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## THE INTERIM CONSTITUTION OF IRAQ<sup>1</sup>

July 16, 1970, as amended 1973, 1974

### PART ONE

#### THE REPUBLIC OF IRAQ

*Art. 1.* Iraq is a Sovereign People's Democratic Republic; its principal aim is to achieve the United Arab State and establish the Socialist System.

*Art. 2.* The people is the source of power and its legality.

*Art. 3. (a)* Sovereignty of Iraq is indivisible .

*(b)* The land of Iraq is an indivisible unit and any part of it may not be relinquished.

*Art. 4.* Islam is the religion of the State.

*Art. 5. (a)* Iraq is part of the Arab Nation.

*(b)* The people of Iraq is formed of two principal nationalities, the Arab nationality and the Kurdish nationality. This Constitution shall recognize the national rights of the Kurdish people and the legitimate rights of all minorities within the unity of Iraq.

*Art. 6.* The Iraqi nationality and its rules shall be organized by the law.

*Art. 7. (a)* Arabic is the official language.

*(b)* The Kurdish language shall be the official language, besides the Arabic language, in the Kurdish Region.

*Art. 8. (a)* Baghdad is the capital of the Republic of Iraq, and it may be shifted by a law.

*(b)* The Republic of Iraq shall be divided into administrative units which shall be organized on the basis of decentralization.

*(c)* The area whose majority of population is from Kurds, shall enjoy autonomy in accordance with what is defined by the law.

*Art. 9.* The Flag and the Emblem of the Republic of Iraq and the rules pertaining to them shall be defined by a law.

### PART TWO

#### SOCIAL AND ECONOMIC BASES OF THE REPUBLIC OF IRAQ

*Art. 10.* Social solidarity is the foremost foundation for the society. Its implication is that every citizen shall fully perform his duty towards the society and that the society shall ensure to the citizen his full rights and freedoms.

*Art. 11.* The family is the nucleus of society, The State shall guarantee its protection and support, and shall foster maternity and childhood.

<sup>1</sup>Published by the Ministry of Information, second edition 1975. Supplied by the Embassy of Iraq in Athens in March 1982. Ed

*Art. 12.* The State shall undertake planning, directing and guiding the national economy for the aim of;

- (a) Establishing the socialist system on scientific and revolutionary principles.
- (b) Achieving the Arab economic unity.

*Art. 13.* National resources and essential instruments of production are the property of the people. and the central authority of the Republic of Iraq shall invest them directly in accordance with the requirements of the general planning of the national economy.

*Art. 14.* The State shall ensure, promote and support all kinds of co-operation in production, distribution and consumption.

*Art. 15.* Public properties and the properties of the public sector shall have special inviolability, which the State and all citizens of the people have to maintain and watch over their security and protection. Any subversion thereto or violation thereon shall be deemed as subversion to the structure of the society and a violation of it.

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

(b) Private ownership and individual economic freedom shall be ensured within the limits of the law and on the basis of non-investing them in what contradicts or harms the general economic planning.

(c) Private property shall not be expropriated except for the public interest and in accordance with just compensation under the rules defined by the law.

(d) The ceiling of agricultural ownership shall be defined by the law and the surplus shall be deemed as the property of the people.

*Art. 17.* Inheritance is an ensured right which shall be defined by the law.

*Art. 18.* Real estate ownership is forbidden to non-Iraqis except what is excluded by a law.

### PART THREE

#### BASIC RIGHTS AND DUTIES

*Art. 19.* (a) Citizens are equal before the law, without discrimination because of race, origin, language, social category or religion.

(b) Equal opportunities for all citizens shall be guaranteed within the limits of the law.

*Art. 20.* (a) The accused is innocent until he shall be proved guilty through 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 courts shall be convened openly unless the court decides to convene *in camera*.

*Art. 21. (a)* Penalty is personal.

*(b)* There shall be no offence or penalty except as defined by a law. Penalty may not be imposed except on the act deemed by the law as an offence at the time of its commission. More severe penalty than the penalty enforced at the time of committing the offence may not be applied.

*Art. 22. (a)* Dignity of man is maintained. Exercise of any form of physical or psychological torment shall be 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.

*Art. 23.* Secrecy of mail, telegraphic and telephone correspondences shall be guaranteed, and they may not be disclosed except for justice and security necessities in accordance with the limits and the rules provided by the law.

