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press, association and assembly.¹ The Constitution forbids torture and extradition of political refugees.² Education is guaranteed and free, equitable working conditions are provided as well as care for health and the family.³ Defence, taxation and participation in elections are duties of citizens.⁴

LEGISLATIVE DEPARTMENT

Parliament is composed of members to be elected through public secret elections after the termination of the transitional period.⁵ In the interim, the legislative power is exercised by the Consultative Council.⁶

EXECUTIVE DEPARTMENT

The President of the Republic must be an Iraqi of Iraqi descent, elected by the National Council of Revolutionary Command, the Council of Ministers and the National Defence Council by a majority of two thirds.⁷ He has the power of appointment, commands the Armed Forces and has the right of pardon.⁸ He presides over a National Defence Council appointed by himself.⁹ The Government consists of the Prime Minister and ministers who must be Iraqi of Iraqi descent.¹⁰ There are provisions relating to the Armed Forces.¹¹

JUDICIAL DEPARTMENT

Judges and *Qadhis* are independent and the independence of the judiciary may not be interfered with.¹²

AREA, POPULATION, ETC.

Iraq has an area of 448,742 square kilometres and a population (1962 estimate) of 6,803,000. The capital is Baghdad.¹³

¹ Id., Art. 19-25, 27-32.

³ Id., Art. 33-36, 5, 15, 16.

⁶ Id., Art. 63.

⁷ Id., Art. 41, 55.

¹⁰ Id., Art. 66, 72.

¹¹ Id., Art. 77-82.

² Id., Art. 23, 26.

⁴ Id., Art. 37-39.

⁸ Id., Art. 43, 46, 47, 52.

¹² Id., Art. 85.

⁵ Id., Art. 61, 62.

⁹ Id., Art. 30.

¹³ Id., Art. 94.

INTERIM CONSTITUTION of IRAQ¹

April 19, 1964, as amended December 14, 1964 and
September 18, 1965

In the name of God, The Beneficent, The Merciful.

In response to the desire of the People and the Armed Forces whose vanguards marched on the 18th of November 1963, to save the country from evils of deviation and party predominance, and complying with the spirit of the Revolution of that glorious day which is aiming at the realization of stability, security and providing equal opportunities for all citizens without discrimination because of race, origin or religion, so as they should set out to fruitful endeavor, to rectify social conditions, construct the virtuous society which enjoys prosperity, knowledge, culture and health, and endeavor to bring up the rising generations on principles of the Arab and Islamic spirit, devotion to homeland and the comprehensive unity;

We hereby proclaim this Interim Constitution in which principles of government have been defined and the individual relations with the State organized, to be implemented throughout the transitional period, which we hope will be short, till the promulgation of a Permanent Constitution in which the final judgment for settling the rule of the Republican Regime and its form will be to the people's seeking all the help of the most High Almighty God, following His Almighty saying, "and Consult them on the matter." May God grant us success.

PART ONE

STATE

Art. 1. The Republic of Iraq is a democratic, socialist State, deriving the principles of her democracy and socialism from the Arab Heritage and the Islamic spirit.

¹ Published in English in the *Weekly Gazette of the Republic of Iraq*, May 20, 1964. Supplied by the Ministry of Culture and Guidance. Amendments contained in Weekly Gazettes of March 3, 1965 and November 10, 1965. Ed.

The Iraqi people is a part of the Arab Nation, looking forward to the comprehensive Arab unity which the government is bound to achieve as soon as possible, starting thus from the union with the United Arab Republic.

Art. 2. The Iraqi Republic is a full Sovereign State. No part of her territories may be given up.

Art. 3. Islam shall be the State religion and it is the fundamental basis for her Constitution. Arabic is her official language.

PART TWO

BASIC FOUNDATIONS OF THE SOCIETY

Art. 4. Social solidarity shall be the basis of the Iraqi society.

Art. 5. The family shall be the basic unit of the society, whose principles are religion, morals and patriotism.

Art. 6. The State shall secure equal opportunities for all Iraqis.

Art. 7. The economic system in Iraq shall endeavor to achieve economic development and social justice which prohibit any sort of exploitation.

