

Interim Constitution of Iraq (1990)

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Chapter I

The Republic of Iraq

Article 1 [State Form]

Iraq is a Sovereign People's Democratic Republic. Its basic objective is the realization of one Arab State and the build-up of the socialist system.

Article 2 [Authority]

The people are the source of authority and its legitimacy.

Article 3 [Sovereignty, Territory]

- (a) The sovereignty of Iraq is an indivisible entity.
- (b) The territory of Iraq is an indivisible entity of which no part can be ceded.

Article 4 [State Religion]

Islam is the religion of the State.

Article 5 [Nationalities]

- (a) Iraq is a part of the Arab Nation.
- (b) The Iraqi People are composed of two principal nationalisms: the Arab Nationalism and the Kurdish Nationalism.
- (c) This Constitution acknowledges the national rights of the Kurdish People and the legitimate rights of all minorities within the Iraqi unity.

Article 6 [Iraqi Nationality]

The Iraqi nationality is regulated by the law.

Article 7 [Languages]

- (a) Arabic is the official language.
- (b) The Kurdish language is official, besides Arabic, in the Kurdish Region.

Article 8 [Capital, Decentralization]

- (a) Baghdad is the Capital of the Iraqi Republic, and it can be transferred by law.
- (b) The Iraqi Republic is divided into administrative units and is organized on the basis of decentralization.

Article 9 [Flag, Emblem]

The Flag of the Iraqi Republic, its Emblem, and stipulations concerning the two, are regulated by law.

Chapter II

Social and Economic Foundations of the Iraqi Republic

Article 10 [Social Solidarity]

The social solidarity is the first foundation for the Society. Its essence is that every citizen accomplishes his duty in full, and that the Society guarantees the citizen's rights and liberties in full.

Article 11 [Family, Mothers, Children]

The family is the nucleus of the Society. The State secures its protection and support, and ensures maternal and child care.

Article 12 [Economy, Arab Unity]

The State assumes the responsibility for planning, directing and steering the national economy for the purpose of:

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

Article 13 [Public Property and Planning]

National resources and basic means of production are owned by the People. They are directly invested by the Central Authority in the Iraqi Republic, according to exigencies of the general planning of the national economy.

Article 14 [Cooperation]

The State secures, encourages, and supports all types of cooperation in production, distribution, and consumption.

Article 15 [Public Property]

Public ownership and properties of the Public Sector are inviolable. The State and all People are responsible for safeguarding, securing, and protecting it. Any sabotage to it or aggression against it, is considered as sabotage and aggression against the entity of the Society.

Article 16 [Ownership, Private Property]

- (a) Ownership is a social function, to be exercised within the objectives of the Society and the plans of the State, according to stipulations of the law.
- (b) Private ownership and economic individual liberty are guaranteed according to the law, and on the basis of not exercising them in a manner incompatible with the economic and general planning.
- (c) Private property is not expropriated except for considerations of public interest and for just compensation in accordance with the law.
- (d) The maximum limit of agricultural property is prescribed by the law; the surplus is owned by the People.

Article 17 [Inheritance]

Inheritance is a guaranteed right, regulated by the law.

Article 18 [Foreigners' Property]

Immobile ownership is prohibited for non-Iraqi, except otherwise mentioned by a law.

Chapter III**Fundamental Rights and Duties****Article 19 [Equality]**

(a) Citizens are equal before the law, without discrimination because of sex, blood, language, social origin, or religion.

(b) Equal opportunities are guaranteed to all citizens, according to the law.

Article 20 [Criminal Trial]

(a) An accused is presumed to be innocent, until proved guilty at a legal trial.

(b) The right of defense is sacred, in all stages of proceedings and prosecution.

(c) Courts sessions are public, unless it becomes secret by a court's decision.

Article 21 [Penalty, Punishment]

(a) Penalty is personal.

(b) There can be no crime, nor punishment, except in conformity with the law. No penalty shall be imposed, except for acts punishable by the law, while they are committed. A severer penalty than that prescribed by the law, when the act was committed, cannot be inflicted.

Article 22 [Dignity, Personal Integrity, Arrest, Home]

(a) The dignity of man is safeguarded. It is inadmissible to cause any physical or psychological harm.

(b) It is inadmissible to arrest a person, to stop him, to imprison him or to search him, except in accordance with the rules of the law.

