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BRITISH MANDATE FOR IRAQ.

TEXT OF THE ORGANIC LAW OF IRAQ

LETTER FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE.

London, August 15th, 1924.

I am directed by Mr. Secretary Ramsay MacDonald to transmit to you, herewith, the text of the Organic Law of Iraq as finally passed by the Iraq Constituent Assembly on July 10th last. This document is the Law mentioned in Article III of the Anglo-Iraq Treaty of October 10th, 1922, which formed enclosure No. 1 in Foreign Office letter E. 4416/232/65 of May 21st last¹

(Signed) Arthur YENCKEN.

[*Translation.*

THE ORGANIC LAW OF IRAQ.

(Passed by the Constituent Assembly, July 10th, 1924.)

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INTRODUCTION.

1. — This law shall be called "The Organic Law of Iraq" and its provisions shall apply to the whole country of Iraq.

2. — Iraq is a sovereign State, free and independent. Its sovereign rights are indivisible and inalienable. Its government is that of a hereditary monarchy and its form representative.

3. — Baghdad shall be considered the capital of Iraq. If necessity should arise, the capital may be changed by special law to another place.

4. — The Iraq flag shall be of the following form and dimensions

Its length shall be double its breadth and it shall be divided horizontally into three parallel and equal strips, the uppermost being black, the next white and the next green. It shall bear a red truncated cone on the side of the staff, of which the greater base shall be equal to the breadth of the flag, the smaller base equal to the breadth of the white strip and the height equal to one-fourth of the length of the flag. In the middle of the cone shall be two white stars of seven points in a perpendicular position parallel to the staff. The disposition of the flag and the arms and decorations of the State shall be regulated by a special law.

PART I. — RIGHTS OF THE PEOPLE.

5. — Iraq nationality shall be determined and acquired and lost in accordance with a special law.

6. — There shall be no difference in rights before the law among Iraqis, although they may differ in race, religion and language.

7. — The personal freedom of all dwellers in Iraq shall be safeguarded from aggression and interference and no person shall be arrested or detained or punished or forced to change his residence or submitted to bonds or compelled to serve in the army except in accordance with law. Torture and the exile of Iraqis outside the Kingdom of Iraq are to be absolutely forbidden.

8. — Dwelling-houses shall be safe from aggression, and it is forbidden to enter therein or to search therein except in the circumstances and in the manner prescribed by law.

9. — No person shall be denied recourse to the Courts or be forced to submit to a Court other than the Court having jurisdiction in his case, except in accordance with law.

10. — The rights of ownership shall be safeguarded and there shall be no forced loan or confiscation of movable or immovable property (prohibited by law) except in accordance with law. Forced labour and general confiscation of immovable property is entirely prohibited. The property of no one shall be expropriated except for the purpose of public utility in circumstances to be defined by law and on condition that equitable compensation is paid for it.

11. — No taxation shall be imposed except by law. Taxation shall be applied to all classes.

12. — All Iraqis shall be free to express and publish their opinions and to assemble together and to form, and be members of, associations, within the provisions of law.

13. — Islam shall be the State Religion and the performance of its rites in accordance with the various sects of Islam common to Iraq shall be respected and shall not be interfered with and there shall be insured to all dwellers in the country complete freedom of belief and freedom to practise forms of worship in accordance with their customs, unless detrimental to public safety or order or contrary to morals.

14. — All Iraqis shall have the right to prefer complaints and petitions on personal or public matters to the King or Parliament and the public authorities in the circumstances and in the manner to be prescribed by law.

15. — Postal, telegraphic and telephonic messages shall be secret, and shall be safe from all surveillance or detention, except in the circumstances and in the manner to be prescribed by law

16. — The various communities shall have the right to establish and maintain their schools, for the teaching of their own members, in their own language, provided that they conform to the general requirements prescribed by law

17. — The official language shall be Arabic except as may be prescribed by special law.

18. — Iraqis shall be entitled to equal rights and liable to equal obligations. To them alone shall be entrusted government appointments, without discrimination, in accordance with their ability and qualifications. No persons other than Iraqis shall be employed in government appointments, except in exceptional circumstances which shall be prescribed in a special law and except in case of foreigners who may or shall be employed under treaties or agreements.

PART II. — THE CROWN AND THE RIGHTS OF THE CROWN.

