

# Baghdad Public Affairs Section (PAS) Reference Guide to the New Iraqi Government

May 22, 2006

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# Iraqi Council of Ministers Presented to the Parliament by Prime Minister Nuri al-Maliki

May 20, 2006

1. Dr. Barham Salih, Deputy Prime Minister (Kurdistan Coalition - PUK)
2. Salam al-Zawba'i, Deputy Prime Minister (Iraqi Accord Front - *Al-Tawafuq* – Ahl al-Iraq [Dulaimi])
3. Nuri al-Maliki, Acting Minister of the Interior (Unified Iraqi Coalition – *Dawa* [Ja'afari])
4. Salam al-Zawba'i, Acting Minister of Defense (Iraqi Accord Front - *Al-Tawafuq* – Ahl al-Iraq [Dulaimi])
5. Dr. Husayn al-Shahrastani, Minister of Oil (Unified Iraqi Coalition - Independent)
6. Baqir Jabr al-Zubaydi (a.k.a. Bayan Jabr), Minister of Finance (Unified Iraqi Coalition - SCIRI)
7. Hoshayr Zebari, Minister of Foreign Affairs (Unified Iraqi Coalition - KDP)
8. Hashim al-Shibli, Minister of Justice (Iraqi National List - Independent)
9. Ali Baban, Minister of Planning (Iraqi Accord Front - *Al-Tawafuq* – Iraqi Islamic Party)
10. Karim Wahid, Minister of Electricity (Unified Iraqi Coalition – former technocrat/independent)
11. Dr. Ali al-Shammari, Minister of Health (Unified Iraqi Coalition – Sadr Trend)
12. Dr. Khudayyir al-Khuza'i Minister of Education (Unified Iraqi Coalition – *Dawa* [Al-Anzi])
13. Dr. Abd Dhiyab al-Ajili, Minister of Higher Education and Scientific Research (Iraqi Accord Front - *Al-Tawafuq* – Iraqi Islamic Party)
14. Dr. Abd-al-Falah al-Sudani, Minister of Trade (Unified Iraqi Coalition – *Dawa* [Al-Anzi])
15. Fawzi al-Hariri, Minister of Industry (Kurdistan Coalition – KDP [Christian])

16. Dr. Karim Mahdi Salih, Minister of Transportation (Unified Iraqi Coalition – Sadr Trend)
17. Muhammad Tawfiq Allawi, Minister of Communications (Iraqi National List - Independent)
18. Mrs. Bayan Daza'i, Minister of Housing and Construction (Kurdistan Coalition - KDP)
19. Riyadh Ghurayyib, Minister of Municipalities and Public Works (Unified Iraqi Coalition – Badr Organization)
20. Dr. Latif Rashid, Minister of Water Resources (Kurdistan Coalition - PUK)
21. Mahmud Muhammad Jawad Al Radi, Minister of Labor and Social Affairs (Unified Iraqi Coalition – Independent)
22. Dr. Ra'id Fahmi Jahid, Minister of Science and Technology (Iraqi National List – Iraqi Communist Party)
23. Mrs. Narmin Uthman, Minister of Environment (Kurdistan Coalition - PUK)
24. Jasim Muhammad Ja'far, Minister of Youth and Sports (Unified Iraqi Coalition – Shi'a Turkmen)
25. As'ad Kamal Muhammad Abdallah al-Hashimi, Minister of Culture (Iraqi Accord Front - Al-Tawafuq)
26. Mrs. Wijdan Mikha'il, Minister of Human Rights (Iraqi National List – The Iraqi National Accord [Allawi])
27. Dr. Abd-al-Samad Rahman Sultan, Minister of Immigration and Displaced Persons (Unified Iraqi Coalition – Failsi Kurd)
28. Dr. Liwa Sumaysim, Minister of State for Tourism and Antiquities (Unified Iraqi Coalition – Sadr Trend)
29. Dr. Barham Salih, Acting Minister of National Security Affairs (Kurdistan Coalition - PUK)
30. Adil al-Asadi, Minister of Civil Society Affairs (Islamic Workers' Organization)
31. Dr. Rafi Hiyad al-Isawi, Minister of State for Foreign Affairs (Iraqi Accord Front - Al-Tawafuq – Iraqi Islamic Party)
32. Dr. Safa al-Safi, Minister of State for the Council of Representatives

Affairs (Unified Iraqi Coalition - Independent)

33. Dr. Sa'd Tahir Abd Khalaf al-Hashimi, Minister of State for Governorate Affairs (The Iraqi List – The Iraqi National Accord [Allawi])

34. Mrs. Fatin Abd-al-Rahman Mahmoud, Minister of State for Women's Affairs (Iraqi Accord Front - Al-Tawafiq – Iraqi Islamic Party)

35. Dr. Akram al-Hakim, Minister of State for the National Dialogue Affairs (Unified Iraqi Coalition - SCIRI)

36. Muhammad Abbas al-Uraybi, Minister of State (Iraqi National List – Independent [Tribal Sheikh])

37. Ali Muhammad Ahmad, Minister of State (Kurdistan Islamic Union)

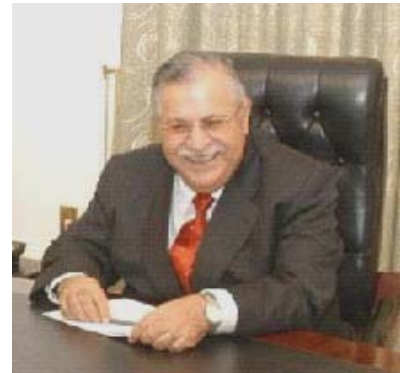
38. Hassan Radi Kazim al-Sari, Minister of State (Unified Iraqi Coalition – Iraqi Hezbollah)

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## Profiles of Iraq's Elected Leaders

### President Jalal Talabani

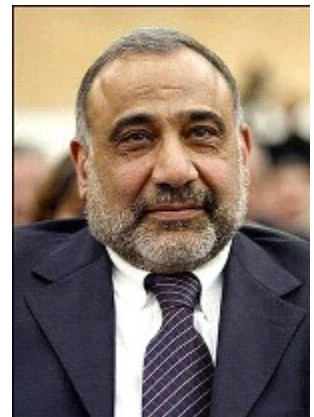
- Born in 1933
- Started his political career at the age of 14 when he joined the Kurdistan Democratic Party [KDP] in 1947
- A founding member of the Kurdistan Students' Association
- Chosen in 1951 as a member of the KDP's central committee
- Obtained his BA in law in 1959
- Chief editor of two local Kurdish newspapers in the late 1950s
- Participated in the Kurdish revolution against former president Abd-al-Karim Qasim
- Head of the Kurdish delegation to the 1963 talks with the Iraqi Government under the reign of Abd al-Salam Arif
- Defected from the KDP in 1964 as a result of differences with KDP leader Mustafa Barzani
- In 1966 Talabani and a number of former KDP members allied with the central government to launch a military campaign against the KDP
- A co-founder of the Patriotic Union of Kurdistan [PUK], a secular and socialist entity which is believed to have around 25,000 fighters currently
- In 1976 the PUK began military action against the central government



- Responded to a call by former president Saddam Hussein to begin peace talks in the midst of the in the Iran-Iraq War which were unsuccessful
- Fled to Iran in 1988 following the chemical attack launched by the Iraqi Government against the Kurds
- The No-Fly Zone imposed by the Allies in the aftermath of the 1991 War furnished the Kurds with a sort of safe haven. Soon afterwards, the KDP, led by Mas'ud Barzani, and PUK, led by Jalal Talabani, agreed to overcome their differences. In 1994, however, the two main Kurdish blocs were engaged in military confrontations against one another. It was not until 1998 that the two parties came to sign a peace treaty in Washington following extensive US and British endeavors in this respect.
- After the fall of Baghdad in March 2003, Talabani became a member of the Iraqi Governing Council
- Is said to have "very friendly" relations with grand Shiite figure Ayatollah Ali al-Sistani and Abd al-Aziz al-Hakim, head of the Supreme Council of the Islamic Revolution in Iraq
- Known for his stand against the death penalty
- Has maintained that multinational forces should remain in Iraq as any premature pullback would lead to "a disaster"
- Has called for allowing armed groups to become involved in the political process
- He was elected Iraq's new president on April 6 2005, but expressed dissatisfaction with his presidential powers, demanding more
- Talabani calls for federalism in Iraq
- Holds that "terrorism in Iraq can be defeated this year if Iraq succeeds in forming a national-unity government"
- Is known to support in democracy, inter-ethnic harmony, equality and women's rights

### **Vice President Adil Abd-al-Mahdi**

- Born in Baghdad in 1942
- The second most important figure at the Supreme Council for the Islamic Revolution in Iraq [SCIRI]
- Adopted several political ideologies: a former Ba'athist, Marxist, an Islamist, and then finally a liberal economic approach
- Received higher education in France
- Played a key role in talks to write off Iraqi debts following the fall of the regime
- Assumed the post of finance minister in the Allawi-led cabinet
- Believes that the presence of US forces is essential to enhance Iraqi forces in the face of "insurgency." He also believes that the US troops should not withdraw from Iraq except when "there is no security vacuum and furthermore when Iraqi potentials are solid enough to provide the Iraqis with security."
- Son of the minister of education during the reign of King Faisal I in the 1920s
- Said that he was widely influenced by the 1979 Islamic Revolution in Iran
- An advocate of federalism which he says represents "the perfect solution for Iraq."