*Art. 24.* A citizen may not be prevented from travel outside the country or from returning thereto and no restriction may be imposed on his moving and residence inside the country except in the cases defined by the law.

*Art. 25.* Freedom of religions, beliefs and exercise of religious ceremonies shall be guaranteed, provided that this should not contradict the provisions of the Constitution or the law and should not infringe morals and public order.

*Art. 26.* The Constitution shall guarantee freedom of opinion, publication, meeting, demonstration, forming of political parties, unions and societies in accordance with the aims of the Constitution and within the limits of the law. The State shall endeavor to provide the means required for practising these freedoms, which run in line with the nationalist and progressive line of the Revolution.

*Art. 27. (a)* The State shall abide by combatting illiteracy and ensure the right of free-of-charge education, in various elementary, secondary and university levels, for all citizens.

*(b)* The State shall endeavor to make elementary education compulsory, expand vocational and technical education in cities and villages and particularly promote evening education which enables the popular masses to gather between science and labor.

*(c)* The State shall guarantee freedom of scientific research, promote and reward distinction and creativeness in all intellectual, scientific activities and various phenomena of popular genius.

*Art. 28.* Education shall aim at raising and developing the general cultural level. developing scientific thinking, kindling the spirit of research, fulfilling the requirements of economic and social development programs, creating a free nationalist and progressive generation solid in structure and character, which esteems their people. their homeland and their legacy, sympathizes with the rights of all its nationalities and struggles against the philosophy of capitalism, exploitation, reaction, zionism and colonialism, for achieving Arab unity, freedom and socialism.

*Art. 29.* The State shall endeavor to provide the means of enjoying the achieve-

ments of modern civilization for the masses of the people and generalize the progressive output of modern civilization to all citizens.

*Art. 30. (a)* Public office is a sacred trust and a social service, whose stature is the loyal obligation aware of the interests of the masses, their rights and freedoms in accordance with the provisions of the Constitution and the law.

*(b)* Equality in filling public offices shall be guaranteed by the law.

*Art. 31. (a)* Defence of homeland is a sacred duty and an honor bestowed to the citizen. Service of the flag is compulsory and the law shall organize the manner of its performance.

*(b)* The Armed Forces are the property of the people, and they are the people's tool for preserving its security, defending its independence, protecting the people's and homeland's safety and unity and achieving its national and nationalists aims and aspirations.

*(c)* The State alone, shall undertake establishing Armed Forces, and no body or group shall be entitled to establish military or semi-military formations.

*Art. 32. (a)* Work is a right which the State shall undertake to provide to every citizen capable of it.

*(b)* Work is an honor and a sacred duty imposed on every capable citizen. It is required by the necessity of participation in building the society and its protection, development and prosperity.

*(c)* The State shall undertake to improve conditions of work and promote standard of living, expertise and culture for all working citizens.

*(d)* The State shall undertake to provide wider social insurances for all citizens in case of sickness, disability, unemployment or old age.

*(e)* The State shall endeavor to organize the program and ensure the necessary means which enable the working citizens to spend their leaves in an atmosphere that helps them to improve their health standards and develop their cultural and technical gifts.

*Art. 33.* The State shall undertake to protect public health through continuous expansion of free-of-charge medical services whether in prevention, treatment and medicine on the level of cities and villages.

*Art. 34. (a)* The Republic of Iraq shall grant political asylum for all strugglers persecuted in their countries because of their defence for human liberation principles, which the Iraqi people has abided by in this Constitution.

*(b)* Political refugees shall not be delivered.

*Art. 35.* Payment of financial taxes is a duty imposed on all citizens. Financial taxes may not be imposed, amended or levied except by a law.

*Art. 36.* Any activity which contradicts the aims of the people defined in this Constitution and any act or conduct aiming at crumbling the national unity of the masses of the people, provoking racial or sectarian or regional bigotry among their ranks or violating their progressive gains and achievements, shall be prohibited.

## PART FOUR

## THE INSTITUTIONS OF THE REPUBLIC OF IRAQ

## Chapter One. The Revolutionary Command Council

*Art. 37.* The Revolutionary Command Council is the supreme body in the State, which has undertaken since the 17th of July 1968 the responsibility of achieving the people's public will by stripping off the power from the reactionary, dictatorial corrupt system and restoring it to the people.