19. — The sovereignty of the Iraq Kingdom belongs to the people and it is a trust confided by the people to King Faisal ibn Husan and his heirs after him.

20. — The Heir Apparent shall be the eldest male descendant of the King in the direct line in accordance with a special law of succession.

21. — The King shall, on his accession to the throne, swear an oath before the Chamber of Deputies and the Senate together assembled under the presidency of the President of the Senate that he will safeguard the constitution and the independence of the country and will be loyal to the country and nation.

22. — The King shall attain his majority upon the completion of his eighteenth year.

If the throne shall pass to a person who has not attained that age, the rights of the Crown shall be exercised by a Regent. Such Regent shall be the person appointed in that behalf by the late King — provided that he shall not do any act as Regent until Parliament shall have approved of his appointment. If Parliament shall not approve of his appointment or if no Regent shall have been appointed by the late King, then Parliament shall itself appoint a Regent.

The Regent shall take the oath hereinbefore prescribed before Parliament. Until the Regent shall have been so approved and shall have taken the oath, the Cabinet shall, in the name of the Iraq nation, exercise the rights of the Crown and be responsible therefor.

During the Regency there shall be no amendment of the Organic Law, in what concerns the rights of the King and his heirs.

23. — Parliament shall be specially convoked when it is necessary to appoint a Regent. In the event of the Chamber of Deputies being dissolved and the election for the new Chamber being uncompleted, the dissolved Chamber shall re-assemble for the purpose.

24. — The King shall not assume sovereignty over territory outside Iraq, except after the approval of Parliament.

25. — The King shall be immune from liability and responsibility

26. (a). — The King is the head of the State. He sanctions and promulgates all laws and supervises their execution. By his orders bye-laws are made to regulate the application of laws, within the limits prescribed by such laws.

(b). The King issues orders for the holding of general elections for the Chamber of Deputies, convokes Parliament, opens it, adjourns it, prorogues it and dissolves it in accordance with the provisions of this law.

(c). If necessity should arise, when Parliament is not sitting, for urgent measures to be taken for the maintenance of public order and security, or for repelling a public danger, or for urgent expenditure not sanctioned by the budget or by special law, or for the purpose of securing the fulfilment of treaty obligations, the King may with the concurrence of the Cabinet, pass ordinances directing the necessary measures to be taken.

Such ordinances, which shall not contravene the provisions of this Organic Law, shall have the force of law. With the exception of those passed for the purpose of securing the fulfilment of obligations arising out of Treaties approved by Parliament or by the Constituent Assembly, they shall be submitted to Parliament at the beginning of its session.

If Parliament shall not accept any such ordinances, so submitted, the Government shall notify the cessation of the validity thereof and from the date of such notification the ordinance shall cease to be in force.

Such ordinances shall be signed by all Ministers.

Throughout this law the expression "law" or "laws" shall include an ordinance or ordinances passed by virtue of the provisions of this article unless there is anything in the text of this law repugnant thereto.

(d). The King concludes treaties, on condition that he shall not ratify them except after the approval of Parliament.

(e). The King chooses the Prime Minister and, on his recommendation, appoints Ministers and accepts their resignation from office.

(f). The King appoints members of the Senate and accepts their resignation from their appointments.

(g). The King, on the recommendation of the responsible Minister, appoints and dismisses all diplomatic representatives and civil officials and Shara' and Civil judges and grants military ranks, except in cases in which he may, by special regulations, have delegated this authority to another. He confers decorations, titles and other honourable distinctions.

(h). The King is Commander-in-Chief of all military forces and has the right to declare war with the consent of the Cabinet and to conclude treaties of peace, on condition that he shall not ratify them without the approval of Parliament. He may proclaim martial law, in accordance with the provisions of Article 121 hereof.

(i). Oath of the realm shall be struck in the name of the King.

(j). No death sentence shall be carried out except after confirmation by the King. The King may reduce sentences and remit them by special pardon and may, with the consent of the two Chambers, declare a general amnesty.

27. — The King will exercise his rights by Royal Iradah. Royal Iradahs shall be issued on the recommendation of the responsible minister or ministers and with the concurrence of the Prime Minister, both or all of whom shall sign the same.

PART III. — LEGISLATURE.

General.

28. — The legislative power is vested in Parliament with the King. Parliament consists of the Senate and the Chamber of Deputies and shall, subject to the provisions of this Organic Law, have power to make, amend and repeal laws.

