereof shall be considered as property of the nation.

Article 17.— Inheritance is a right organized by the Law.

Article 18.— Estate ownership is forbidden to non Iraqis except what is excluded by Law.

Part Three

Basic rights and obligations

Article 19.— (a) Citizens are equal before the Law, without distinction for reason of race, origin language or social category or religion.

(b) Equal opportunities for all citizens are guaranteed within the limits of the Law.

Article 20.— (a) The accused is innocent until he is proved guilty in a legal trial.

(b) The right of defence is sacred in all stages of investigation and trial in accordance with the provisions of the Law.

(c) Sittings of the courts shall be in public unless the court decides to be in camera.

- Article 21.— (a) Penalty is personal.
- (b) There can be no offence or penalty except as defined by the Law. Penalty may not be imposed except on the act considered by Law as offence at the time of its commission. No severer penalty may be applied than the penalty enforced at the time of commission of an offence.
- Article 22.— (a) Dignity of the man is secured. Exercise of any form of physical or psychological torture is prohibited.
- (b) No one may be arrested, detained, imprisoned or searched except under the provisions of the Law.
- (c) Homes are inviolable. They may not be entered or searched except under the rules defined by the Law.
- Article 23.— Secrecy of mail, telegraphic and telephone correspondences are guaranteed, they may not be disclosed except for necessities of justice and security in accordance with the limits and rules defined by the Law.
- Article 24.— A citizen may not be prevented from travel outside the country or from returning thereto, and no restriction on his moving and residing inside the country except in the cases defined by the Law.
- Article 25.— Freedom of religions, beliefs and exercise of religious ceremonies are guaranteed provided that these do not contradict to the provisions of Constitution or Laws and do not infringe the manners and the public order.
- Article 26.— The Constitution shall guarantee freedom of opinion, publication, meeting, demonstration, forming the political parties, unions and societies in accordance with the aims of the Constitution and within the limits of the Law. The State shall endeavour to provide the required means for practising these freedoms which are compatible with the national and progressive line of the Revolution.
- Article 27.— (a) The State shall undertake to combat illiteracy and insure the right to education freely in its different stages, elementary, secondary and university for all citizens.
- (b) The State shall endeavour to make the elementary education as compulsory and to expand the professional and technical education in the cities and villages and to encourage specially the night education which enable the public masses to gather between science and labour.
- (c) The State shall guarantee freedom of scientific research and to encourage and reward the distinction and creation in other mental, scientific and technical activities and various phenomenon of national genius.
- Article 28.— Education shall aim to raise and to develop the general cultural level, to encourage the scientific thought, to strengthen the spirit of research and to fulfil the requirements of programs of economic and social development and to create a national, free progressive generation, strong in its structure and character which endear his nation, homeland heritage and to sympathise with the rights of all his nationalities and to struggle against the philosophy of Capitalism, exploitation, reactionary movement, Zionism, imperialism for the purpose of achievement of Arab Unity, freedom and socialism.

Article 29.— The State shall endeavour to provide the means of enjoyment of the achievements of modern civilization for the people's masses and to generalize the progressive products of modern civilization to all citizens.

- Article 30.— (a) Public post is a sacred trust and social service, its element is the loyal obligation with awareness of the interests of the people, their rights and freedoms in accordance with the provisions of the Constitution and Law.
- (b) Equality in undertaking the public posts shall be guaranteed by the Law.

- Article 31.— (a) Defence for homeland is a sacred duty and an honour for citizen. The service of flag is compulsory and the Law shall organize the manner of its performance.
- (b) The armed forces are the property of the nation, it is the nation's tool for its security and defence for its independence and the protection of the nation's safety, unity and its land for achieving its aims and national aspirations.
- (c) The State solely shall undertake the establishment of armed forces and no any body or group may establish military or semi military formations.

- Article 32.— (a) Work is a right which the State shall undertake to provide to every citizen who is able to work.
- (b) Work is an honour and sacred duty on every able citizen which is required by the necessity of participation in building the society and its protection, development and progress.
- (c) The State shall undertake to improve the conditions of work and to raise the level of living, experience and culture for all working citizens.
- (d) The State shall undertake to provide wider social securities for all citizens in case of sickness, disability, unemployment or oldage.
- (e) The State shall endeavour to prepare the necessary programs and means which enable the working citizens to spend their leaves in atmosphere which help them to improve their health standards and developing their cultural and technical gifts.

Article 33.— The State shall undertake to protect the public health through continuous expansion in the free medical services in prevention, treatment and medicine on the range of cities and villages.