- Had previously worked for a number of research centers in France, including the French Institute for Islamic Studies
- Chief editor of several Arab and French-speaking newspapers and author of a number of books
- Left Iraq after he was sentenced to death because of his political activity
- Lived in France beginning in 1969
- SCIRI's representative in Kurdistan 1992 - 1996
- A member of the former Governing Council
- Selected vice president following the January 2005 elections as a representative of the Shiite slate, before he was re-elected vice president following the December 2005 elections.
- Is said to represent a strong secular current within the Unified Iraqi Coalition
- Is said to promote a version of political Islam that is more moderate than the Iranian model
- Believes that the Shiite religious authority should have a role to play in running the affairs of the country, but should also allow democratic policies to participate
- Has argued that there is "a slim chance for the birth of an Islamic state in Iraq;"
- A co-founder of SCIRI in the 1980s in Iran;
- Lost a brother, who was an advisor to the Iraqi Prime Minister, in an attack in October 2005
- Spokesperson for SCIRI
- Has four children all of whom are French citizens
- A strong supporter of the market-oriented economy as well as of decentralization
- Is said to enjoy good relations with US National Security members
- Says that he was influenced by the biographies of Gandhi, Winston Churchill, and Al-Khomeini

### **Vice President Tariq al-Hashimi**

- Born in Baghdad in 1942
- Comes from the Mashhadan tribe
- Grandson of a former general in the Ottoman Army, and nephew of King Ghazi's tutor
- Attended the military academy between 1959 - 1962
- Took part in a number of military training sessions in England, Czech Republic, and India
- An instructor at the Leadership Academy in 1975
- Gave up his military career at the age of 33
- Is known not to have joined the Ba'ath Party
- In 1969 he obtained a BA in economics at Al-Mustansiriyah University
- Received his MA in economics in 1978
- Manager of the Iraq branch of the Arab Shipping Co [ASC] from 1979 - 1981
- Moved to Kuwait where he was appointed ASC's director general until 1990 when he had to return to Iraq after the Iraqi invasion of Kuwait



- He describes himself as one who has wide experience in planning and management and as "a good reader who has a keen eye and is in ceaseless quest for wisdom"
- "In 2004, I was invited to lead the Iraqi Islamic Party [a Sunni entity which was established in 1960 and evolved from the Muslim Brotherhood Movement]. I did not plan for it, but this is the will of God. I was affiliated with the party since my tender years but had to suspend my activity because of my military career. I resumed membership after I retired from the army," he says.
- A member of the planning committee and the Shura council of the Iraqi Islamic Party until he was elected secretary general in June 2004
- A member of the Al-Tawafuq [Accord] Front, a bloc comprising three leading Sunni parties
- Is known to reject the Iraqi constitution
- Adopts an anti-federalism stand as he thinks it will divide the country
- In April 2006, he lost his brother in an attack in Baghdad
- In an interview he had with Al-Iraqiyah television in March 2006, Al-Hashimi hailed the dissolved Ba'ath party, saying that it achieved "an unprecedented economic development in Iraq over the 1970s;"

### **Prime Minister Nuri Al-Maliki**

- Born in 1950 in a Karbala village
- Holds an MA in Arabic
- Formerly employed at the Ministry of Education
- A member of Al-Da'wah Party since 1968
- Left Iraq in 1980 after Saddam Hussein banned Al-Da'wah Party and after he was sentenced to death in absentia
- Moved to Iran where he acted against the Iraqi regime
- Head of the Jihadist Current within Al-Da'wah Party
- Moved to Syria after he refused to fight with the Iranian Army against the Iraqi Army during the war
- Head of the Al-Da'wah Party's offices in Syria and Lebanon
- Former chief editor of Al-Mawqif newspaper, the mouthpiece of Al-Da'wah Party
- Member of the political bureau of Al-Da'wah Party
- Described as a "pragmatic politician"
- Said to enjoy good relations with most former Iraqi opposition parties
- Is said to represent the Arab identity of Al-Da'wah Party and is known not to take a pro-Iranian stand
- Took up a number of positions after the fall of the regime: head of the "security committee" at the Iraqi National Assembly; spokesman for the Iraqi Unified Coalition; member of the Sovereignty Committee at the National Assembly
- An advocate of Kurdish demands to normalize matters in Kirkuk



## Speaker of the House of Representatives Mahmoud al-Mashhadani

- Full name is Mahmoud Dawoud Salman Musa Zurayr al-Mashhadani
- Born in Al-Kazimiyah
- Completed primary, elementary, and secondary education in Al-Kazimiyah
- Admitted to the Faculty of Medicine at Baghdad University
- Graduated in 1972 with the rank of first lieutenant as a resident physician
- Climbed the ladder of military ranks until he became a major
- He was the commander of the seventh field medical unit and then the commander of the sixth field medical unit
- Three months after the outbreak of the Iraqi-Iranian war, he was arrested with a group of his companions, who were then activists in the Islamic current, for opposing the Iran-Iraq War
- Sentenced to two years of imprisonment on charges of promoting ideas against the public trend as well as against the [Ba'ath] Party and the Revolutionary Command Council [RCC]
- He was released from jail after a year and a half for good conduct. However, he was dismissed from the army and had all assets confiscated. Furthermore, he was banned from traveling
- After the travel ban against him was lifted at a later time, he traveled to Kurdistan, where he says he "met with the Islamic movement figures, led by Sheikh Ali Abd-al-Aziz"
- He was sentenced to death in 2000 following acts of disturbance, but the sentence was commuted to 15 years of imprisonment because the head of the Revolutionary Court could not find hard evidence that he committed a crime punishable by the death penalty. He spent two years in prison only because he was released in "the year of amnesty"
- A co-founder of the Higher Council for Call and Guidance and head of its political bureau A co-founder of the Iraqi National Dialogue Council [NDC], which contributed to the establishment of the Iraqi Front for National Dialogue



## First Deputy Speaker Khalid al-Atiyah

- Comes from Al-Humaydat Tribe in Al-Shamiyah District
- Born in 1949
- Finished secondary education in Baghdad in 1970, he was admitted to the Jurisprudence College in Holy Al-Najaf where he pursued his religious studies
- A student of Imam Muhammad Baqir al-Sadr and Imam Al-Sayyid Abu-al-Qasim al-Khu'i. Arrested during the regime of Saddam Hussein in 1972, 1974, and 1975. He immigrated to Egypt in 1979 before traveling to Lebanon, Latin America, and the United Kingdom





- In 1980, he obtained a diploma in literary studies from the Dar al-'Ulum Faculty, at the Cairo University; an M.A. degree in literary studies in 1985; and a diploma in literary studies from the Saint Joseph University in Lebanon
- He worked at various religious, cultural, and academic centers and institutions in Iran, Lebanon, and Britain
- A professor and head of the Department of Islamic Studies at the Oxford Academy for Higher Education from 2000 to 2004 Returned to Iraq after the fall of the regime

### **Second Deputy Speaker Arif Tayfur**

- Descends from the family of Sadiq al-Sarqalu, one of the notables of the Barzanja Tribe
- Born in 1945 in Al-Sulaymaniyah
- Completed his secondary education in Al-Sulaymaniyah, where he studied law and graduated in 1971
- Became a member of the Kurdistan Democratic Party [KDP] in Baghdad after his graduation
- He was affiliated with the Kurdistan Students Union in 1958 and became member of the KDP in 1963 He joined the Kurdish revolution in 1973.
- After the revolution he went to Iran and worked on rearranging the leadership of the revolution and the KDP
- A leading member of the KDP where worked at the KDP Political Bureau until 2000
- After the fall of the regime, he came to Baghdad and became head of the KDP branch in Baghdad
- Member of the Iraqi National Assembly and deputy speaker



### **Foreign Minister Hoshiyar Zebari**

- Born in the Kurdish north (Aqrah) in 1953 and grew up in Mosul
- Nephew of Mas'ud Barzani
- Earned an M.A. in sociology in Britain, his fluent English and easy manner brought him notice. Studied political science (in Jordan, 1976) and sociology (in the UK, at the University of Essex, 1979), becoming secretary-general of an association of Kurdish students in Europe in the late 1970s
- Worked as a spokesman for the Kurdistan Democratic Party (KDP) during the guerrilla campaigns in the mountains during Saddam's time
- Became a member of the KDP's politburo in 1979. Head of the KDP International Relations Bureau from 1988, based mostly in London and representing the KDP in relations with the US
- Has held the post of Foreign Minister since 2003