29. — Parliament shall be opened by the King in person or by the Prime Minister or one of the Ministers authorised to open Parliament and to make the King's speech.

30. — No person shall be a member of the Senate or Chamber of Deputies

- (1) Who is not an Iraqi,
- (2) Who claims foreign nationality or foreign protection
- (3) Who, in the case of Deputies, has not completed his thirtieth year and, in the case of Senators, has not completed his fortieth year
- (4) Who has been adjudged bankrupt and has not been legally rehabilitated
- (5) Who has been placed under interdiction and the interdiction has not been removed;
- (6) Who has lost his civil rights,
- (7) Who has been awarded imprisonment for more than one year for an offence other than a political offence or has been sentenced to imprisonment for any duration for theft, bribery, breach of trust, forgery fraud or other offence detrimental to honour;
- (8) Who has a material interest, personally or otherwise, in any contract with any public department of Iraq, unless such interest arises through his being a shareholder in any association composed of more than twenty-five persons. Multazims of taxes and lessees of government land are excluded from this disqualification
- (9) Who is mad or an idiot
- (10) Who is related to the King within such degrees of consanguinity as shall be prescribed by law.

In any event, no person shall be a member of both assemblies.

The Senate.

31. — The Senate shall be composed of not more than twenty members, appointed by the King from among those who, by their acts, have gained the confidence and trust of the people, and those who have an honourable past in the service of the Government and the country

32. — The appointment of Senators shall last for eight years and half of them shall be changed every four years. The former members shall be eligible for re-appointment.

On the occasion of the first change, the first half shall be ascertained by lot.

33. — The President and Vice-President shall be chosen from among the members by the assembly, with the approval of the King, for the period of one year and they may be re-appointed.

34. — The Senate shall assemble and shall cease to sit when the Chamber of Deputies assembles and ceases to sit.

35. — Every Senator shall receive the sum of 5,000 rupees for each session, with travelling expenses each way and every Senator shall receive an additional payment of 1,250 rupees for every prolongation beyond the ordinary period of the session.

Chamber of Deputies.

36. — The Chamber of Deputies shall be elected on the basis of one deputy to every 20,000 male Iraq subjects.

37. — The manner of election of Deputies shall be prescribed by special law which shall observe the principle of secret ballot and shall have regard to the proper representation of non-Muslim minorities.

38. — Subject to the provision for dissolution in Article 26 (b), the duration of the Chamber of Deputies shall be for four ordinary sessions, one session each year, beginning from November 1st following the election and if the November 1st be an official holiday then from the day following.

39. — The King shall summon the Chamber to assemble in the Capital for the ordinary session on November 1st of each year, subject to the provisions of Article 38, and if not so summoned it shall assemble of its own accord in due course of law on the said date when its ordinary session shall begin, and this shall extend for four months unless the Chamber be dissolved by the King before the expiration of that period or unless the session be prolonged by the King for the purpose of the despatch of business of an urgent nature.

If the session be prolonged, then the total period of the session shall not exceed six months.

The Chamber may adjourn from time to time in conformity with the rules of the Chamber.

The Chamber shall further adjourn, if so required to do by the King, not more than three times during any one session for stated periods, which shall not altogether exceed a total period of two months. In computing the period of the session, the period covered by such further adjournments shall not be taken into account.

40. — If the Chamber be dissolved, a general election shall take place and the new Chamber shall assemble in extraordinary session not more than four months after the date of

dissolution. The period of such extraordinary session and the conditions covering the prolongation and adjournment thereof shall be as prescribed for ordinary sessions in Article 39 of this law. In any event, this session shall be prorogued on October 31st, so that the first ordinary session of the Parliament may assemble at the beginning of November. If such extraordinary session shall assemble in the months of November or December, it shall be regarded as the first ordinary session of that Parliament. If the Chamber be dissolved for a special reason, the new Chamber may not be dissolved for the same reason.

41. — A former deputy shall be eligible for re-election.

42. — Every male Iraqi who has completed his thirtieth year and is not under any of the disqualifications set out in Article 30 has the right to be elected to membership of the Chamber of Deputies, but so that he may only represent one of the districts to be prescribed by special law as constituencies. If it happens that a person be elected for more than one such district, he may choose, within eight days from the date of his being informed, which district he will represent. Officials who are elected may choose between accepting and refusing election and those who accept election must give up their government appointment within the said period, except Ministers.