Article 34.— (a) The Republic of Iraq shall grant the political asylum for all persecuted strugglers in their countries because of their defence for librating human principles with which the Iraqi nation has been bound in this Constitution.

- (b) Political refugees may not be delivered.

Article 35.— Payment of financial taxes is a duty on all citizens. The financial taxes may not be imposed, amended or levied except by the Law.

Article 36.— Any activity which contradicts the aims of the nation defined in this Constitution and any act or conduct which aims at breaking the national unity of the masses of the nation or stirring the racial or sectarian or regional bigotry among their classes or aggression on their progressive gains and achievements, shall be prohibited.

Chapter One

The Council of Revolutionary Command

Article 37.— The Council of Revolutionary Command is the Supreme Body in the State, which undertake the responsibility on the 17th. of July 1968 to achieve the public people's will by taking the authority from the reactionary corrupt system and returning it to the nation.

Article 38.— The Council of Revolutionary Command shall exercise by the majority of two third of its members the following jurisdictions :

- (a) To elect the President thereto from among its members who shall be named as President of the Council of Revolutionary Command and shall be President of the Republic.
- (b) To elect Vice President from among its members who shall be named as Vice President of the Council of Revolutionary Command who shall replace the President as a rule by his Characters defined in the previous Para. in case of his absence officially or in case of becoming his exercise of his constitutional jurisdictions difficult or impossible for any legal reason.
- (c) To elect new members to the council from among the members of regional Command of Arab socialist Baath Party provided that its members shall not exceeding twelve members.
- (d) To decide on the resignation of the President or his deputy or one of the Council members.
- (f) To excuse any of its members from the membership of the Council.
- (g) To accuse and send to trial the members of Council of Revolutionary Command, the deputies of the President of the Republic and the Ministers.

Article 39.— The President of the Council of Revolutionary Command, his deputy and the members shall take the following oath before the Council :

"I swear by Almighty God, my honour and belief to preserve the Republican Regime and to be bound with its Constitution and its Laws, to take care of the people's interests, to safeguard the homeland's independence and its safety and the integrity of its territory, and to endeavour with full sacrifice and loyalty to fulfil the aims of the Arab nation in Unity, freedom and socialism".

Article 40.— The President of the Council of Revolutionary Command, his deputy and the members shall enjoy full immunity and no any measure may be taken against any one of them except by prior permission from the Council.

- Article 41.— (a) The Council of Revolutionary Command shall convene by invitation of its President or his deputy or one third of its members, its session shall be held by the Presidency of the President or his deputy and the presence of the majority.
- (b) The meetings and the discussions of the Council of Revolutionary Command are secret, their disclosure shall be subject to the constitutional inquiry before the Council. The announcement, publication and serving of the decisions of the Council shall be performed by the manners set forth in this constitution.
- (c) The Laws and decisions shall be approved in the Council by the majority of its members except in the cases otherwise provided for in the constitutions.

Article 42.— The Council of Revolutionary Command shall exercise the following jurisdictions :

- (a) To promulgate the Laws and the decisions which have the power of Law.
- (b) To issue the resolutions in what is required by the necessities of application of the provisions of enforced Laws.

Article 43.— The Council of the Revolutionary Command shall exercise by the majority of its members the following jurisdictions :

- (a) To approve the affairs of the Ministry of Defence and public security and formulating the Laws and adopting the decisions in what concerning them in respect to the organization and powers.
- (b) To declare the general mobilization partially or fully, to declare war, to accept armistice and to conclude peace
- (c) To approve the project of general budget of the State and the independent and investing budgets attached thereto and sanction the final accounts.
- (d) approve the international treaties and agreements.
- (e) Formulate the interior Regulation of the Council, definition its cadre, approving its balance, appointment of its officials, definition of remunerations and allowances of the President, his deputy, members and officials.
- (f) To authorize its President or his deputy some of its jurisdictions set forth in this Constitution except the legislative jurisdictions.

Article 44.— The President of the Council of Revolutionary Command shall undertake the following :

- (a) To preside over the sessions of the Council, its representation, administration of its sittings and to order spending therein.
- (b) To sign all the Laws and decisions promulgated by the Council and their publication in the Official Gazette.
- (c) To supervise the works of the Ministries and establishments of the State and to call the Ministers for discussion about the affairs of their Ministries and to enquire them if it is necessary and to inform the Council of Revolutionary Command thereof.

Article 45.—Each of the President of the Council of Revolutionary Command, his deputy and its members shall be responsible before the Council for infringement of the Constitution, breaking the obligations of the Constitutional oath or for any act or conduct which the Council deems as harming the responsibility which he is exercising.