## Deputy Prime Minister Barham Salih

- Born 1960, Prime Minister of the PUK region of northern Iraq since Feb 2001
- Joined PUK in 1976; left Iraq in 1979, and became PUK spokesman in London
- Trained in civil engineering from the University of Cardiff; and in statistics and computer modeling from Liverpool University (PhD), and was an engineering consultant in the UK
- Later served as the PUK representative in Washington from 1991, and a long-standing supporter of close relations with the US
- Had special responsibility for national security affairs as deputy PM from Jun 04 - Apr 05. Moved to position as Minister of Planning. Salih has special responsibility for the economy and its reconstruction. He is well-respected in Washington where he has represented the Patriotic Union of Kurdistan (PUK)



## Deputy Prime Minister Salam Zaki Al-Fadhli Al-Zawba'i

- Born 1959 in Baghdad
- Comes from the prominent Al-Zawba'i tribe in Western Iraq
- Head of the Agriculture Engineers Union since April 1993-7
- Received a B.S. in Soil Sciences from the University of Mosul (1982) and was named one of the top ten students of the year. Earned an M.S. in the same discipline in 1988. Received his Ph.D. in soil sciences from the University of Baghdad in 2000
- Lecturer in the College of Agriculture at the University of Al-Anbar in 1992
- Managed the Al-Thirhar Poultry Company from 1992-97
- Languages: Arabic, English and Turkish





## Prime Minister Nuri al-Maliki's Policy Statement to the Council of Representatives

May 20, 2006

In the name of God, the Merciful, the Compassionate. The principles and bases included in the program that was presented to the esteemed Council of Representatives.

It should be the program that we presented in its general outlines in light of what was agreed upon among the political blocs, which held numerous meetings before agreeing on this political program and all the mechanisms for forming the government, and not, as some claim, that this took place outside the circle of political accord.

Praised be God, and may the peace and blessings of God be upon our master Muhammad, and his good and chaste family members and great companions. Ladies and gentlemen: Honorable members of the Council of Ministers. May the peace and blessings of God be upon you.

I have the honor in my name and on behalf of my brothers and sisters in the cabinet to present to your esteemed council the government program, which will constitute the

general outlines of our government's work and on the basis of which I hope to achieve your precious confidence. You represent the confidence of our great people, who have elected this council in the greatest of circumstances and most honorable elections known to Iraq throughout its long history.

I promise the esteemed council to present the detailed government program within one month so that the Council of Representatives will discuss it and correct it in the manner it deems suitable and so that the ladies and gentlemen among the ministers will present their visions and plans, each in his/her own specific field.

Brothers and sisters: The honor of heading the first Iraqi cabinet to be established on a permanent constitution and general elections places on me and my colleagues, the ministers, exceptional responsibilities. I pray to God Almighty to guide us and give us the power, determination, wisdom, and vision to assume them so as to achieve the aspirations and hopes of our oppressed people, who have suffered long from different woes, tragedies, and wars, and unfair policies. I raise my hands to the Almighty God and pray: O God, show me what is right so that I can follow it and show me falsehood so that I can avoid it.

I also call upon our great people and your esteemed council to give me the support and assistance. Perhaps their best is control, advice, criticism, and guidance.

Before presenting the main points of the program and the principles, I would like to extend my profound thanks and high appreciation to the supreme religious authority in Al-Najaf headed by Grand Ayatollah Al-Sayyid al-Sistani, my God extend his shadow, and the other great religious authorities, as well as the other Muslim and non-Muslim religious authorities and scholars, political leaders, patriots, and the different Iraqi institutions for their efforts and role in pushing the political process forward and ensuring the right atmosphere in these difficult circumstances for holding the elections and the referendum on the constitution.

I also thank all friendly institutions and states for their contributions and efforts in supporting Iraq and its people. I express my special appreciation for the officials who preceded me in assuming this difficult and complex task. I mention in particular the interim and transitional governments, which led Iraq in the most difficult and complex circumstances. I also greatly appreciate the services of the brothers who preceded me: Dr Iyad Allawi and Dr Ibrahim al-Ja'fari. I will continue my earnest endeavors to consolidate the achievements that were made in their administrations, fill in the missing parts, and continue the work to accomplish the required tasks.

I stand solemnly before the souls of our martyrs and the precious blood offered by Iraqis and seek inspiration from our people's steadfastness, sacrifices, pains, the imprisonment, torture, killing, and terrorism they faced, as well as the deportation, prosecution, and harassment. I firmly believe that our power and victory are from the power and victory of this great people after God Almighty.

Just as we did away with the tyrant and the days of oppression and despotism, we will do away with terrorism and sabotage and the factors of backwardness, poverty, and ignorance. We will transform the Samarra tragedy and the bombing of the two Askari imams, peace be upon them, and the daily acts of sabotage and murder that followed and the continuous tragedies that led to unlimited numbers of victims, who fall daily as a result of the kidnapping, torture, deportation, killing, and persecution into a solid determination and invincible iron will to unify the ranks of our people and isolate whoever wishes them ill-will, harm, sedition, and aggression.

Ladies and gentlemen, honorable members of the Council of Representatives: The government places its program in the framework that preserves the unity of the Iraqi people with all their communities and nationalities in order to build a constitutional, democratic, federal, and pluralistic Iraq that adopts the constitution and the laws that guarantee rights and freedoms for all members of the Iraqi people, ensure an effective contribution by the woman, and strengthen the role of civil society institutions, develop them, and strengthen their independence.

1. The program adopts the formation of a national unity government on the basis of the principle of participation and the representation of the Iraqi components on the basis of the election results and the demands of the national interests.
2. Acting upon and abiding by the constitution. Any subsequent amendments will take place in accordance with Article 142 of the constitution.
3. Proceeding with the policy of national dialogue and expanding the circle of participation in the political process in a way that harmonizes with the constitution and builds a free, pluralistic, federal, and democratic Iraq with the spirit of reconciliation and frankness.
4. Repudiating violence and condemning the takfiri [accusing others of infidelity] line in a clear and frank manner and terrorism in all its forms, and rallying in combating it and implementing the laws on combating terrorism in an effective manner through the judicial institutions and the other pertinent state institutions and creating all the right circumstances for entrenching the spirit of love and tolerance among the people of the homeland, while respecting the international criteria on human rights.
5. Working for the preservation of Iraq's sovereignty, strengthening its independence and unity, and dealing with the subject of the presence of the multinational forces within the context of UN Security Council Resolution 1546 and expediting the plans for completing the Iraqi forces according to the constitution on the basis of professionalism and national loyalty, and also expediting the transfer of responsibility and security powers to the Iraqi army, police, and security forces and asserting the principle of cooperation between Iraq and the multinational forces in a manner that achieves the fulfillment of all the requirements in accordance with an objective timetable for the Iraqi forces' assumption of their full security duties and the end of the tasks of the multinational forces and their return to their countries.

6. Entrenching the state of institutions, building the state of law and following the administrative and institutional procedures in accordance with the principle of citizenship, rejecting unilateralism and improvised decisions, and considering the ministries and state departments a national identity and the property of the people and not the identity of the minister's party and personal decisions. Banning any monopoly, domination, or trusteeship by any faction or group over government and administrative formations or public establishments.

7. Banning totalitarianism, dictatorship, sectarianism, and racism in all their forms and embodying this ban in state policies and practices.

8. The woman is half of the society and the raiser of the other half. Therefore, she must assume her effective role in building the society and the state. Her rights must be respected in the different fields.

9. The youths are the hope of the future. Therefore, it is essential to create a good and suitable environment for developing their energies and capabilities so as to strengthen the building of Iraq and the national values.

10. Caring for and developing the holy shrines and giving full support for preserving their security and the security of their visitors and developing religious tourism.

11. Caring for universities and backing their independence and revising the curricular at all stages to make them compatible with scientific developments and rid them of all chauvinistic and communal mentality to encourage national unity.

12. Guaranteeing the independence of the Iraqi Media Network and the National Telecommunication Corporation and preventing government interference in their affairs and abiding by the laws organizing their work.

13. Laying down a comprehensive development plan for reconstruction and development, while taking into consideration the state of deprivation, injustice, and backwardness, which has affected certain areas and populations due to the policies and despotism of the defunct regime.

14. Revitalizing the reconstruction process and giving priority to deprived and affected areas.

15. Expediting the rehabilitation of the electricity sector.

16. Reorganizing the hydrocarbon (Oil and Gas) sector by issuing a law for this purpose to ensure the rights of the regions and governorates upon their formation, as stipulated in the constitution.