*Art. 38.* The Revolutionary Command Council shall exercise by the majority of two thirds of its members the following jurisdictions:

- (a) Elect the Chairman from among its members and he shall be designated as the Chairman of the Revolutionary Command Council who shall, as a rule, be the President of the Republic.
- (b) Elect the Vice-Chairman from among its members who shall be designated as Vice-Chairman of the Revolutionary Command Council and shall take the place of the Chairman, as a rule, with his capacities defined in the previous paragraph in case of his official absence or his exercise of his constitutional jurisdiction becomes difficult or impossible, for any legal reason.
- (c) Select new members to the Council from among the regional leadership of Arab Ba'ath Socialist Party provided that its members shall not exceed twelve.
- (d) Decide on the resignation of the Chairman or the Vice-Chairman or one of the Council's members.
- (e) Release any of its members from the membership of the Council.
- (f) Charge and send to trial the members of the Revolutionary Command Council, the deputies of the President of the Republic and the Ministers.

*Art. 39.* The Chairman, the Vice-Chairman and the Members, of the Revolutionary Command Council shall take the following oath before the Council:

'I swear by Almighty God, by my honor and belief to preserve the republican regime and abide by its Constitution and laws, foster the people's interests, safeguard the homeland's independence and safety and the integrity of its lands and endeavor with full sacrifice and loyalty to fulfil the Arab Nation's aims of unity, liberty and socialism.

*Art. 40.* The Chairman, Vice-Chairman and the Members of the Revolutionary Command Council shall enjoy full immunity and no measure may be taken against any one of them except by prior permission from the Council.

- Art. 41.* (a) The Revolutionary Command Council shall convene at the invitation of its Chairman or Vice-Chairman or one third its members. Its sessions shall be convened under the presidency of the Chairman or Vice-Chairman and in the presence of the majority of its members.
- (b) Meetings and discussions of the Revolutionary Command Council are confidential; their disclosure shall be subject to constitutional

inquiry before the Council. Announcement, publication and notification of the decisions of the Council shall be performed by the manner provided in this Constitution.

- (c) Laws and resolutions shall be approved in the Council by the majority of its members, except in the cases otherwise provided in this Constitution.

*Art. 42.* The Revolutionary Command Council shall exercise the following jurisdictions:

- (a) Promulgate laws and resolutions which have the power of the law.
- (b) Issue resolutions required by the necessities of applying the provisions of the enforced laws.

*Art. 43.* The Revolutionary Command Council shall exercise, by the majority of its members, the following jurisdictions:

- (a) Approve the affairs of the Ministry of Defence and public security, make laws and adopt resolutions concerning them in respect to organization and jurisdictions.
- (b) Declare general mobilization partially or fully, declare war, accept armistice and conclude peace.
- (c) Approve the draft of the general budget of the State and the independent and investment budgets annexed thereto and the credit of the final accounts.
- (d) Ratify international treaties and agreements.
- (e) Make the Statute of the Council, define its framework, approve its balance, appoint its officials and specify remunerations and allowances of the Chairman, the Vice-Chairman, the members and the officials.
- (f) Make rules for the trial of its members as regards forming the court and the procedures which must be followed.
- (g) Invest its Chairman or the Vice-Chairman, with some of its jurisdictions provided in this Constitution except for legislative jurisdictions.

*Art. 44.* The Chairman of the Revolutionary Command Council shall undertake the following:

- (a) Preside over the sessions of the Council, represent it, administer its sessions and order expenditure therein.
- (b) Sign all laws and resolutions promulgated by the Council and ensure their publication in the Official Gazette.
- (c) Supervise the works of the Ministers and institutions of the State, call the Ministers for conferring on the affairs of their Ministries, interrogate them when necessary and inform the Revolutionary Command Council therewith.

*Art. 45.* Each of the Chairman, the Vice-Chairman and the Members of the Revolutionary Command Council shall be responsible before the Council for violating the Constitution, for perjuring the obligations of the Constitutional oath or for any act or conduct which the Council deems as detrimental to the honor of responsibility which he exercises.

*Art. 46.* A Higher Financial Comptrolling Authority shall be established and attached to the Revolutionary Command Council. Its head office and the rules of its function shall be organized by a law.