Chapter Two

The National Council

Article 46.—The National Council shall consist of the representatives of the nation in all its political, economic and social sectors. It shall be formed and the manner of membership, the process of work in it and its jurisdictions shall be defined by special Law named the National Council Law.

Article 47.—The National Council must be held in two ordinary sessions each year. The President of the Council of Revolutionary Command may convene the Council for exceptional meeting whenever the necessity requires that. The meeting shall be restricted to the subjects for which it was convened. The sessions of the National Council shall be held and dismissed by resolution of the Council of Revolutionary Command.

Article 48.—The sittings of the Council shall be held openly unless it is decided to hold some of them in camera in accordance with the rules defined in its Law.

Article 49.—(a) The members of the National Council may not be questioned about the opinions and suggestions they give during their exercise of the tasks of their posts.

(b) Any of the members of the Council may not be followed or arrested for an offence committed during the holding of the sessions without permission of the Council except in case of flagrant delit.

Article 50.—The National Council shall undertake :

(a) To formulate its interior Regulation, definition of its cadre, approving its balance and appointment of its officials. The remunerations and allowances of its President and members shall be defined by Law

(b) To put the rules for accusation and trial of its members in case of their commission one of the acts provided for in Article 55 of this Constitution.

Article 50.—The National Council shall consider the projects of Laws those proposed by the Council of the Revolutionary Command within a period of fifteen days from the date of their arrival to the bureau of the Presidency of the National Council. If the Council approved the project it will be submitted to the President of the Republic to be promulgated, but if the National Council rejected it or amended it then it will be forwarded again to the Council of Revolutionary Command and if it accepts the amendment the project will be submitted to the President of the Republic for its promulgation. But if the Council of Revolutionary Command insists on its opinion in the second reading the project shall be returned to the National Council to be presented in joint sitting of the two Council and the decision issued by the majority of two third shall be considered as final.

Article 52.—The National Council shall consider within a period of fifteen days the projects of Laws forwarded to it by the President of the Republic. If the Council rejected the project it will be returned to the President of the Republic with statement of the reasons for its refusal. But if it accepts thereof then it will be submitted to the Council of Revolutionary Command and if it approves thereof it shall be liable for promulgation. But if the National Council amends it then the project shall be submitted to the Council of Revolutionary Command, if it approves thereof it becomes liable for promulgation.

But if the Council of Revolutionary Command rejected the amendment or makes another amendment it will be returned again to the National Council within one week.

If the National Council adopted the opinion of the Council of Revolutionary Command, the project will be submitted to the President of the Republic for its promulgation. But if the National Council insists in the second reading on its opinion then a joint sitting will be held for the two Councils, and the project promulgated by the majority of the two third shall be considered as final and it shall be submitted to the President of the Republic for promulgation.

Article 53.—The National Council shall consider the projects of Laws which are submitted by quarter of the members of its members in other than the military, financial matters and public security affairs.

If the Council approves on the project of Law it will be forwarded to the Council of Revolutionary Command for consideration within fifteen days from the date of its arrival to the bureau of the Council. If the Council of Revolutionary Command approves thereon the project shall be submitted to the President of the Republic for promulgation thereof. But if the Council of Revolutionary Command rejected the project it will be returned to the National Council.

But if the Council of Revolutionary Command made amendment in the project it will be returned to the National Council. If the later insists on its opinion in the second reading then a joint sitting shall be held for the two Councils under the Presidency of the President of the Council of Revolutionary Command or his deputy, and the project promulgated by the majority of two third shall be considered as final and will be submitted to the President of the Republic for its promulgation.

- Article 54.**—
- (a) The deputies of the President of the Republic and the Ministers and those who are in grades similar to them shall be entitled to attend the sittings of the National Council and to participate in its discussions.
 - (b) The National Council may, after the approval of the President of the Republic call the Ministers in order to make an enquiry or explanation.

Article 55.—The President of the National Council and any members in it is responsible before the Council for infringement of the Constitution, breaking the obligations of the Constitutional oath or for any act or conduct the National Council deems as harming the honour of the responsibility he is exercising.

Chapter Three

President of the Republic

Article 56.— (a) The President of the Republic is the Head of the State and the Commander in Chief of the Armed Forces and shall exercise the executive power directly or with the assistance of his deputies and Ministers in accordance with the provisions of this Constitution.

(b) The President of the Republic shall promulgate the necessary Ordinances for exercising his powers prescribed in this Constitution.