17. Encouraging investment and attracting national and foreign capital to help with the development and the reconstruction process and preserve national unity.
18. Paying extreme attention to the agricultural and industrial sectors and laying down the laws and decisions and giving adequate government support for their development.
19. The government is a unified whole that expresses Iraq and the Iraqi people, who have chosen it through the free election mechanism. A relationship shall be organized between the federal government and the governments and councils of the regions and governorate to promote the principle of federalism and decentralization in building the state and developing the federal relationship among its components in Iraq.
20. Building the relationship of friendship and mutual respect and cooperation with the neighboring states and the world to achieve the common interests between Iraq and those states, and non-interference in the internal affairs, and the adoption of dialogue and negotiation a method for settling outstanding issues.
21. Strengthening the basic role of the regions and governorate councils when formed and organizing free and fair elections for the governorate councils and adopting their results in running those governorates and regimes and organizing the central government's relationship with them according to the constitution and the regulating laws.
22. The government pledges to implement Article 140 of the constitution, which is based on Article 58 of the State Administration Law, which specifies three stages: Normalization, census, and referendum in Kirkuk and other disputed areas. Once formed, the government will take the necessary steps to carry out the normalization measures, including the return of the districts and sub-districts that originally belonged to Kirkuk. This phase will end on 29 March 2007, when the census phase will begin on 31 July 2007. The final phase, which is the referendum, will take place on 15 November 2007.  
[Applause]
23. The government pledges to tackle the security file by undertaking a comprehensive plan with scientific, economic, political, social, and other fields. It will be followed with the same measure of attention.
24. The adoption of the principle of balance and competence in running the country and the distribution of responsibilities and the employment in government departments, the army, and Police, as well as the security services and the embassies to achieve justice in participation and improve professional performance.
25. Setting up efficient mechanisms for controlling expenditure, tackling administrative and financial corruption, and activating the relevant constitutional articles, and pledging to abide by them.
26. Developing a plan for social equality and justice to tackle poverty and backwardness.

27. Developing higher education and scientific research institutions to serve the building of new Iraq and harmonize with the needs of progress and reconstruction.

28. Revising the structures and laws of independent corporations and backing them, including the higher national Deba'athification Committee and Integrity Committee, in a manner that does not conflict with the constitution and its amendments.

29. Reconsidering the Election Law and the formation of the Higher Electoral Commission.

30. Controlling the international borders and their exits and activating the relevant constitutional articles.

31. Stopping compulsory displacement operations from all parts of the country and returning replaced people to their original places of residence.

32. Sponsoring scientific talents and providing suitable security and living conditions to prevent their emigration and adopting effective measures for the return of talents to the homeland.

33. The formation of a government committee immediately upon the formation of the cabinet whose task will be to follow up on the cases of the detainees and the immediate release of the innocent ones, and the enforcement of justice by referring the defendants to the courts and the immediate release of citizens who have not been detained legally.

May the peace and blessings of God be upon you.

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## Text of Iraq's Draft Constitution

October 12, 2005

*The following is the full text of the draft constitution being presented to Iraqi voters for approval on Saturday. It was translated from the Arabic by the U.N. Office for Constitutional Support and the translation was approved by the Iraqi government.*

*This text does not include any last-minute changes that are expected to be put to the National Assembly for approval but will be updated as soon as any announcements are made.*





## THE PREAMBLE

In the name of God, the most merciful, the most compassionate.

We have honored the sons of Adam

We are the people of the land between two rivers, the homeland of the apostles and prophets, abode of the virtuous imams, pioneers of civilization, crafters of writing and cradle of numeration. Upon our land the first law made by man was passed, the most ancient just pact for homelands policy was inscribed, and upon our soil, companions of the Prophet and saints prayed, philosophers and scientists theorized and writers and poets excelled.

Acknowledging God's right over us, and in fulfillment of the call of our homeland and citizens, and in response to the call of our religious and national leaderships and the determination of our great (religious) authorities and of our leaders and reformers, and in the midst of an international support from our friends and those who love us, marched for the first time in our history toward the ballot boxes by the millions, men and women, young and old, on the 30th of January, 2005, invoking the pains of sectarian oppression sufferings inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all the other components of the people and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabja, Barzan, Anfal and the Faili Kurds and inspired by the ordeals of the Turkmen in Bashir and as is the case in the remaining areas of Iraq where the people of the west suffered from the assassinations of their leaders, symbols and elderly and from the displacement of their skilled individuals and from the drying out of their cultural and intellectual wells, so we sought hand-in-hand and shoulder-to-shoulder to create our new Iraq, the Iraq of the future free from sectarianism, racism, locality complex, discrimination and exclusion.

Accusations of being infidels, and terrorism did not stop us from marching forward to build a nation of law. Sectarianism and racism have not stopped us from marching together to strengthen our national unity, and to follow the path of peaceful transfer of power and adopt the course of the just distribution of resources and providing equal opportunity for all.

We the people of Iraq who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, the elderly and youth, to respect the rules of law, to establish justice and equality to cast aside the politics of aggression, and to tend to the concerns of women and their rights, and to the elderly and their concerns, and to children and their affairs and to spread a culture of diversity and defusing terrorism.

We the people of Iraq of all components and shades have taken upon ourselves to decide freely and with our choice to unite our future and to take lessons from yesterday for tomorrow, to draft, through the values and ideals of the heavenly messages and the findings of science and man's civilization, this lasting constitution. The adherence to this constitution preserves for Iraq its free union, its people, its land and its sovereignty.

## SECTION ONE: FUNDAMENTAL PRINCIPLES

### Article 1:

The Republic of Iraq is an independent sovereign state. Its system of government is republican, representative (Parliamentary), democratic and federal.

### Article 2:

First: Islam is the official religion of the State and it is a fundamental source of legislation:

- A. No law that contradicts the established provisions of Islam may be established.
- B. No law that contradicts the principles of democracy may be established.
- C. No law that contradicts the rights and basic freedoms stipulated in this constitution may be established.

Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice such as Christians, Yazedis, and Mandi Sabeans.

### Article 3:

Iraq is a country of many nationalities, religions and sects, and is a part of the Islamic world, is a founding and active member of the Arab League, and is committed to its covenant.

### Article 4:

First: The Arabic language and Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac and Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, is guaranteed.

Second: The scope of the term official language and the means of applying the provisions of this article shall be defined by law which shall include:

- A. Publication of the official gazette, in the two languages;
- B. Speech, conversation and expression in official settings, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages;
- C. Recognition and publication of the official documents and correspondences in the two languages;
- D. Opening schools that teach the two languages, in accordance with the educational guidelines;
- E. Use of both languages in any settings enjoined by the principle of equality such as bank notes, passports and stamps.

Third: The federal institutions and agencies in the Kurdistan region shall use both languages.

Fourth: The Turkmen language and Syriac language are two other official languages in the administrative units in which they represent density of population.

Fifth: Each region or governorate may adopt any other local language as an additional official language if the majority of its population so decide in a general referendum.

Article 5: The law is sovereign. The people are the source of authorities and its legitimacy, which the people shall exercise in a direct general secret ballot and through their constitutional institutions.

Article 6:

Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution.

Article 7:

First: No entity or program, under any name, may adopt racism, terrorism, the calling of others infidels, ethnic cleansing, or incite, facilitate, glorify, promote, or justify thereto, especially the Saddamist Baath in Iraq and its symbols, regardless of the name that it adopts. This may not be part of the political pluralism in Iraq. This will be organized by law.

Second: The State shall undertake combating terrorism in all its forms, and shall work to protect its territories from being a base or pathway or field for terrorist activities.

Article 8:

Iraq shall observe the principles of a good neighborliness, adhere to the principle of non-interference in the internal affairs of other states, endeavor to settle disputes by peaceful means, establish relations on the basis of mutual interests and reciprocity, and respect its international obligations.

Article 9:

First:

A. The Iraqi Armed Forces and Security Services will be composed of the components of the Iraqi people with due consideration given to its balance and its similarity without discrimination or exclusion and shall be subject to the control of the civilian authority. The Iraqi Armed Forces shall defend Iraq and shall not be used as an instrument of oppression against the Iraqi people, shall not interfere in the political affairs and shall have no role in the transfer of authority.

B. The formation of military militia outside the framework of the armed forces is prohibited.

C. The Iraqi Armed Forces and its personnel, including military personnel working at the Ministry of Defense or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by the Ministry of Defense regulations. This ban encompasses the activities of the personnel mentioned above acting in their personal or official capacities. Nothing in this Article shall infringe upon the right of these personnel to cast their vote in the elections.

D. The Iraqi National Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This service shall be under civilian control and shall be subject to legislative oversight and shall operate in accordance with the law and pursuant to the recognized principles of human rights.

E. The Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and shall prohibit associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Second: National service will be stipulated by law.

Article 10:

The holy shrines and religious places in Iraq are religious and cultural entities. The State is committed to confirming and safeguarding their sanctity, and guaranteeing the free practice of rituals in them.

Article 11:

Baghdad is the capital of the Republic of Iraq.