43. — The Chamber of Deputies shall decide all questions concerning the qualifications for the election of deputies, vacancies, resignations and disputed elections.

44. — The Chamber of Deputies shall, at the first assembly of each year, elect a President, two Vice-Presidents and two Secretaries from among its members.

The result of the election shall be submitted to the King, who shall give his approval. One of the Vice-Presidents shall officiate for the President when necessary.

45. — Every member of the Chamber of Deputies has the right to propose legislation, except as hereinafter provided, in respect of financial matters, on condition that he is supported by ten of his colleagues, and if the Chamber accepts the proposal it shall be submitted to the Cabinet for the preparation of the bill. A proposal which is rejected by the Chamber shall not be again presented in the same session.

46. — A member may resign his seat by presenting his resignation in writing to the President. No resignation shall take effect unless accepted by the Chamber of Deputies.

47. — In the event of the vacating of a seat in the Chamber of Deputies, owing to the death of a member or of his resignation or of his ceasing to be qualified or absenting himself from the Chamber, there shall forthwith be a new election on the authority of an order issued by the President.

48. — A member of the Chamber of Deputies shall be deemed to represent not only his own district but the whole of Iraq.

49. — A member who absents himself from the Chamber for a month without permission or reasonable excuse shall be deemed to have resigned and Article 46 shall apply.

50. — Every member of the Chamber of Deputies shall receive the sum of 4,000 rupees for each session, with travelling expenses each way, and if the period of the session be prolonged to more than four months, then members of the Chamber of Deputies shall be paid an additional 1,000 rupees *per mensem* for the period of prolongation.

Articles applying to both Assemblies.

51. — Each Deputy and Senator must, in the presence of his own assembly and before taking his seat, swear to be loyal to the King and to uphold the Organic Law and the service of the nation and country, and the due performance of the duties entrusted to him.

52. — Neither assembly shall proceed to the despatch of business unless one-half of the members exceeded by one shall be present.

53. — Unless underwise provided by this law, decisions shall be given by a majority of votes of the members present, other than the President. The President shall not vote except in case of an equality of votes, when he shall have and exercise a casting vote. A majority cannot be obtained unless half the members present record their votes.

Every member shall record his vote in person.

The manner of voting shall be prescribed by the rules of the assembly.

54. — Every member of Parliament shall have the right to put questions to Ministers. The discussion of each question and the answers thereto shall take place in accordance with the rules of each assembly after the lapse of at least eight days from the date on which the questions are put unless the Ministers shall otherwise agree and the matter be urgent.

55. — Legislative bills shall be passed article by article and then again as a whole.

56. — No armed forces shall enter or be posted near the doors of the assembly except at the request of the President.

57. — All sittings of both assemblies shall be public unless one of the Ministers, or four of the Senators, or ten of the Deputies, as the case may be, shall demand that the matter in hand be discussed secretly.

58. — No person may be admitted to or speak in either assembly except the members, the Ministers or, in their absence, senior officials deputed by them, and those whom the assembly shall officially summon before it.

59. — The Senate and the Chamber of Deputies may make rules and orders concerning the following matters

(1) The manner in which each body may exercise and uphold the powers, privileges and safeguards conferred on it by this Organic Law.

(2) The order and conduct of their business and proceedings either separately or in joint assembly

60. — No member of Parliament shall be arrested or tried during the session unless the assembly to which he belongs shall, by a majority vote, declare that good reason exists for the accusation of such member or unless he is taken in the act of committing a serious offence.

Every member shall have complete freedom of speech within the limits of the rules of the assembly to which he belongs and no legal proceedings shall be taken against him in respect of any vote given or opinion expressed or speech made by him during the deliberations of the assembly. If the member is for any reason arrested during the adjournment of the assembly the Government shall inform the assembly at its re-assembling of such action and give the necessary reasons and explanations.

61. — A Minister who is a member of one of the assemblies shall have the right to vote in that assembly and the right of speech in both assemblies and a Minister who is not or who has not become a member of either assembly shall have the right of speech in both assemblies, but without voting.