Art. 8. The State shall steer the national economy in accordance with a comprehensive plan to be drawn by the law and within the framework of which private and public sectors shall collaborate towards promoting the economic development for raising production and the living standard.

Art. 9. Natural wealth together with its resources and energies shall be the property of the State which shall properly dispose of them.

Art. 10. Capital shall be employed for the service of the national economy; its employment methods shall never contradict the public benefit of the people.

Art. 11. Public property shall be respected; its protection shall be an obligation of every citizen, for it constitutes a source of people's well-being and Homeland's strength.

Art. 12. Private property shall be safeguarded; the law shall organize its social function, and it shall not be expropriated except for public utility, against just compensation in accordance with the law.

The right of inheritance shall be guaranteed in accordance with the provisions of the Islamic jurisdiction.

Art. 13. The law shall define the maximum limit of agricultural property, in a way that shall not give rise to feudalism.

Art. 14. The State shall encourage co-operation and preserve all forms of co-operative institutions.

Art. 15. The State shall guarantee the support of the family, and protect maternity and childhood in accordance with law.

Art. 16. The State shall guarantee the social security services, and Iraqis may enjoy the right to aid in cases of old-age, illness, inability and unemployment.

Art. 17. Work in the Iraqi Republic be the right, duty and honor to every able citizen. The Public appointments are responsibility entrusted to Government officials who by carrying them out, aim to render service to the people.

PART THREE

PUBLIC RIGHTS AND DUTIES

Art. 18. Iraqi Nationality shall be defined by law.

Art. 19. Iraqis shall be equal in regard to public rights and duties, without discrimination because of race, origin, language or religion or any other reason. This Constitution shall admit the national rights of the Kurds within the Iraqi nation in a brotherly national unity.

Art. 20. No offence and no penalty except by virtue of law. No penalty imposed except on the actions following the issue of the law in which they are proscribed.

Art. 21. Penalty shall be personal.

Art. 22. No one shall be arrested, or detained or imprisoned or searched except in accordance with the provisions of the law.

Art. 23. The accused shall be regarded as innocent unless his conviction is proved by a legal trial through which he shall enjoy the necessary guarantees to exercise the right of defence in person or through agency.

Torment of the accused physically or morally shall be forbidden.

Art. 24. Every accused for a crime, should have a defender to defend him in accordance with his agreement.

Art. 25. No Iraqi shall be denied residence anywhere, and shall not be compelled to reside in a certain quarter unless under circumstances defined by the Law.

Art. 26. Delivery of political refugees is prohibited.

Art. 27. Dwellings shall be safeguarded, and shall never be entered except in such circumstances and in such manner as prescribed by law.

Art. 28. Freedom of religions shall be safeguarded. The State shall protect the freedom of practising their rites, provided that these do not conflict with public discipline or contradict morals.

Art. 29. Freedom of opinion and scientific research shall be guaranteed. Every person shall have the right to express and publish his opinion orally or through writing or sketching or by other means etc., within the limits prescribed by law.

Art. 30. Freedom of press, printing and publication is guaranteed with the limits of law.

Art. 31. Freedom of forming societies and trade unions through legal methods and on national principles, is guaranteed within the limits of law.

Art. 32. Iraqis, unarmed, may hold meetings quietly without a prior notice. Public meetings, festivals and groupings are permitted within the limits of law.

Art. 33. Education is a right of all Iraqis guaranteed by the State through the construction and expansion of different types of schools, universities and cultural and educational institutes. The State shall pay special attention to the physical, mental and moral growth of youth.

Art. 34. The State shall supervise public education which shall be free through all stages of government schools, universities and institutes. Public education affairs shall be organized by law.

Art. 35. The State shall guarantee equitable treatment for all Iraqis in accordance with the work they achieve, through defining working hours, wages, social insurance, health security and unemployment guarantees, and organizing the right of rest and leaves.

Art. 36. Health preservation is a right of all Iraqis, guaranteed by the State through the construction and expansion of all sorts of hospitals and health institutions.