Article 12:

First: The flag, national anthem, and emblem of Iraq shall be fixed by law in a way that represents the components of the Iraqi people.

Second: A law shall regulate the decorations, official holidays, religious and national occasions and the Hijri and Gregorian calendar.

Article 13:

First: This constitution is the sublime and supreme law in Iraq and shall be binding in all parts of Iraq without exception.

Second: No law shall be enacted that contradicts this constitution. Any text in any regional constitutions or any other legal text that contradicts it is deemed void.

## SECTION TWO: RIGHTS AND LIBERTIES

### CHAPTER ONE: RIGHTS

#### FIRST: Civil and Political Rights

Article 14:

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status.

Article 15:

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

Article 16:

Equal opportunities are guaranteed for all Iraqis. The state guarantees the taking of the necessary measures to achieve such equal opportunities.

Article 17:

First: Every individual shall have the right to personal privacy, so long it does not contradict the rights of others and public morals.

Second: The sanctity of homes is inviolable and homes may not be entered, searched, or put in danger, except by a judicial decision, and in accordance with the law.

Article 18:

First: An Iraqi is any person born to an Iraqi father or mother.

Second: Iraqi nationality is the right of every Iraqi and shall be the basis of his citizenship.

Third:

A. An Iraqi citizen by birth may not have his nationality withdrawn for any reason. Any person who had his nationality withdrawn shall have the right to reclaim it, and this will be stipulated by law.

B. The Iraqi nationality shall be withdrawn from the naturalized in the cases stipulated by law.

Fourth: An Iraqi may have multiple nationalities. Everyone who assumes a senior, security sovereign position must abandon any other acquired nationality. This will be organized by law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of settling people that cause an imbalance in the population composition of Iraq.

Sixth: A law shall regulate the provisions of nationality. The competent courts shall consider the suits resulting from it.

Article 19:

First: The judiciary is independent and no power is above the judiciary except the law.

Second: There is no crime or punishment except by a stipulation. The punishment shall only be for an act that the law considers a crime when perpetrated. A harsher sentence than the applicable sentence at the time of the offense may not be imposed.

Third: Litigation shall be a safeguarded and guaranteed right for all.

Fourth: The right to a defense shall be sacred and guaranteed in all phases of investigation and trial.

Fifth: The accused is innocent until proven guilty in a fair legal trial. The accused may not be tried on the same crime for a second time after acquittal unless new evidence is produced.

Sixth: Every person has the right to be treated with justice in judicial and administrative proceedings.

Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Eighth: Punishment is personal.

Ninth: A law does not have a retroactive effect unless the law stipulates otherwise. This exclusion shall not include laws relating to taxes and fees.

Tenth: Criminal law does not have a retroactive effect, unless it is to the benefit of the accused.

Eleventh: The court shall delegate a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer.

Twelfth:

A. (Unlawful) detention is prohibited.

B. Detention or arrest is prohibited in places not designed for it, pursuant to prison regulations covered by health and social care and subject to the scrutiny of the law.

Thirteenth: The preliminary investigative documents must be submitted to the competent judge in a period not to exceed 24 hours from the time of the arrest of the accused. It may be extended only once and for the same period.

Article 20:

The citizens, men and women, have the right to participate in public affairs and to enjoy political rights including the right to vote, to elect and to nominate.

Article 21:

First: No Iraqi shall be surrendered to foreign entities and authorities.

Second: A law shall regulate the right of political asylum to Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled.

Third: No political asylum shall be granted to a person accused of committing international or terrorist crimes or any person who inflicted damage on Iraq.

SECOND: Economic, social and cultural liberties

Article 22:

First: Work is a right for all Iraqis so as to guarantee them a decent living.

Second: The law regulates the relationship between employees and employers on economic basis and with regard to the foundations of social justice.

Third: The State guarantees the right of forming and joining professional associations and unions. This will be organized by law.

Article 23:

First: Personal property is protected. The proprietor shall have the right to benefit from, exploit and utilize personal property within the limits of the law.

Second: No property may be taken away except for the purposes of public benefit in return for just compensation. This will be organized by law.

Third:

A. Every Iraqi has the right to own property throughout Iraq. No others may possess immovable assets, except as exempted by law.

B. Owning property for the purposes of population change shall be prohibited.

Article 24:

The State guarantees freedom of movement of Iraqi manpower, goods and capitals between regions and governorates. This will be organized by law.

Article 25:

The State guarantees the reform of the Iraqi economy in accordance with modern economic principles to insure the full investment of its resources, diversification of its sources and the encouragement and the development of the private sector.

Article 26:

The state guarantees the encouragement of investments in the various sectors. This will be organized by law.

Article 27:

First: Public property is sacrosanct, and its protection is the duty of each citizen.

Second: The provisions related to the protection of State properties and its management and the conditions for its disposal and the limits under which none of these properties can be relinquished shall all be regulated by law.



Article 28:

First: No taxes or fines may be imposed, amended, exempted or pardoned from, except in accordance with law.

Second: Low wage earners shall be exempted from taxes in a manner that ensures the upholding of the minimum wage required for survival. This will be organized by law.

Article 29:

First:

A. The family is the foundation of society; the State preserves its entity and its religious, moral and patriotic values.

B. The State guarantees the protection of motherhood, childhood and old age and shall care for children and youth and provides them with the appropriate conditions to further their talents and abilities.

Second: Children have right over their parents in regard to upbringing, care and education. Parents shall have right over their children in regard to respect and care especially in times of need, disability and old age.

Third: Economic exploitation of children shall be completely prohibited. The State shall take the necessary measures to protect them.

Fourth: All forms of violence and abuse in the family, school and society shall be prohibited.

Article 30:

First: The state guarantee to the individual and the family -- especially children and women -- social and health security and the basic requirements for leading a free and dignified life. The state also ensures the above a suitable income and appropriate housing.

Second: The State guarantees the social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanage or unemployment, and shall work to protect them from ignorance, fear and poverty. The State shall provide them housing and special programs of care and rehabilitation. This will be organized by law.

Article 31:

First: Every citizen has the right to health care. The state takes care of public health and provide the means of prevention and treatment by building different types of hospitals and medical institutions.

Second: Individuals and institutions may build hospitals or clinics or places for treatment with the supervision of the state and this shall be regulated by law.

Article 32:

The State cares for the handicapped and those with special needs and ensure their rehabilitation in order to reintegrate them into society. This shall be regulated by law.

Article 33:

First: Every individual has the right to live in a safe environment.

Second: The State undertakes the protection and preservation of the environment and biological diversity.

Article 34:

First: Education is a fundamental factor in the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees to eradicate illiteracy.

Second: Free education is a right for all Iraqis in all its stages.

Third: The State encourages scientific research for peaceful purposes that serve man and supports excellence, creativity, invention and the different aspects of ingenuity.

Fourth: Private and public education is guaranteed. This shall be regulated by law.

## CHAPTER TWO: LIBERTIES

Article 35:

First:

A. The liberty and dignity of man are safeguarded.

B. No person may be kept in custody or interrogated except in the context of a judicial decision.

C. All forms of psychological and physical torture and inhumane treatment shall be prohibited. Any confession coerced by force, threat, or torture shall not be relied on. The victim shall have the right to compensation in accordance with the law for material and moral damages incurred.

Second: The State guarantees the protection of the individual from intellectual, political and religious coercion.

Third: Compulsory service (unpaid labor), serfdom, slave trade (slavery), trafficking of women and children, and the sex trade is prohibited.

Article 36:

The state guarantees in a way that does not violate public order and morality:

- A. Freedom of expression, through all means.
- B. Freedom of press, printing, advertisement, media and publication.
- C. Freedom of assembly and peaceful demonstration. This shall be regulated by law.

Article 37:

First: The freedom of forming and of joining associations and political parties is guaranteed. This will be organized by law.

Second: It is prohibited to force any person to join any party, society or political entity or force him to continue his membership in it.

Article 38:

The freedom of communication, and mail, telegraphic, electronic, and telephonic correspondence, and other correspondence shall be guaranteed and may not be monitored, wiretapped or disclosed except for legal and security necessity and by a judicial decision.

Article 39:

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices. This shall be regulated by law.

Article 40:

Each individual has freedom of thought, conscience and belief.

Article 41:

First: The followers of all religions and sects are free in the:

- A. Practice of religious rites, including the Husseini ceremonies (Shiite religious ceremonies)
- B. Management of the endowments, its affairs and its religious institutions. The law shall regulate this.

Second: The state guarantees freedom of worship and the protection of the places of worship.

Article 42:

First: Each Iraqi enjoys the right of free movement, travel, and residence inside and outside Iraq.

Second: No Iraqi may be exiled, displaced or deprived from returning to the homeland.

Article 43:

First: The State shall seek to strengthen the role of civil society institutions, to support, develop and preserve its independence in a way that is consistent with peaceful means to achieve its legitimate goals. This will be organized by law.