Article 57.— The President of the Republic shall exercise the following powers :

- (a) To preserve the independence of the country and the integrity of its lands, to protect its interior and exterior security, to look after the rights and freedom of all the citizens.
- (b) To declare the emergency case wholly or partially and to terminate thereof in accordance with the Law.
- (c) To appoint the deputies of the President of the Republic and the Ministers and to excuse them from their posts.
- (d) To appoint the judges, kadhis and all the civil and military officials of the State and their promotion, termination of their services, placing them on pension, granting the medals and military ranks in accordance with the Law.
- (e) To prepare the project of the general budget of the State and the independent and investment budgets attached thereto and approving the final accounts for these budgets and referring them to the National Council for discussing thereof.
- (f) To prepare the general plan of the State in all the economic and social affairs which is formulated by the Ministers concerned and referring it to the National Council.
- (g) To conclude loans and their granting thereof and supervision of the organization and administration of the currency and insurance.
- (h) To supervise all the public services, official and semi-official establishments and the establishments of public sector.
- (i) To direct and supervise the works of the Ministries, public establishments and to coordinate among them.
- (j) To Perform the negotiation and concluding the international agreements and treaties.
- (k) To accept the diplomatic and international representatives in Iraq and to demand their withdrawal.
- (l) To appoint and accredit the Iraqi diplomatic representative to the Arab and foreign capitals and to international conferences and organizations.
- (m) To issue the special pardon and to approve the death sentences.
- (n) to supervise the good application of the Constitution, decisions, judicial judgements and development, projects in all parts of the Republic of Iraq.
- (o) To authorize one or more of his deputies with some of his constitutional powers.

Article 58.—Deputies of the President of the Republic and the Ministers are responsible before the President of the Republic for their work; he may refer any one of them to trial in accordance with the provisions of the Constitution for the post errors who he commits and for taking advantage of the authority or the misuse thereof.

Article 59.—The deputies of the President of the Republic and the Ministers shall take the following oath before the President of the Republic before starting their office duties.

“I swear by Almighty God and by my honour and faith to preserve the Republican regime and to be bound by its Constitution and Laws, to fully guard over the people's interests and to safeguard the homeland independence, its safety and the integrity of its territory and to endeavour with sacrifice and loyalty to achieve the aims of the Nation.

Chapter Four

Judicature

Article 60.—(a) Judicature is independent. It is subject to no other authority save the Law.

(b) The right to litigation is guaranteed to all citizens.

(c) The manner of courts establishment, their grades, jurisdictions, conditions of appointment of judges and qadhis, their transfer, promotion, prosecution and placing them on pension shall be defined by the Law.

Article 61.—The Law shall define the posts of Public prosecution, its offices, conditions of appointment of Public Prosecutors and their assistants, the rules of their transfer, prosecution and placing them on pension.

Chapter Five

General Provisions

Article 62.—(a) No one may be a member in the Council of Revolutionary Command and no one may be a deputy of the President of the Republic and no Minister except he is an Iraqi by birth and from Iraqi parents also by birth.

(b) Members of the Council of Revolutionary Command, deputies of the President of the Republic and the Ministers shall not exercise free profession or commercial work or to buy from the State properties or to sell to it some of their properties or to barter for them during the charge of their posts.

Article 63.—(a) The provisions of this Constitution shall come into force until the permanent constitution is promulgated.

(b) This Constitution shall not be amended except by the Council of Revolutionary Command through the majority of two third of its members.

- Article 64.— (a) The Laws shall be published in the Official Gazette and be enforced from the date of its publication except otherwise provided therein.
- (b) Laws may have no retroactive effect except if provided otherwise this exception shall not include penal Laws and the Law of taxes and financial dues.
- Article 65.— This Interim Constitution and all the Laws and the judgements of judicature shall be promulgated and executed by the name of the people.
- Article 66.— All the Laws and resolutions of the Council of Revolutionary Command enforced prior to promulgation of this Constitution shall remain valid and they may not be amended or repealed except by the manner prescribed in this Constitution.
- Article 67.— The President of the Council of Revolutionary Command shall undertake the promulgation of this Constitution and its publication in the Official Gazette.

(Published in the Waqayi' Al-Iraqiya No. 1900 of 19/7/1970)

NOTIFICATION

1. The annual subscription for the weekly 'Gazette of the Republic of Iraq either the English or the Arabic versions' shall be as follow :—

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2. It has been decided that the price of each issue of the Gazette on sale to non-subscribers shall be based on the number of forms (folded sheet equivalent to four pages) according to the following scale :—

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