(c) Homes have their sanctity. It is inadmissible to enter or search them, except in accordance with the rules of the law.

Article 23 [Communication]

The secrecy of means of communications by mail, telegrams, and telephones is guaranteed. It is inadmissible to disclose it, except for considerations of justice and security, in accordance with the rules prescribed by the law.

Article 24 [Right to Move]

It is inadmissible to prevent the citizen from the departure from the Country or returning to it, nor to restrict his moves or residence in the Country, except in cases laid down by the law.

Article 25 [Religion]

Freedom of religion, faith, and the exercise of religious rites, is guaranteed, in accordance with the rules of constitution and laws and in compliance with morals and public order.

Article 26 [Expression, Association]

The Constitution guarantees freedom of opinion, publication, meeting, demonstrations and formation of political parties, syndicates, and societies in accordance with the objectives of the Constitution and within the limits of the law. The State ensures the considerations necessary to exercise these liberties, which comply with the revolutionary, national, and progressive trend.

Article 27 [Education]

(a) The State undertakes the struggle against illiteracy and guarantees the right of education, free of charge, in its primary, secondary, and university stages, for all citizens.

(b) The State strives to make the primary education compulsory, to expand vocational and technical education in cities and rural areas, and to encourage particularly night education which enables the popular masses to combine science and work.

(c) The State guarantees the freedom of scientific research, encourages and rewards excellence and initiative in all mental, scientific, and artistic activities and all aspects of popular excellence.

Article 28 [Educational Goals]

Education has the objective of raising and developing the general educational level, promoting scientific thinking, animating the research spirit, responding to exigencies of economic and social evolution and development programs, creating a national, liberal and progressive generation, strong physically and morally, proud of his people, his homeland and heritage, aware of all his national rights, and who struggles against the capitalistic ideology, exploitation, reaction, zionism, and imperialism for the purpose of realizing the Arab unity, liberty, and socialism.

Article 29 [Progress]

The State undertakes to make available, the means of enjoying the achievements of modernization, by the popular masses and to generalize the progressive accomplishments of contemporary civilization on all citizens.

Article 30 [Public Office]

(a) Public office is a sacred confidence and a social service; its essence is the honest and conscious obligation to the interests of the masses, their rights and liberties, in accordance with the rules of the constitution and the laws.

(b) Equality in the appointment for public offices is guaranteed by the law.

Article 31 [Armed Forces]

(a) The defense of the homeland is a sacred duty and honor for the citizens; conscription is compulsory and regulated by the law.

(b) Armed Forces belong to the People and are entrusted with ensuring his security, defending his independence, protecting the safety and the integrity of the people and territory, and realizing his national and regional objectives and aspirations.

(c) The State alone establishes the Armed Forces. No other organization or group, is entitled to establish military or para-military formations.

Article 32 [Right, Honor, and Duty to Work]

(a) Work is a right, which is ensured to be available for every able citizen.

(b) Work is an honor and a sacred duty for every able citizen, and is indispensable by the necessity to participate in building the society, protecting it, and realizing its evolution and prosperity.

(c) The State undertakes to improve the conditions of work, and raise the standard of living, experience, and culture for all working citizens.

(d) The State undertakes to provide the largest scale of social securities for all citizens, in cases of sickness, disability, unemployment, or aging.

(e) The State undertakes to elaborate the plan to secure the means necessary, to enable the working citizens to pass their vacations in an atmosphere, which enables them to improve their health standard, and to promote their cultural and artistic talents.

Article 33 [Health]

The State assumes the responsibility to safeguard the public health by continually expanding free medical services, in protection, treatment, and medicine, within the scope of cities and rural areas.

Article 34 [Right to Asylum]

(a) The Iraqi Republic grants the right of political asylum for all militants, persecuted in their countries because of defending the liberal and human principles which are assumed by the Iraqi People in this Constitution.

(b) The extradition of political refugees is prohibited.

Article 35 [Taxes]

Payment of taxes is the duty of every citizen. Taxes cannot be imposed, nor modified, nor levied, except by a law.

Article 36 [Prohibited Activity]

It is prohibited to exercise any activity against the objectives of the People, stipulated in this Constitution. Every act or behavior, having for purpose to crumble the national unity of the popular masses or to provoke racial, sectarian, or regional discrimination among them, or to be hostile to their gains and progressive achievements.