Second: The State shall seek the advancement of the Iraqi clans and tribes and shall attend to their affairs in a manner that is consistent with religion and the law and upholds its noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

Article 44:

There may not be a restriction or limit on the practice of any rights or liberties stipulated in this constitution, except by law or on the basis of it, and insofar as that limitation or restriction does not violate the essence of the right or freedom.

### SECTION THREE: FEDERAL POWERS

Article 45:

The federal powers shall consist of the legislative, the executive and the judicial powers. They exercise their specializations and tasks on the basis of the principle of separation of powers.

### CHAPTER ONE: THE LEGISLATIVE POWER:

Article 46:

The federal legislative power shall consist of the Council of Representatives and the Federation Council.

FIRST: The Council of Representatives

Article 47:

First: The Council of Representatives shall consist of a number of members, at a ratio of one representative per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people in it shall be upheld.

Second: A candidate to the Council of Representatives must be a fully eligible Iraqi.

Third: A law shall regulate the requirements for the candidate, the voter and all that is connected with the elections.

Fourth: The elections law aims to achieve a percentage of women representation not less than one-quarter of the Council of Representatives members.

Fifth: The Council of Representatives shall promulgate a law dealing with the replacement of its members on resignation, dismissal or death.

Sixth: No member of the Council of Representatives shall be allowed to hold any other official position or work.

Article 48:

Each member of the Council of Representatives must take the following constitutional oath before the Council prior to assuming his duties:

(I swear by God the Almighty to carry out my legal tasks and responsibilities devotedly and honestly and preserve the independence and sovereignty of Iraq, and safeguard the interests of its people, and watch over the safety of its land, skies, waters, resources and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the judiciary and adhere to the applications of the legislation neutrally and faithfully. God is my witness).

Article 49:

The Council of Representatives shall set its bylaws to regulate its work.

Article 50:

First: The Council of Representatives shall decide by a two-thirds majority, the membership authenticity of its members within 30 days from the date of filing an objection.

Second: The decision of the Council of Representatives may be appealed before the Federal Supreme Court within thirty days from the date of its issuance.

Article 51:

First: Sessions of the Council of Representatives shall be public unless it deems them otherwise.

Second: Minutes of the sessions shall be published in means regarded appropriate by the Council.

#### Article 52:

The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within 15 days from the date of the ratification of the general elections results. Its eldest member shall chair the first session to elect the president of the Council and his two deputies. This period may not be extended by more than the aforementioned one.

#### Article 53:

The Council of Representatives shall elect in its first session its president, then his first deputy and second deputy, by an absolute majority of the total number of the Council members by direct secret ballot.

#### Article 54:

First: The electoral term of the Council of Representatives shall be limited to four calendar years, starting with its first session and ending with the conclusion of the fourth year.

Second: The new Council of Representatives shall be elected 45 days before the conclusion of the previous electoral term.

#### Article 55:

The Council of Representatives shall have one annual term with two legislative sessions lasting eight months. The bylaw shall define the method of convention. The session in which the general budget is being presented shall not end until its approval.

#### Article 56:

First: The President of the Republic or the Prime Minister or the President of the Council of Representatives or fifty members of the Council of Representatives may call the Council to an extraordinary session. The session shall be restricted to the topics that necessitated the request.

Second: The President of the Republic, or the Prime Minister or the President of the Council or 50 members of the Council of Representatives, may ask for an extension of the legislative session of the Council of representatives for no more than 30 days in order to complete the tasks that required the extension.

Article 57:

First:

A. The Council of Representatives quorum shall be fulfilled by an absolute majority of its members.

B. Decisions in the sessions of the Council of Representatives shall be made by a simple majority after quorum is fulfilled, unless stipulated otherwise.

Second:

A. Bills shall be presented by the President of the Republic and the Prime Minister.

B. Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees.

Article 58:

The Council of Representatives specializes in the following:

First: Enacting federal laws.

Second: Monitoring the performance of the executive authority.

Third: Elect the President of the Republic.

Fourth: A law shall regulate the ratification of international treaties and agreements by a two thirds majority of the members of the Council of Representatives.

Fifth: To approve the appointment of the following:

A. The President and members of the Federal Court of Cassation, Chief Public Prosecutor and the President of Judicial Oversight Commission based on a proposal from the Higher Juridical Council, by an absolute majority.

B. Ambassadors and those with special grades based on a proposal from the Cabinet.

C. The Iraqi Army Chief of Staff, his assistants and those of the rank of division commanders and above and the director of the intelligence service based on a proposal from the Cabinet.

Sixth:

A. Question the President of the Republic based on a justifiable petition by an absolute majority of the Council of Representatives members.

B. Relieve the President of the Republic by an absolute majority of the Council of Representatives members after being convicted by the Supreme Federal Court in one of the following cases:

1- Perjury of the constitutional oath.

2- Violating the Constitution.

3- High treason.

Seventh:

A. The Council of Representatives member may direct questions to the Prime Minister and the Ministers on any subject within their specialty and they may answer the members' questions. The Member who has asked the question solely has the right to comment on the answer.

B. At least 25 members of the Council of representatives may table a general issue for discussion to obtain clarity on the policy and the performance of the Cabinet or one of the Ministries. It must be submitted to the President of the Council of Representatives, and the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.

C. A Council of Representatives member with the agreement of 25 members may direct a question to the Prime Minister or the Ministers to call them to account on the issues within their authority. The discussion on the question shall begin at least seven days after submitting the question.

Eighth:

A. The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he is considered resigned from the date of the decision of confidence withdrawal. The issue of no confidence in the Minister may be tabled only on that Minister's wish or on a signed request of 50 members after an inquiry discussion directed at him. The Council of Representatives shall not issue its decision regarding the request except after at least seven days of its submission.

B.

1- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister.

2- The Council of Representatives may withdraw confidence from the Prime Minister based on the request of one-fifth (1/5) of its members. This request may be submitted only after a question has been put to the Prime Minister and after at least seven days from submitting the request.



3- The Council of Representatives shall decide to withdraw confidence from the Prime Minister by an absolute majority of its members.

C. The Government is considered resigned in case of withdrawal of confidence from the Prime Minister.

D. In case of a vote of withdrawal of confidence in the Cabinet as a whole, the Prime Minister and the Ministers continue in their positions to run everyday business for a period not to exceed thirty days until a new cabinet is formed in accordance with the provisions of article 73 of this constitution.

E. The Council of Representatives may interrogate independent commission heads in accordance with the same procedures as for the ministers and may dismiss them by an absolute majority.

Ninth:

A. To consent to the declaration of war and the state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.

B. The period of the state emergency shall be limited to 30 days, extendable after approval each time.

C. The Prime Minister shall be authorized with the necessary powers that enable him to manage the affairs of the country within the period of the state of emergency and war. A law shall regulate these powers that do not contradict the constitution.

D. The Prime Minister shall present to the Council of Representatives the measures taken and the results within the period of declaration of war and within 15 days of the end of the state of emergency.

Article 59:

First: The Council of Ministers shall submit the draft general budget bill and the closing account to the Council of Representatives for approval.

Second: The Council of Representatives may conduct transfers between the sections and chapters of the general budget and reduce the total of its sums, and it may suggest to the Cabinet to increase the total expenses, when necessary.

Article 60:

First: A law shall regulate the rights and privileges of the speaker of the Council of Representatives, his two deputies and the members of Council of Representatives.

Second:

A. Each member of the Council of Representatives shall enjoy immunity for statements made while the Council is in session, and the member may not be prosecuted before the courts for such.

B. A Council of Representatives member may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council of Representatives members consent by an absolute majority to lift his immunity or if caught in flagrante delicto (the act) in the commission of a felony.

C. A Council of Representatives member may not be arrested after the legislative term of the Council of Representatives, unless the member is accused of a felony and with the consent of the speaker of the Council of Representatives to lift his immunity or if he is caught in flagrante delicto in the commission of a felony.

Article 61:

First: The Council of Representatives may dissolve itself with the consent of the absolute majority of its members, upon the request of one-third of its members or upon the request of the Prime Minister and the consent of the President of the Republic. The Council may not be dissolved during the period in which the Prime Minister is being questioned.

Second: Upon the dissolution of the Council of Representatives, the President of the Republic shall call for general elections in the country within a period not to exceed 60 days from the date of its dissolution. The Cabinet in this case is considered resigned and continues to run everyday business.

SECOND: The Federation Council

Article 62:

A legislative council shall be established named the "Federation Council" to include representatives from the regions and the governorates that are not organized in a region. A law, enacted by a two-third majority of the members of the Council of representatives, shall regulate the Federation Council formation, its membership conditions and its specializations and all that is connected with it.

CHAPTER TWO: THE EXECUTIVE POWER

Article 63:

The Federal Executive Power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the constitution and the law.

## FIRST: The President of the Republic

### Article 64:

The President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He safeguards the commitment to the Constitution and the preservation of Iraq's independence, sovereignty, unity, the security of its territories in accordance with the provisions of the Constitution.