Ministers or those deputed on their behalf in their absence shall have the right of precedence over all other members in addressing the assembly

62. (1). — Every bill must be submitted to one assembly and, if accepted, shall be submitted to the other. It shall not become law until accepted by both assemblies and approved by the King.

(2). Bills submitted by Government shall be subject to the decision of both assemblies and, after acceptance, they shall be submitted to the King, who will either approve them or return them with a statement of reasons within the space of three months. If, however, either assembly shall decide on the urgency of measures, they shall be approved or returned for reconsideration with a statement of reasons, within the period of fifteen days.

(3). — A bill rejected by both assemblies shall not be again introduced into either assembly during the same session.

63. — If one of the assemblies shall twice refuse a bill and the other assembly shall insist on its acceptance, a joint assembly shall be convened, composed of the members of the Senate and of the Chamber of Deputies.

The assembly so formed shall sit under the presidency of the President of the Senate to decide the disputed provisions of the bill only. If the bill, with or without amendments, is affirmed by a two-thirds majority of the joint assembly it shall be taken to have been duly accepted by both assemblies. It shall not become law until it has been approved by the King. If not so accepted, it shall not be again introduced into either assembly during the same session.

PART IV — THE MINISTRY.

64. — The number of Ministers shall be not less than six nor more than nine. No person who is under any of the disqualifications set out in Article 30 may become a Minister. No Minister shall hold office for a longer period than six months, unless he is or becomes a Senator or a member of the Chamber of Deputies.

Ministers while in receipt of the salaries attaching to their office shall cease to draw allowances as Senators or members of the Chamber of Deputies.

No Minister may buy or lease any movable or immovable property of the State.

65. — The Cabinet is entrusted with the conduct of the affairs of the State. It shall meet under the presidency of the Prime Minister to decide as to the measures which should be taken in matters appertaining to more than one Ministry, and also to investigate all important matters concerning the Ministries. The Prime Minister will communicate to the King the decisions come to and will ascertain his wishes in regard thereto.

66. — Ministers of State shall be responsible to the Chamber of Deputies jointly in matters which concern the Ministries and severally in what concerns their respective Ministries and the Departments under them.

If the Chamber of Deputies shall by a majority of those present pass a resolution that the Ministry does not possess the confidence of the Chamber, the Ministry shall resign. If such a resolution concerns a single Minister only then such Minister shall resign. The voting on such a resolution shall be adjourned once for a period not exceeding eight days if the Prime Minister or the Minister concerned shall so demand, and the Chamber shall not be dissolved in that period.

67. — Every Minister may deal with all matters concerning his Ministry and the Departments thereof in such a manner as may be prescribed by law

PART V — THE JUDICATURE.

Judges.

68. — Civil and Shara Judges shall be appointed by Royal Iradah and shall be irremovable except as provided by the provisions of a special law dealing with their qualifications, appointment, grades and the manner of their dismissal.

Courts.

General.

69. — The Courts shall be divided into three classes

- (a) Civil Courts.
- (b) Religious Courts.
- (c) Special Courts.

70. — Subject to the provisions of this Organic Law, the constitution, place of sitting, grades and divisions of all courts and their jurisdiction and administration shall be determined by special laws.

71. — All courts shall be free from interference.

72. — All trials shall be public except where, for reasons to be prescribed by law, courts may sit *in camera*.

It shall be lawful to publish the proceedings and judgments of courts, except as regards proceedings *in camera*.

All judgments shall be issued in the name of the King.

Civil Courts.

73. — The Civil Courts shall have jurisdiction over all persons in Iraq, in all matters, civil and criminal, including cases of claims by and against the Iraq Government, except in such matters which, by the provisions of this Organic Law or of any other law for the time being in force, shall be assigned to the jurisdiction of the Religious Courts or the Special Courts in manner hereinafter provided.

74. — The civil and criminal jurisdiction of the Civil Courts shall be exercised in accordance with the law for the time being in force

Provided that, in matters regarding the personal status of foreigners or in other matters of a civil or commercial nature in which it is customary by international usage to apply the law of another country, such law shall be applied in manner to be prescribed by law.

Religious Courts.

75. — The Religious Courts shall be divided into

- (a) Moslem Courts.
- (b) Communal Spiritual Councils.

76. — The Moslem Courts shall have exclusive jurisdiction in matters of the personal status of Moslems and matters connected with the administration of their waqfs.