Chapter IV

Institutions of the Iraqi Republic

Section I. The Revolutionary Command Council

Article 37 [Supreme Institution]

The Revolutionary Command Council is the supreme institution in the State, which on 17 July 1968, assumed the responsibility to realize the public will of the people, by removing the authority from the reactionary, individual, and corruptive regime, and returning it to the people.

Article 38 [Competencies]

The Revolutionary Command Council exercises the following competencies by a two-third majority of its members:

- (a) Electing a President from its members, called President of the Revolutionary Council, who is President of the Republic.
- (b) Electing a Vice-President from its members, called Vice-President of the Revolutionary Command Council, who replaces the President, as qualified in the preceding paragraph, in case of his official absence or in case of the impossibility of exercising his constitutional competencies or any legitimate reason.
- (c) Selecting new members for the Council, from members of the Regional Leadership of the Socialist Arab Ba'ath Party, not to exceed twelve members.
- (d) Taking a decision concerning the resignation of the President, and Vice-President or any of the Council's members.
- (e) Relieving any member of the Council's membership.
- (f) Accusing and prosecuting members of the Revolutionary Command Council, Vice-Presidents, and Ministers.

Article 39 [Oath]

The President of the Revolutionary Command Council, the Vice-President and the members take the following oath before the Council:

"I swear by God Almighty, by my honor and by my faith to preserve the Republican system, to commit myself to its Constitution and laws, to look after the independence of the Country, its security and territorial integrity and to do my best earnestly and sincerely to realize the objectives of the Arab Nation for Unity, Freedom and Socialism."

Article 40 [Immunity]

The President of the Revolutionary Command Council, the Vice-President, and the members enjoy full immunity. No measures can be taken against any of them without a priori permission of the Council.

Article 41

- (a) The President, the Vice-President, or one third of the members can call a meeting of the Revolutionary Command Council. Meetings held are presided by the President or the Vice-President and are attended by the majority of the members.
- (b) Meetings and debates of the Revolutionary Command Council are closed. Disclosing it, invokes constitutional responsibility before the Council. Decisions of the Council are declared, published and communicated by the means specified in this Constitution.
- (c) Laws and decisions are ratified in the Council by the majority of its members, except otherwise stipulated by the Constitution.

Article 42 [General Competencies]

The Revolutionary Command Council exercises the following competencies:

- (a) Issuing laws and decrees having the force of the law.
- (b) Issuing decisions indispensable for applying the rules of the enacted laws.

Article 43 [Majority Competencies]

The Revolutionary Command Council excises the following competencies by the majority its members:

- (a) Ratifying matters of the Ministry of Defense and Public Security, elaborating the laws and taking the decisions in whatever concerns them from the point of view of organization and competencies.

- (b) Declaring the public mobilization totally or partially, declaring the war, accepting the truce, and concluding the peace.
- (c) Ratifying the draft general budget of the state, independent and investment budgets annexed to it, and ratifying final accounts.
- (d) Ratifying treaties and international agreements.
- (e) Elaborating its internal rules of procedure, determining its competencies, ratifying its budget, appointing its officials, determining rewards and remunerations of the President, the Vice-President, its members and officials.
- (f) Elaborating the rules regarding the prosecution of its members, concerning the formation of the court and the procedures to be followed in it.
- (g) Vesting its President or the Vice-President with some of his competencies prescribed in this Constitution, except legislative competencies.

Article 44 [Presidential Competencies]

The President of the Revolutionary Command Council undertakes:

- (a) Presiding over the meetings of the Council, representing it, controlling its sessions, and issuing orders for expenditure.
- (b) Signing all laws and decisions issued by the Council and publishing them in the Official Gazette.
- (c) Supervising the activities of Ministries and organizations in the State, calling Ministers to discuss matters concerning their Ministries and questioning them in case of necessity, and notifying the Revolutionary Command Council regarding that.

Article 45 [Responsibility]

The President of the Revolutionary Command Council, the Vice-President, and its members, each is responsible before the Council, for violating the Constitution or for breaking the constituencies of the constitutional oath, or for any action or behavior, considered by the Council as disgracing the honor of the responsibility which he assumes.