### Article 65:

A nominee to the Presidency must meet the following conditions:

- A. Must be an Iraqi by birth, born to Iraqi parents.
- B. Must be fully eligible and be at least 40 years old.
- C. Must be of good reputation and political experience, and known for his integrity, righteousness, fairness and loyalty to the homeland.
- D. Must not have been convicted of a crime involving moral turpitude.

### Article 66:

First: A law shall regulate the nomination to the post of the President of the Republic.

Second: A law shall regulate the nomination of one deputy or more for the President of the Republic.

### Article 67:

First: The Council of Representatives shall elect, from among the nominees, the President of the Republic by a two-thirds majority of its members.

Second: If any of the candidates does not receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the highest number of votes in the second election shall be declared as President.

### Article 68:

The President shall take the Constitutional Oath before the Council of Representatives in the form stipulated in Article 48 of the Constitution.

### Article 69:

First: The President of the Republic's term in office shall be limited to four years and may be elected for a second time and no more.

Second:

A. The term of the President of the Republic shall finish at the end of the Council of Representatives' term.

B. The President of the Republic will continue to exercise his functions until the elections for the Council of Representatives is completed and until it meets. The new President shall then be elected within 30 days of its first meeting.

C. If the position of president of the republic is vacant, for whatever reason, a new president will be elected in order to fill the vacancy for the remaining period of that president's term.

Article 70:

The President of the Republic shall assume the following powers:

A. To issue a special pardon on the recommendation of the Prime Minister, except for anything concerning private claim and for those who have been convicted of committing international crimes, terrorism, and financial and administrative corruption.

B. To ratify international treaties and agreements after the approval by the Council of Representatives. Such international treaties and agreements are considered ratified after 15 days from the date of receipt.

C. To ratify and issue the laws enacted by the Council of Representatives. Such laws are considered ratified after 15 days from the date of receipt.

D. To call the elected Council of Representatives to convene during a period not to exceed 15 days from the date of approval of the election results and in the other cases stipulated in the Constitution.

E. To award medals and decorations on the recommendation of the Prime Minister in accordance with the law.

F. To accredit Ambassadors.

G. To issue Presidential decrees.

H. Ratify death sentences issued by the competent courts.

I. Perform the duty of the Higher Command of the armed forces for ceremonial and honorary purposes.

J. Exercise any other presidential powers stipulated in this Constitution.

Article 71:

A law shall fix the salary and the allowances of the President of the Republic.

Article 72:

First: The President of the Republic shall have the right to submit his resignation in writing to the Speaker of the Council of Representatives, and is considered effective after seven days from the date of its submission to the Council of Representatives.

Second: The "Vice" President shall assume the office of the President in case of his absence.

Third: The Vice President shall assume the duties of the President of the Republic or in the event of the post of the President becomes vacant for any reason whatsoever. The Council of Representatives must elect a new President within a period not to exceed 30 days from the date of the vacancy.

Fourth: In the case the post of the President of the Republic becomes vacant, the Speaker of the Council of Representatives shall replace the President of the Republic in case he does not have a Vice President, on the condition that a new President is elected during a period not to exceed thirty days from the date of the vacancy and in accordance with the provisions of this Constitution.

justice in appropriating funds to the governments of the regions and governorates that are not organized in a region in accordance with the established percentages.

SECOND: Council of Ministers

Article 73:

First: The President of the Republic shall name the nominee of the Council of Representatives bloc with the largest number to form the Cabinet within 15 days from the date of the election of the president of the republic.

Second: The Prime Minister-designate shall undertake the naming of the members of his Cabinet within a period not to exceed 30 days from the date of his designation.

Third: In case the Prime Minister-designate fails to form the cabinet during the period specified in clause "Second," the President of the Republic shall name a new nominee for the post of Prime Minister within fifteen days.

Fourth: The Prime Minister-designate shall present the names of his Cabinet members and the ministerial program to the Council of Representatives. He is deemed to have

gained its confidence upon the approval, by an absolute majority of the Council of Representatives, of the individual Ministers and the ministerial program.

Fifth: The President of the Republic shall name another nominee to form the cabinet within 15 days in case the Cabinet did not gain the confidence.

Article 74:

First: The conditions for assuming the post of the Prime Minister shall be the same as those for the President of the Republic, provided that he is at least 35 years old and has a college degree or its equivalent.

Second: The conditions for assuming the post of Minister shall be the same as those for members of the Council of Representatives provided that he holds a college degree or its equivalent.

Article 75:

The Prime Minister is the direct executive authority responsible for the general policy of the State and the commander in chief of the armed forces. He directs the Council of Ministers, and presides over its meetings and has the right to dismiss the Ministers on the consent of the Council of Representatives.

Article 76:

The Prime Minister and members of the Cabinet shall take the Constitutional Oath before the Council of Representatives in the form stipulated in Article 48 of the Constitution.

Article 77:

The Cabinet shall exercise the following powers:

First: Plan and execute the general policy and the general plans of the State and oversee the work of the ministries and departments not associated with a ministry.

Second: To propose bills.

Third: To issue rules, instructions and decisions for the purpose of implementing the law.

Fourth: To prepare the draft of the general budget, the closing account, and the development plans.

Fifth: To recommend to the Council of Representatives to approve the appointment of under secretaries, ambassadors, State senior officials, Chief of Staff of the Armed Forces and his assistants, Division Commanders or higher, Director of the National Intelligence Service, and heads of security institutions.

Sixth: To negotiate and sign international agreements and treaties or designate any person to do so.

Article 78:

First: The President of the Republic shall take up the office of the Prime Minister in the event the post becomes vacant for any reason whatsoever.

Second: The President must designate another nominee to form the cabinet within a period not to exceed 15 days in accordance with the provisions of article 73 of this Constitution.

Article 79:

A law shall regulate the salaries and allowances of the Prime Minister and Ministers, and anyone of their grade.

Article 80:

The responsibility of the Prime Minister and the Ministers before the Council of Representatives is of a joint and personal nature.

Article 81:

First: A law shall regulate the work of the security institutions and the National Intelligence Service and shall define its duties and authorities. It shall operate in accordance with the principles of human rights and be subject to the oversight of the Council of Representatives.

Second: The National Intelligence Service shall be attached to the Cabinet.

Article 82:

The Council of Ministers shall establish internal bylaws to organize the work therein.

Article 83:

A law shall regulate the formation of ministries, their tasks, their responsibilities and the authorities of the minister.

### CHAPTER THREE: THE JUDICIAL AUTHORITY

Article 84:

The Judicial authority is independent. The courts, in their various types and classes, shall assume this authority and issue decisions in accordance with the law.

Article 85:

Judges are independent and there is no authority over them except that of the law. No authority shall have the right to interfere in the Judiciary and the affairs of Justice.

Article 86:

The Federal Judicial Authority is comprised of the Higher Juridical Council, Supreme Federal Court, Federal Court of Cassation, Public Prosecution Department, Judiciary Oversight Commission and other federal courts that are regulated in accordance with the law.

FIRST: Higher Juridical Council

Article 87:

The Higher Juridical Council shall oversee the affairs of the Judicial Committees. The law shall specify the method of its establishment, its authorities, and the rules of its operation.

Article 88:

The Higher Juridical Council shall exercise the following authorities:

First: To manage the affairs of the Judiciary and supervise the Federal Judiciary.

Second: To nominate the Chief Justice and members of the Federal Court of Cassation, the Chief Public Prosecutor, the Chief Justice of the Judiciary Oversight Commission and present them to the Council of Representatives to approve their appointment.

Third: To propose the draft of the annual budget of the Federal Judiciary Authority and present it to the Council of Representatives for approval.

SECOND: Federal Supreme Court

Article 89:

First: The Federal Supreme Court is an independent judicial body, financially and administratively.

Second: The Federal Supreme Court shall be made up of number of judges, and experts in Islamic jurisprudence and law experts whose number, the method of their selection and the work of the court shall be determined by a law enacted by a two-third majority of the members of the Council of Representatives.

Article 90:



The Federal Supreme Court shall have jurisdiction over the following:

First: Oversight of the constitutionality of laws and regulations in effect.

Second: Interpretation of the provisions of the constitution.

Third: Settle matters that arise from the application of the federal laws, decisions, regulations, instructions, and procedures issued by the federal authority. The law shall guarantee the right of each of the Cabinet, the concerned individuals and others of direct contest with the Court.

Fourth: Settle disputes that arise between the federal government and the governments of the regions and governorates, municipalities, and local administrations.

Fifth: Settle disputes that arise between the governments of the regions and governments of the governorates.

Sixth: Settle accusations directed against the President, the Prime Minister and the Ministers. That shall be regulated by law.

Seventh: Ratify the final results of the general elections for membership in the Council of Representatives.

Eight:

A. Settle competency dispute between the Federal Judiciary and the judicial institutions of the regions and governorates that are not organized in a region.