## Chapter Two. The National Assembly

*Art. 47.* The National Assembly shall consist of the representatives of the people in all its political, economic and social sectors. Its formation, manner of membership, process of work in it and its jurisdictions shall be defined by a special law, namely, the National Assembly Law.

*Art. 48.* The National Assembly must convene two ordinary sessions each year. The Chairman of the Revolutionary Command Council is entitled to call the Assembly for an extraordinary meeting whenever required, and the meeting shall be confined to the subjects for which it is convened. Sessions of the National Assembly shall be convened and concluded by a resolution issued by the Revolutionary Command Council.

*Art. 49.* Sessions of the Assembly shall be convened publicly unless it is decided to convene some of them *in camera* in accordance with the rules defined in its law.

*Art. 50. (a)* Members of the National Assembly may not be questioned over the opinions and suggestions they introduce during their exercise of the tasks of their posts.

*(b)* Any of the members of the Assembly may not be pursued or arrested for an offence committed during the holding of the sessions without acquiring the Assembly's permission except in case of being held in the act of crime.

*Art. 51.* The National Assembly shall undertake to:

*(a)* Lay down its internal statute, specify its framework, approve its balance and appoint its personnel. Remunerations and allowances of its President and members shall be defined by a law.

*(b)* Lay down the rules for charging and trying its members in case of their committing one of the acts provided in Article 56 of this Constitution.

*Art. 52.* The National Assembly shall consider the draft laws proposed by the Revolutionary Command Council within a period of fifteen days from the date of their arrival to the bureau of the National Assembly's presidency. If the Assembly approves the draft, it shall be submitted to the President of the Republic, to promulgate it. But if the Revolutionary Command Council insists on its opinion in the second reading, the draft shall be returned to the National Assembly to be presented in a joint sitting of the Council and the Assembly. The decision issued by the majority of two thirds shall be considered as final.

*Art. 53.* The National Assembly shall consider, within a period of fifteen days the draft laws forwarded to it by the President of the Republic. If the Assembly rejects the draft, it shall be returned to the President of the Republic with the statement of the reasons of rejection. But if the Assembly accepts the draft, then it shall be submitted to the Revolutionary Command Council and if it approves the draft, then it shall be liable for promulgation. But if the National Assembly amends the draft, it shall be submitted to the Revolutionary Command Council, and if it approves the draft it shall be liable for promulgation.

But if the Revolutionary Command Council rejects the amendment or makes



another amendment, it shall be returned again to the National Assembly within one week. If the National Assembly adopts the opinion of the Revolutionary Command Council, the draft shall be submitted to the President of the Republic for its promulgation. But if the National Assembly insists, in the second reading, on its opinion, then a joint sitting of the Council and the Assembly shall be held, and the draft adopted by the majority of two thirds shall be considered as final, and it shall be submitted to the President of the Republic for promulgation.

*Art. 54.* The National Assembly shall consider draft laws presented by one quarter its members in affairs other than military matters and public security affairs.

If the Assembly approves the draft law, it shall be submitted to the Revolutionary Command Council to consider it within fifteen days from the date of its arrival to the Council's bureau.

If it is approved by the Revolutionary Command Council, it shall be submitted to the President of the Republic for promulgation.

But if the Revolutionary Command Council rejects or amends it, the draft shall be returned to the National Assembly. If the latter insists on its opinion, in the second reading, a joint session of the Council and the Assembly shall be convened under the presidency of the Chairman of the Revolutionary Command Council or his deputy. The draft issued by the majority of two thirds shall be considered as final and shall be submitted to the President of the Republic for promulgation.

*Art. 55. (a)* Deputies of the President of the Republic and the Ministers and those who are in ranks similar to them shall be entitled to attend the sessions of the National Assembly and participate in discussions.

*(b)* The National Assembly may, after the approval of the President of Republic, call the Ministers in order to make an inquiry or explanation.

*Art. 56.* The President of the National Assembly and every member in it are held responsible before the Assembly for violation the Constitution, perjuring the obligation of the Constitutional oath or for any act or conduct the National Assembly deems as detrimental to the honor of responsibility he exercises.

### Chapter Three. The President of the Republic

*Art. 57. (a)* The President of the Republic is the President of the State and the Commander-in-Chief of the Armed Forces. He shall undertake the executive power directly or through the Council of Ministers.