Art. 37. Defence of the homeland is a sacred duty. The national military service is an honor for all Iraqis, and conscription shall be compulsory in accordance with the law.

Art. 38. Payment of taxes and public expenses is an honorable duty. No tax or duty may be imposed or exempted to anybody thereof except in accordance with law.

Art. 39. Election is a right of Iraqis in accordance with law; their participation in public life is a national duty for them.

PART FOUR

REGIME OF GOVERNMENT

Chapter One. President of the State

Art. 40. The President of the State shall be President of the Republic. He shall resume his powers in the manner prescribed by this Constitution.

Art. 41. It is provided that the President of the Republic should be an Iraqi, Moslem of Iraqi parents, enjoying full political and civil rights, chosen from those who have rendered great services to the country and nation, and who shall be no less than 40 years of age.

Art. 42. The President of the Republic shall swear the following oath before assuming his duties, in the presence of the Council of Ministers:

"I swear by God the Great that I shall be faithful to my religion, homeland and nation, and shall endeavor to preserve the Republican Regime, respect the Constitution and the law, and fully serve the people's interests and protect the country's independence and the homeland's security."

Art. 43. The President of the Republic shall appoint the Prime Minister, vice-premiers and ministers, and accept their resignations or relieve them of office.

Art. 44. The President of the Republic shall approve laws, regulations and cabinet decisions.

Art. 45. The President of the Republic shall approve and ratify international treaties and agreements.

Art. 46. (a) The President of the Republic shall appoint officers and place them on pension in accordance with the law.

(b) The President of the Republic shall appoint civil officials, judges, Qadhis and political representatives in accordance with the law.

(c) The President of the Republic shall accredit the representatives of foreign countries and international bodies to the Iraq Republic.

Art. 47. The President of the Republic is the Commander-in-Chief of the Armed Forces.

Art. 48. The President of the Republic may declare emergency conditions after the approval of the Council of Minister.

Art. 49. The President of the Republic may declare war and accept truce and reconciliation after the approval of the Council of Ministers and the Council of National Defence.

Art. 50. The President of the Republic shall form a National Defence Council which he shall preside over, and whose powers shall be defined by the law.

Art. 51. The President of the Republic, in case of actual or probable public danger which endangers the security and tranquillity of the country, may, upon the agreement of the Council of Ministers, issue decrees which have the effect of laws, to protect the integrity, security and tranquillity of the Republic.

Art. 52. Execution of death sentence shall only be carried out upon the ratification of the President of the Republic who may commute or cancel the sentence by special amnesty; general amnesty shall only be declared by law.

Art. 53. Upon leaving Iraq or failing to carry out his duties for any reason the President of the Republic shall form a Republican Council – to act on his behalf – comprising three members he shall choose from among the members of the Council of the Ministers or the Council of National Defence or from both of them.

Art. 54. If the President of the Republic submits his resignation from his post, he shall address the letter of his resignation to the Council

of Ministers, who together with the National Defence Council shall hold a joint meeting under the Chairmanship of the Prime Minister, to decide upon accepting or rejecting the resignation by a majority of twothirds of the total number of members.

Art. 55. Upon vacancy of the Presidential position for any reason, the Council of Ministers and the National Defence Council shall hold a joint meeting under the Chairmanship of the Prime Minister, to elect a President of the Republic by a majority of two thirds the of total members, within a period not exceeding one week from the vacancy date of the post, provided that the new President shall be elected from persons who fulfil the conditions stipulated in Article 41 of this Constitution.

Art. 56. During the period of vacancy of the post of President of the Republic, the Prime Minister shall continue exercising his powers, and shall have no right to exercise the powers of the President of the Republic.

Art. 57. The law shall define the salary of the President of the Republic and amendment thereof shall not be effected during the presidency term in which the amendment is decided.

Art. 58. The President of the Republic shall not practise during his Presidential term a liberal profession or commercial, financial, industrial or any other economic work, or buy or hire any state property, or sell or lease any of his property or barter his own for state property.

Art. 59. The President of the Republic, with participation of the government, shall draw the general policy of the State in all aspects in the military, political, economic and social fields, and shall supervise its execution.