77. — The jurisdiction of the Moslem Courts shall be exercised in conformity with the principles of the Shara' Law as contained in the various doctrines of the Islamic sects, in accordance with a special law. The Qadhi must be of the sect of the majority of the population in the place to which he is appointed, provided that in the cities of Baghdad and Basrah there shall continue to be both a Sunni and a Ja'fari Qadhi.

78. — The Communal Spiritual Councils shall comprise such Spiritual Councils of the Jewish and Christian communities as shall be established and invested with judicial power under the authority of special laws.

79. — The Communal Spiritual Councils shall have jurisdiction

1. In matters of marriage, dowry, divorce, maintenance between husband and wife and the attestation of wills other than those attested before notaries public, so far as concerns the members of their communities, other than foreigners, except in regard to those matters which come within the jurisdiction of the Civil Courts.

2. Any other matters of personal status concerning members of the communities, if both parties so agree.

80. — The procedure to be followed and the fees to be levied by the Communal Spiritual Councils shall be determined by special law. A special law shall also regulate inheritance, testamentary freedom and such matters of personal status as lie outside the jurisdiction of the said Councils.

Special Courts.

81. — There shall be established a High Court for the trial of Ministers and members of Parliament for political offences and offences committed in connection with their public duties, and for the trial of Judges of the Court of Cassation for offences in connection with their public duties, and for deciding questions regarding the interpretation and the constitutional validity of laws.

82. — For the purpose of a trial mentioned in the preceding article, the High Court shall be convened when necessary by Royal Iradah, to be issued in pursuance of a resolution of impeachment to be passed by the Chamber of Deputies in each case by a two-thirds majority of those present, and shall be composed of the President and eight members to be chosen by the Senate, four of them from among the Senators and four from among the senior Judges.

The Court shall sit under the presidency of the President of the Senate.

83. — For the purpose of deciding questions regarding the interpretation of the provisions of this Organic Law or for the purpose of deciding whether a law or regulation in force contravenes the provisions of this Organic Law, the High Court shall be convened when necessary by Royal Iradah to be issued in pursuance of the recommendation of the Cabinet.

84. — Subject to the provisions of Article 83 of this Organic Law, a Diwan Khas shall assemble for the purpose of deciding questions regarding the interpretation of laws and regulations, other than this Organic Law, at the request of the Minister concerned. It shall be composed of three members of the Court of Cassation and three senior administrative officials to be chosen in accordance with special law, and shall sit under the presidency of the President of the Court of Cassation.

85. — Cases tried by the High Court shall be decided in accordance with law by a majority of two-thirds of the Court and such decisions shall not be liable to appeal or revision. Previous decisions may be reconsidered by the High Court on the appearance of fresh evidence necessitating such reconsideration, and this shall be in pursuance of a Royal Iradah issued on the application of the person convicted.

86. — Decisions given by the High Court in the matters referred to in Article 83, except as provided in Article 87 or by the Diwan Khas in the matters referred to in Article 84, shall be obtained by a simple majority of the Court or Diwan and shall be given effect to by all Courts of Justice and departments of Government.

87. — No decision shall be given by the High Court that a law or part of a law, in force contravenes the provisions of this Organic Law, except by a majority of two-thirds of the Court.

In the event of such a decision being given, the law, or the part thereof which is declared to contravene the provisions of this law, shall be deemed to have been null and void from the beginning.

88. — Special Courts or bodies may be established by law for the following purposes

(a) The trial of members of the military forces of Iraq for offences as prescribed by the Army Law

(b) The settlement of tribal disputes in matters of a civil and criminal nature, in accordance with the customs of the tribes as shall be prescribed by special law

(c) The settlement of civil disputes which may arise between the Government and its employees, in connection with their services

(d) The settlement of cases concerning the enjoyment of and the boundaries of land.

89. — The procedure, scale of fees and the manner in which the judgment of the special courts may be appealed against, set aside or confirmed, shall be prescribed by law

PART VI. — FINANCIAL.

90. — All taxes and Customs duties shall remain as they are on coming into force of this law until altered by law.

91. — No tax shall be imposed except by law to be approved by the King after receiving the consent of Parliament provided that this shall not apply to income which may be received by government departments in return for public services or for the enjoyment of government property

92. — Taxes shall be collected from all the classes and communities affected by them without distinction and no person shall be exempt therefrom except in accordance with law.