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

*Art. 58.* The President of the Republic shall directly exercise the following jurisdictions:

*(a)* Preserve the independence of the country and integrity of its lands, protect its internal and external security and foster the rights and freedoms of citizens.

- (b) Supervise the good application of the Constitution, laws, resolutions, judgments of jurisdiction and development projects in all parts of the Republic of Iraq;
- (c) Appoint deputies for the President of the Republic and relieve them from their posts.
- (d) Appoint the Ministers and relieve them from their posts.
- (e) Appoint the judges, *Qadhis* (Justices) and civil and military officials of the State, and terminate their services in accordance with the law.
- (f) Appoint and accredit Iraqi diplomatic representatives to the Arab and foreign countries and in international conferences and organizations.
- (g) Grant military ranks and medals in accordance with the law.
- (h) Hold negotiations and conclude international agreements and treaties.
- (i) Accept diplomatic and international representatives and demand their withdrawal.
- (j) Ratify capital punishments and issue special amnesty.
- (k) Direct the control of the work of the Ministries and general institutions and co-ordinate them.

*Art. 59.* Deputies of the President of the Republic and the Ministers shall be held responsible before the President of the Republic for their works, and he is entitled to refer any one of them to trial, in accordance with the provisions of the Constitution, for functional errors committed, for taking advantage of, or abusive use of, his powers.

*Art. 60.* Deputies of the President of the Republic and the Ministers shall take the following oath before the President of the Republic before proceeding their official tasks:

'I swear by Almighty God, by my honor and faith to preserve the republican regime, abide by its Constitution and laws, preserve the people's interests, safeguard the country's independence, its safety and the integrity of its lands and endeavor with full sacrifice and loyalty to achieve the aims of the people.'

#### Chapter Four. The Council of Ministers

*Art. 61. (a)* The Council of Ministers shall consist of the Ministers and presided over by the President of the Republic.

(b) The President of the Republic shall call the Council of Ministers for meeting and undertake conducting its sessions.

*Art. 62.* The Council of Ministers shall exercise the following jurisdictions:

(a) Organize draft laws and refer them to the competent legislative authority.

(b) Issue administrative regulations and decisions in accordance with the law.

- (c) Appoint civil officials of the State, promote them, in accordance with the law.
- (d) Submit the general plan of the State.
- (e) Submit the general budget of the State and the budgets annexed to it.
- (f) Conclude and grant loans, and supervise organizing and administering currency.
- (g) Declare full or partial emergency and terminate it in accordance with the law.
- (h) Supervise general utilities and official and semi-official institutions.

#### Chapter Five. Justice

- Art. 63.* (a) Justice is independent and no power shall be exercised over it except the law.
- (b) Right to litigation shall be guaranteed to all citizens.
  - (c) The law shall define the manner of courts' formation, their grades, jurisdictions, stipulations for appointing the judges and *Qadhis* (Justices), transferring and promoting them, litigation and retiring them.

*Art. 64.* The law shall define the posts of the public prosecution, its stipulations for appointing public prosecutors and their deputies and the rules for transferring and promoting them, litigation and retiring them.

### PART FIVE

#### GENERAL PROVISIONS

- Art. 65.* (a) No one shall be member in the Revolutionary Command Council and no one shall be deputy to the President of the Republic or Minister except whoever is Iraqi by birth and from Iraqi parents by birth also.
- (b) Members of the Revolutionary Command Council, deputies to the President of the Republic and the Ministers shall not exercise a free profession or a commercial business or purchase from the state properties, sell to the State some of their properties or barter for them during holding their posts.
- Art. 66.* (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 Revolutionary Command Council by the majority of two thirds of its members.
- Art. 67.* (a) The laws shall be published in the Official Gazette and shall come into force from the date of their publication except as otherwise provided therein.

- (b) Laws shall not have retroactive effect except if otherwise provided therein and this exclusion shall not include criminal laws and laws of taxes and financial dues.

*Art. 68.* This Interim Constitution, the laws and rules of jurisdiction shall be promulgated and executed under the name of the people.

*Art. 69.* All laws and resolutions of the Revolutionary Command Council enforced prior to the promulgation of this Constitution shall remain valid and they may not be amended or abrogated except through the manner provided in this Constitution.

*Art. 70.* The Chairman of the Revolutionary Command Council shall undertake promulgating this Constitution and its publication in the Official Gazette.