Art. 60. The President of the Republic shall not be held responsible for actions of his post, except in cases of violation of the Constitution or high treason. As relates to his responsibility for public crimes they shall be subject to ordinary laws. He shall not be accused for these crimes or for the violation of the Constitution or high treason, except by the Council of Ministers, upon a decision by a majority of two thirds of the total of all members. Only a special court may try him in the manner defined by the law.

Chapter Two. The Legislature

Art. 61. Parliament is the body which shall exercise Legislative Power.

Art. 62. Parliament shall be composed of members elected through public secret elections. Number of members, method and principles of election and voters recalling shall be defined by a law to be promulgated at least six months before the terminatio of the transitional period.

Art. 63. The legislative power shall be entrusted to the Council of Ministers throughout the transitional period.

Chapter Three. Executive Power

FIRST: PRESIDENT OF THE REPUBLIC

Art. 64. The President of the Republic shall undertake and exercise the executive power in the manner defined by the Constitution.

SECOND: GOVERNMENT

Art. 65. The government is the higher executive and administrative body of the State.

Art. 66. The government shall be composed of a Prime Minister, Vice-Premiers and Ministers; the Prime Minister shall direct the government affairs and preside over the Council of Ministers.

Art. 67. The government shall undertake the execution of the general policy of the State in accordance with laws, regulations and republican ordinances, and shall exercise all the powers required therefor.

Art. 68. The government shall undertake the organization and implementation of economic, cultural, social and health tasks which lead to raising the living standard and people's well-being, for constructing the virtuous society. The government shall adopt a sound foreign policy.

Art. 69. The government shall exercise the following powers:

- (a) Directing, co-ordinating and revising the actions of the ministers and public bodies and administrations.
- (b) Issuing administrative and executive decisions in accordance with laws and regulations, and supervising their execution.
- (c) Preparing drafts of laws and regulations.
- (d) Appointing, dismissing, discharging and placing on pension officials in accordance with law.
- (e) Preparing the General Budget of the State and budgets annexed to it.
- (f) Preparing the general plan of the State for promoting the national economy, and taking the necessary measures to execute them in accordance with the law.
- (g) Supervising the organization and management of monetary systems, insurance and securities activities of the State.
- (h) Concluding and extending loans within the framework of the general policy of the State.
- (i) Supervising all semi-official administrations, government companies and institutions of public utility.
- (j) Supervising and following up execution of laws, regulations, decisions and republican ordinances, preserving the State Security and protecting citizens' rights and state interests.

(k) Supervising activities of ministries, administrations, public and local bodies. The government may cancel or amend their inconvenient decisions in the way defined by the law.

Art. 70. An authority for general financial supervision shall be established in the Iraq Republic. The Authority's formation, principles and rules of its undertaking supervision and controlling activities shall be organized by the law.

Art. 71. Deliberations of the Council of Ministers shall be secret, decisions shall be taken by a majority of the members present who shall constitute a majority and by their approval if the voting is equal, the side including the Prime Minister shall have a casting vote and its decisions shall be binding to all members.

Art. 72. A person to be appointed as Prime Minister, Vice-Premier or Minister must be Iraqi and of Iraqi parents, not less than 30 years old and enjoying full civil and political rights.

Art. 73. Members of the government shall swear the following oath before the President of the Republic and before assuming their duties:

"I swear by God the Great that I shall be faithful to my religion, homeland and nation, preserve the Republican Regime, respect the Constitution and law, fully look after people's interests and protect the country's independence and the homeland's security."

Art. 74. The Prime Minister, Vice-Premiers or Ministers shall not, during term of their office, exercise a free profession or commercial, financial, industrial or economic work, or buy or hire any State property, or to sell or lease to her any of their property, or barter their property for hers.

Art. 75. The President of the Republic, or the Prime Minister by the approval of the President of the Republic, may refer a Minister to trial for crimes committed by him while carrying out his duties, in the manner defined by law.

Art. 76. Resignation or dismissal of the Prime Minister shall imply the resignation of all Ministers.