Section II. The National Council

Article 46 [Composition]

The National Council is composed of the People's representatives from various political, economic, and social sectors. Its formation, membership, work procedures, and its jurisdiction are determined by a special law, called the National Council Law.

Article 47 [Sessions]

The National Council must be held in two ordinary sessions every year. The President can call it for an extraordinary meeting in case of necessity, and the meeting is restricted to matters which necessitated calling the meeting. Sessions of the National Council are held and dismissed by a decision of the Revolutionary Command Council.

Article 48 [Publicity]

The meetings of the Council are public, unless it is decided that some are to be held closed according to rules specified in its law.

Article 49 [Indemnity]

- (a) Members of the National Council are not censured for opinions or suggestions expressed by them in the performance of their task.
- (b) No member of the Council can be pursued or arrested for a crime committed during a meeting session without permission of the Council, except in the case of *flagrante delicto*.

Article 50 [Organization]

The National Council undertakes:

- (a) Elaborating its internal statute, determining its competencies, deciding its budget, and appointing its employees. Rewards and remunerations of its President and members are determined by a law.
- (b) Elaborating rules for accusing and prosecuting its members, in case of committing one of the actions stipulated in Article 55 of this Constitution.

Article 51 [Command Council Bills]

- (1) The National Council considers the draft laws proposed by the Revolutionary Command Council within fifteen days from the date of their delivery to the office of the Presidency of the National Council. If the Council approves the draft, it is sent to the President of the Republic, to be promulgated; but if it is rejected or modified by the National Council, it is returned to the Revolutionary Command Council. If this latter approves the modification, it sends the draft to the President of the Republic, to be promulgated.
- (2) If the Revolutionary Command Council insists upon its point of view, in the second reading, it is returned to the National Council, to be reviewed in a common meeting between the two Councils; the decision taken by a two-thirds majority, is considered final.

Article 52 [Presidential Bills]

The National Council considers within fifteen days the draft laws presented to it by the President of the Republic.

- (1) If the Council rejects the draft, it is returned to the President of the Republic with the reasons which justified the rejection.
- (2) If the Council approves the draft, it is sent to the Revolutionary Command Council and becomes issuable after that Council approves it.
- (3) If the National Council modifies the draft, it is sent to the Revolutionary Command Council and becomes issuable if that Council approves it.
- (4) But if the Revolutionary Command Council opposes to modifying the draft, or if it makes another modification, it is once again returned to the National Council within a week.
- (5) If the National Council approves the point of view of the evolutionary Command Council, it sends the draft to the President of the Republic for promulgating it.
- (6) But if the National Council insists, in the second reading, upon its point of view, a common meeting of the two Councils is held and the draft issued by two-thirds majority is considered definite and is sent to the President of the Republic to be promulgated.

Article 53 [National Council Bills]

The National Council considers the draft law presented by a quarter of its members, in other than military, financial matters, and public security affairs.

- (1) If the Council approves the draft law, it is sent to the Revolutionary Command Council to be considered within fifteen days from its delivery to the Council's Office.
- (2) If the Revolutionary Command Council approves it, the draft is sent to the President of the Republic to be promulgated.
- (3) If the Revolutionary Command Council rejects the draft, it is returned to the National Council.
- (4) If the Revolutionary Command Council modifies the draft, it is returned to the National Council.
- (5) If this latter insists upon its point of view, in the second reading, a common meeting for the two Councils is held, presided over by the President of the Revolutionary Command Council or the Vice-President. The draft issued by two-thirds majority is considered definite and is sent to the President of the Republic to be promulgated.

Article 54 [Debate]

- (a) Vice-Presidents of the Republic, Ministers, and those at their rank, have the right to attend the meetings of the National Council and to participate in its debates.
- (b) The National Council, with a permission of the President of the Republic, has the right to call Ministers for the purpose of clarification or investigation.

Article 55 [Responsibility]

The President of the National Council and every member of it, is responsible before the Council for violating the Constitution or for breaking the constituencies of the constitutional oath or for any action or behavior, considered by the National Council as disgracing the honor of the responsibility which he assumes.

Section III. President of the Republic

Article 56 [Head of State, Supreme Command]

- (a) The President of the Republic is the Head of the State and the Supreme Commander of the Armed Forces, and he exercises the Executive Authority directly or by the assistance of his Deputies and Ministers, according to the rules of the Constitution.
- (b) The President of the Republic issues the decrees necessary for exercising his competencies stipulated in this Constitution.