93. — No property of the State shall be sold, granted, leased or otherwise disposed of except in accordance with law.

94. — No monopoly or concession for the exploitation or development of the natural resources of the country or for services of public utility shall be granted, nor shall any government revenue be farmed out, except in accordance with law, provided that if any such monopoly, concession or farming out shall be for a period exceeding three years, then a special law shall be necessary in each case.

95. — The Government shall not contract any loan or enter into any agreement to pay money out of the public funds except on the authority of a special law, if there be no provision in the budget.

96. — All property received by government officials shall be paid into the Public Treasury and an account thereof shall be furnished in manner provided by law

97. — No part of the fund in the Public Treasury shall be appropriated for pay compensation or other expenditure except by law and nothing shall be expended out of such appropriations except in manner provided by law

98. — The appropriations for each year shall be sanctioned by a yearly law to be called the Budget Law, which shall include therein the estimates of revenue and expenditure for that year.

99. — Parliament shall approve the Budget Law during the session preceding the financial year to which the law relates.

100. — All bills of Appropriation Laws, and for laws increasing, reducing or cancelling authorised appropriations, and the Budget Law, and all bills dealing with loans contracted by the Government, shall be introduced by the Minister of Finance into the Chamber of Deputies first.

101. — The Budget Law shall be discussed article by article and then again as a whole. The budget shall be discussed vote by vote.

102. — If, at a time when Parliament is not sitting, there shall arise the need for urgent expenditure not sanctioned by the budget or by special law, the King, with the concurrence of the Cabinet, may issue ordinances authorising the necessary financial measures to be taken, in accordance with the provisions of Article 26 (c) hereof.

103. — It shall be lawful for Parliament to pass laws appropriating fixed amounts to be expended over a certain number of years.

104. — There shall be passed a law providing for the creation of a department for the purpose of verifying expenditure and reporting to the legislative authority, at least once a year, whether the expenditure has been in accordance with the appropriations approved by Parliament and the moneys paid in accordance with the rules prescribed by law.

105. — No bill, vote or resolution involving a charge upon public funds for any purpose whatever shall be proposed in either assembly except by a Minister.

106. — Without the previous consent of the King, the Chamber of Deputies shall not pass any resolution or propose any amendment to a law under discussion, if such resolution or amendment proposes the reduction or cancellation of any expenditure arising out of treaties approved by Parliament or by the Constituent Assembly.

107. — If a new financial year shall begin before the budget has been passed, then, if Parliament be sitting, the Minister of Finance shall introduce a bill for temporary provision for a period not exceeding two months. At the expiration of the period for which temporary provision is granted a fresh bill may be introduced by the Minister of Finance, and so on, so long as may be necessary. If Parliament be not sitting, the provisions of the budget for the preceding year shall be acted on, without prejudice to the issue of ordinances under the provisions of Article 102 hereof.

108. — The currency of the Realm shall be prescribed by law.

PART VII. — ADMINISTRATION OF THE PROVINCES.

109. — The administrative divisions of Iraq, their classes and names and the manner of their administration and the jurisdiction of their officials and their nomenclature shall be prescribed by special law.

110. — The law above mentioned shall make provision for the taking of necessary measures in certain districts for the performance in those districts of the obligations arising out of the treaties entered into by the King with the concurrence of Parliament or of the Constituent Assembly which passed this Organic Law.

111. — The municipal affairs of the cities and towns of Iraq shall be administered through Municipal Councils, in accordance with special law.

In the administrative districts there shall be administrative councils performing functions to be ascribed to them by law.

112. — Every community shall have the right to form Communal Councils in the principal administrative divisions, whose duties shall be the administration of waqf buildings and properties and waqf funds and charitable bequests and the collection of their revenue and the expenditure thereof in accordance with the will of the donor and in conformity with established custom. They shall also supervise the property of orphans in accordance with the law.

The said Councils shall be under the supervision of the Government.

PART VIII. — VALIDATION OF LAWS AND JUDGMENTS.

113. — Except in so far as they may have been amended or repealed by the proclamations, rules and laws mentioned in the next article, the Ottoman Laws promulgated on or before November 5th, 1914, and the laws which were promulgated after that date and have remained in force up to the date of this law shall remain in force, as far as circumstances permit, until the legislative authority established by this Organic Law shall repeal or alter them, or until the High Court shall give a decision rendering them null and void under the provisions of Article 87.