THIRD: ARMED FORCES

Art. 77. Iraq Republic Armed Forces are the property of the people, and they are their means for protection and security of homeland, safeguarding its territories and preservation of national integrity.

Art. 78. The State alone shall establish the Armed Forces which comprise the army, police forces, security and guard.

Art. 79. No body or group shall establish military or semi-military formations.

Art. 80. Public mobilization shall be organized in accordance with law.

Art. 81. A law shall define the conditions of service and promotion for Armed Forces officers.

Art. 82. No member of the Armed Forces shall join a party or political faction. Spreading political and party ideas in the ranks of the Armed Forces by any means is absolutely forbidden.

FOURTH: LOCAL ADMINISTRATION

Art. 83. The Iraq Republic shall be divided into administrative units to be organized and administered in accordance with law.

Art. 84. Bodies representing administrative units shall be in charge of all affairs of the units they represent, and shall participate in the implementation of the general plan of the State; they may initiate and manage economic, social, health and educational projects and institutions, in accordance with law.

Chapter Four. The Judicature

Art. 85. Judges and *Qadhis* are independent and shall only be ruled, in their activities, by the law, and no power shall ever interfere in the independence of judicature or justice affairs. Judicial power shall be organized by law.

Art. 86. The law shall arrange the order of divisions and grades of courts, and define their jurisdictions.

Art. 87. Court sessions shall be public except if they are deemed by the court to be in secret in compliance with general discipline or morals.

Art. 88. Judgments shall be announced and executed in the name of the people.

Art. 89. Judges and *Qadhis* may not be dismissed; and that is as prescribed by law.

Art. 90. The law shall define the conditions of appointment, transfer and discipline of Judges and *Qadhis*.

Art. 91. The law shall organize the post of General Prosecutor, his assistants and powers.

Art. 92. Appointment of the General Prosecutor, his assistants, discipline and their dismissal shall be in accordance with the law.

Art. 93. The State Council shall be formed by a law, and shall undertake administrative judicature, and formulating, revising and explaining laws and regulations.

PART FIVE

GENERAL PROVISIONS

Art. 94. The city of Baghdad is the capital of Iraq Republic.

Art. 95. A law shall define the national flag and provisions thereof, also the State emblem and provisions thereof shall be defined by law.

Art. 96. Provisions of laws shall be valid from the date of their enforcement; and they shall have no retroactive effect, yet it may be—other than in criminal matters—provided otherwise by law.

Art. 97. Laws shall be published in the Official Gazette and become effective from date of their publication unless otherwise stated.

PART SIX

TRANSITIONAL PROVISIONS

Art. 98. Decisions, Notifications, Orders and Decrees issued by the President of the Republic or the Head of the National Council of Revolutionary Command or Commander-in-Chief of the Armed Forces, in the period from 18th November, 1963, shall have the force of law from the date of their issue, and thus shall cancel all contradictory provisions of laws which were effective prior to their issuance. They shall never be cancelled or amended except in the manner defined by this Interim Constitution.

Art. 99. Legislations which were in force prior to the issue of this Interim Constitution shall be valid, and they shall not be repealed or amended except in the manner defined by this Interim Constitution.

Art. 100. On enforcement, of this Interim Constitution, the present President of the Republic shall take the oath mentioned in Article 42 before the National Council of the Revolutionary Command together with the Council of Ministers.

Art. 101. The present President of the Republic shall continue exercising functions of his office till the President of the Republic is elected in accordance with the provisions of the Permanent Constitution.

Art. 102. The Transition period shall not exceed three years, commencing from the execution of this Interim Constitution.

Art. 103. The Interim Constitution dated 27th of July, 1958 shall be repealed.

Art. 104. This Interim Constitution shall be valid until the permanent Constitution to be promulgated by the Parliament or the rising of State of unity.

Art. 105. This Interim Constitution shall come into force with effect from the date of its publication in the Official Gazette.

Art. 106. The Ministers of State are charged with the execution of this Constitution.

Made at Baghdad this 17th day of *Thil Hijja*, 1383 and the 19th day of April, 1964.