Article 57 [Competencies]

The President of the Republic exercises the following competencies:

- (a) Preserving the independence of the Country, its territorial integrity, safeguarding its internal and external security, and protecting the rights and liberties of all citizens.
- (b) Declaring the state of total and partial emergency and ending it according to the law.
- (c) Appointing the Vice-Presidents of the Republic and relieving them of their posts.
- (d) Appointing the governors, the judges, and all civil and military State employees, promoting them, terminating their services, placing them on disponibility, and granting badges of honor and military grades, according to the law.
- (e) Elaborating the draft general State budget, the independent and investment budgets annexed to it, and ratifying the final accounts of these budgets and referring them to the National Council to discuss them.
- (f) Preparing the general plan of the State in all economic and social affairs, elaborated

by competent Ministries and referring it to the National Council.

(g) Contracting and granting loans, supervising the organization and administration of money and credit.

(h) Supervising all the public utilities, official and quasi-official organizations and public sector organizations.

(i) Directing and controlling the work of Ministries and public organizations and coordinating them.

(j) Conducting negotiations and concluding agreements and international treaties.

(k) Accepting the diplomatic and international representatives in Iraq and demanding their withdrawal.

(l) Appointing and accrediting the Iraqi diplomatic representatives in Arab and foreign Capitals and in international conferences and organizations.

(m) Issuing special amnesty and ratifying judgments of capital punishment.

(n) Supervising the good enforcement of the Constitution, the laws, decisions, judicial judgments, and developmental plans in all parts of the Iraqi Republic.

(o) Conferring some of his constitutional competencies to one or more of his deputies.

Article 58 [Control]

Vice-Presidents of the Republic and Ministers are responsible for their functions before the President of the Republic. He has the right to bring any of them to trial according to the rules of Constitution, for functional errors committed by him, for exploiting the authority, or for misusing it.

Article 59 [Oath]

Vice-President of the Republic and Ministers take the following oath before the President of the Republic, before assuming the responsibilities of their functions:

"I swear by God Almighty, by my honor and by my faith to preserve the Republican system, to commit myself to its Constitution and laws, to look after the independence of the Country, its security and territorial integrity, and to do my best earnestly and sincerely to realize the objectives of the People."

Section IV. The Judiciary

Article 60 [Independence, Recourse]

(a) The judiciary is independent and is subject to no other authority save that of the law.

(b) The right of litigation is ensured to all citizens.

(c) The law determines the way of court formation, their levels, jurisdiction, and conditions for the appointment, transfer, promotion, litigation, and dismissal of judges and magistrates.

Article 61 [Prosecution]

The law determines the posts of public prosecution, its agencies and conditions for the appointment of the attorneys general, their deputies, rules of their transfer, promotion, litigation, and dismissal.

Chapter V

General Provisions

Article 62 [Revolutionary Command Council Office]

- (a) To be member of the Revolutionary Command Council or Vice-President of the Republic or Minister, a person must be Iraqi by birth, born of two Iraqi parents, by birth also.
- (b) It is inadmissible for Members of the Revolutionary Command Council and Vice-Presidents of the Republic and Ministers, during their term of office, to pursue any private professional or commercial work or to buy any State property or to sell or exchange with the State any of their own properties.

Article 63 [Permanent Constitution]

- (a) The rules of this Constitution are enforced till the Permanent Constitution is promulgated.
- (b) This Constitution cannot be modified except by the Revolutionary Command Council and by a two-thirds majority of its members.

Article 64 [Publication of Laws]

- (a) Laws are published in the Official Gazette and are put into force, effective the date of publication, unless otherwise stipulated.
- (b) Laws have no retroactive effect, unless otherwise stipulated. This exception does not include penal laws, tax laws, and fiscal fees.

Article 65 [In the Name of The People]

This Interim Constitution and all laws and judiciary judgments are promulgated and put into force, in the name of the People.

Article 66 [Continuity of Laws]

All laws and decisions of the Revolutionary Command Council, enacted prior to the promulgation of this Constitution, remain in force and cannot be modified or abolished except in accordance with the procedures prescribed in this Constitution.

Article 67 [Promulgation, Publication]

The President of the Revolutionary Command Council undertakes promulgating this Constitution and publishing it in the Official Gazette.