114. — The proclamations, rules and laws of the Commander-in-Chief of the British Forces in Iraq or of the Civil Commissioner or of the High Commissioner or of the Government of His Majesty King Faisal during the period between November 5th, 1914, and the coming into force of this Organic Law shall be considered to have been valid from the date of their coming into force and, if unrepealed, will remain in force until the legislative authority established by this Organic Law shall repeal them or until the High Court shall give a decision rendering them null and void under the provisions of Article 87.

115. — Every person shall be released and indemnified from and against all claims by any person whatsoever in respect of acts done in good faith by or under the instructions of the Commander-in-Chief of the British Forces in Iraq or of the Civil Commissioner or of the High Commissioner or of the Government of His Majesty King Faisal or of any public officer acting in any command or capacity, military or civil, for the purpose of the suppression of hostilities or the establishment and maintenance of good order and public safety or the execution of any regulations issued under martial law between November 5th, 1914, and the coming into force of this Organic Law.

Every act referred to in this article shall be presumed to have been done or directed to have been done in good faith unless proof to the contrary is brought by the party complaining,

and any action or other legal proceedings against any person in respect of such acts shall be discharged and become null and void unless the party complaining shall bring such proof as aforesaid.

116. — All judgments in civil and Shara' cases given by Turkish courts before the occupation by the British Forces, and all judgments in civil and Shara' cases given by courts established after the said occupation or by Political Officers or Assistant Political Officers acting within their jurisdiction, shall be deemed to be judgments given by properly constituted courts of Iraq.

117. — Any sentence passed or judgment given or order made by any court established after the occupation by the British Forces or by any Court Martial or Military Court or by any Military Governor or Political Officer or Assistant Political Officer or other officer authorised to dispose of offences shall be deemed to be and always to have been in accordance with law, and the sentences of all persons tried by such courts or officers shall be deemed to be sentences passed by properly constituted courts of Iraq.

PART IX. — CHANGE OF THE ORGANIC LAW

118. — Parliament may within the space of one year from the date of the coming into force of this Organic Law, alter or add to the details of its provisions for the purpose of carrying into effect the intention thereof, on condition that agreement shall have been secured thereto by a majority of two-thirds of the votes in each assembly

119. — Except as provided in the foregoing article, no amendment whatsoever of the Organic Law shall be permitted for the period of five years from the date of its coming into force, nor after that period except in manner following

Every amending law brought forward must be accepted by the Chamber of Deputies and the Senate by a majority of two-thirds of the members of each assembly. After acceptance, the bill shall be delayed until the election of a new Chamber of Deputies and shall then be again submitted to them and to the Senate. If it shall again be accepted by a majority of two-thirds of the members of each assembly it shall be submitted to the King for his approval and promulgation.

PART X. — GENERAL PROVISIONS.

120. — In the event of disturbances occurring, or should there be indications of anything of that nature in any part of Iraq, or in the event of danger of hostile attack on any part of Iraq, the King, with the concurrence of the Cabinet, shall have power to proclaim martial law as a temporary measure in all such parts of Iraq as may be affected by such disturbances or attack.

The ordinary law of the State may be temporarily suspended in such district or districts as may be named and to such an extent as may be specified in any such proclamation, provided that all persons shall be and remain legally liable in respect of all acts done by them in pursuance of such proclamation unless and until they should be indemnified by special law passed by Parliament for that purpose.

The method of administration of districts proclaimed to be under martial law shall be proclaimed by Royal Iradah.

121. — If necessity should arise for the interpretation of a provision of law, then

(a) If the matter concerns the interpretation of the provisions of this Organic Law, the interpretation thereof shall appertain to the High Court as provided in Part V of this law.

(b) If the matter concerns the interpretation of other laws, so far as they may concern the administration of the State, the interpretation thereof shall appertain to the Diwan Khas as provided in Part V of this law.

(c) In all other matters the interpretation shall appertain to the Courts of Justice having jurisdiction in the suits of which the need for interpretation may arise.

122. — The organisation and the financial and other administration of the affairs of the Islamic Waqfs shall be prescribed by special law.

The Department of Waqfs shall be considered to be one of the departments of government.

123. — This Organic Law shall enter into force from the date of the assent of the King thereto.