B. Settle competency dispute between judicial institutions of the regions or governorates that are not organized in a region.

Article 91:

Decisions of the Federal Supreme Court are final and binding for all authorities.

**THIRD: General Provisions**

Article 92:

Special or exceptional courts may not be established.

Article 93:

The law shall regulate the establishment of courts, their types, classes and jurisdiction and the method of appointing and the terms of service of judges, public prosecutors, their discipline and their retirement.

Article 94:

Judges may not be removed except in cases specified by law; such law will determine the particular provisions related to them and shall regulate their disciplinary measures.

Article 95:

A judge or public prosecutor may not:

First: Combine a position in the judiciary, and a position in the legislature and executive or any other employment.

Second: Joining any party or political organization or perform any political activity.

Article 96:

A law shall regulate military judiciary and shall specify the jurisdiction of military courts, which will be limited to crimes of military nature that occur by members of the armed forces, security forces and within the limits stipulated by law.

Article 97:

It is prohibited to stipulate in law the immunization from appeal of any administrative work or decision.

Article 98:

It is permitted to regulate in a law the establishment of a State Council specialized in the functions of administrative judiciary, interpretation, drafting, and the State and various public institutions representation before the judicial bodies except those exempted by law.

#### CHAPTER FOUR: INDEPENDENT COMMISSIONS

Article 99:

The High Commission for Human Rights, Independent Electoral High Commission and Commission on Public Integrity are independent commissions, which shall be subject to monitoring by the Council of Representatives. A law shall regulate their functions.

Article 100:

First: The Central Bank of Iraq, Board of Supreme Audit, Communication and Media Commission, and the Endowment Commissions are financially and administratively independent institutions. A law shall regulate the work of each of these institutions.

Second: The Central Bank of Iraq is responsible before the Council of Representatives. The Board of Supreme Audit and the Communication and Media Commission shall be attached to the Council of Representatives.

Third: The Endowment Commissions shall be attached to the Council of Ministers.

Article 101:

A commission named Foundation of Martyrs shall be established and attached to the Council of Ministers. Its functions and competencies shall be regulated by law.

Article 102:

A public commission shall be established to guarantee the rights of the regions and governorates that are not organized in a region in fair participation in managing the various state federal institutions, missions, fellowships, delegations, and regional and international conferences. The Commission shall be comprised of representatives of the federal government, and representatives of the regions and governorates that are not organized in a region and shall be regulated by a law.

Article 103:

A public commission shall be established by a law to audit and appropriate federal revenues. The commission shall be comprised of federal government experts and representatives and experts and representatives from the regions and governorates and shall assume the following responsibilities:

First: Ensure the fair distribution of grants, aid, and international loans pursuant to the entitlement of the regions and governorates that are not organized in a region.

Second: Ensure the ideal use and division of the federal financial resources.

Third: Guarantee transparency and justice in appropriating funds to the governments of the regions and governorates that are not organized in a region in accordance with the established percentages.

Article 104:

A council named the Federal Public Service Council shall be established and shall regulate the affairs of the federal public service, including the appointment and promotion. A law shall regulate its formations and competencies.

Article 105:

Other independent commissions may be established according to need and necessity by a law.

## SECTION TWO: RIGHTS AND LIBERTIES

### CHAPTER ONE: RIGHTS

#### FIRST: Civil and Political Rights

##### Article 14:

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status.

##### Article 15:

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

##### Article 16:

Equal opportunities are guaranteed for all Iraqis. The state guarantees the taking of the necessary measures to achieve such equal opportunities.

##### Article 17:

First: Every individual shall have the right to personal privacy, so long it does not contradict the rights of others and public morals.

Second: The sanctity of homes is inviolable and homes may not be entered, searched, or put in danger, except by a judicial decision, and in accordance with the law.

##### Article 18:

First: An Iraqi is any person born to an Iraqi father or mother.

Second: Iraqi nationality is the right of every Iraqi and shall be the basis of his citizenship.

##### Third:

A. An Iraqi citizen by birth may not have his nationality withdrawn for any reason. Any person who had his nationality withdrawn shall have the right to reclaim it, and this will be stipulated by law.

B. The Iraqi nationality shall be withdrawn from the naturalized in the cases stipulated by law.

Fourth: An Iraqi may have multiple nationalities. Everyone who assumes a senior, security sovereign position must abandon any other acquired nationality. This will be organized by law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of settling people that cause an imbalance in the population composition of Iraq.

Sixth: A law shall regulate the provisions of nationality. The competent courts shall consider the suits resulting from it.

Article 19:

First: The judiciary is independent and no power is above the judiciary except the law.

Second: There is no crime or punishment except by a stipulation. The punishment shall only be for an act that the law considers a crime when perpetrated. A harsher sentence than the applicable sentence at the time of the offense may not be imposed.

Third: Litigation shall be a safeguarded and guaranteed right for all.

Fourth: The right to a defense shall be sacred and guaranteed in all phases of investigation and trial.

Fifth: The accused is innocent until proven guilty in a fair legal trial. The accused may not be tried on the same crime for a second time after acquittal unless new evidence is produced.

Sixth: Every person has the right to be treated with justice in judicial and administrative proceedings.

Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Eighth: Punishment is personal.

Ninth: A law does not have a retroactive effect unless the law stipulates otherwise. This exclusion shall not include laws relating to taxes and fees.

Tenth: Criminal law does not have a retroactive effect, unless it is to the benefit of the accused.

Eleventh: The court shall delegate a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer.

Twelfth:

A. (Unlawful) detention is prohibited.

B. Detention or arrest is prohibited in places not designed for it, pursuant to prison regulations covered by health and social care and subject to the scrutiny of the law.

Thirteenth: The preliminary investigative documents must be submitted to the competent judge in a period not to exceed 24 hours from the time of the arrest of the accused. It may be extended only once and for the same period.

Article 20:

The citizens, men and women, have the right to participate in public affairs and to enjoy political rights including the right to vote, to elect and to nominate.

Article 21:

First: No Iraqi shall be surrendered to foreign entities and authorities.

Second: A law shall regulate the right of political asylum to Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled.

Third: No political asylum shall be granted to a person accused of committing international or terrorist crimes or any person who inflicted damage on Iraq.

SECOND: Economic, social and cultural liberties

Article 22:

First: Work is a right for all Iraqis so as to guarantee them a decent living.

Second: The law regulates the relationship between employees and employers on economic basis and with regard to the foundations of social justice.

Third: The State guarantees the right of forming and joining professional associations and unions. This will be organized by law.

Article 23:

First: Personal property is protected. The proprietor shall have the right to benefit from, exploit and utilize personal property within the limits of the law.

Second: No property may be taken away except for the purposes of public benefit in return for just compensation. This will be organized by law.

Third:

A. Every Iraqi has the right to own property throughout Iraq. No others may possess immovable assets, except as exempted by law.

B. Owning property for the purposes of population change shall be prohibited.

Article 24:

The State guarantees freedom of movement of Iraqi manpower, goods and capitals between regions and governorates. This will be organized by law.

Article 25:

The State guarantees the reform of the Iraqi economy in accordance with modern economic principles to insure the full investment of its resources, diversification of its sources and the encouragement and the development of the private sector.

Article 26:

The state guarantees the encouragement of investments in the various sectors. This will be organized by law.

Article 27:

First: Public property is sacrosanct, and its protection is the duty of each citizen.

Second: The provisions related to the protection of State properties and its management and the conditions for its disposal and the limits under which none of these properties can be relinquished shall all be regulated by law.

Article 28:

First: No taxes or fines may be imposed, amended, exempted or pardoned from, except in accordance with law.

Second: Low wage earners shall be exempted from taxes in a manner that ensures the upholding of the minimum wage required for survival. This will be organized by law.

Article 29:

First:

A. The family is the foundation of society; the State preserves its entity and its religious, moral and patriotic values.

B. The State guarantees the protection of motherhood, childhood and old age and shall care for children and youth and provides them with the appropriate conditions to further their talents and abilities.

Second: Children have right over their parents in regard to upbringing, care and education. Parents shall have right over their children in regard to respect and care especially in times of need, disability and old age.

Third: Economic exploitation of children shall be completely prohibited. The State shall take the necessary measures to protect them.

Fourth: All forms of violence and abuse in the family, school and society shall be prohibited.

Article 30:

First: The state guarantee to the individual and the family -- especially children and women -- social and health security and the basic requirements for leading a free and dignified life. The state also ensures the above a suitable income and appropriate housing.

Second: The State guarantees the social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanage or unemployment, and shall work to protect them from ignorance, fear and poverty. The State shall provide them housing and special programs of care and rehabilitation. This will be organized by law.

Article 31:

First: Every citizen has the right to health care. The state takes care of public health and provide the means of prevention and treatment by building different types of hospitals and medical institutions.

Second: Individuals and institutions may build hospitals or clinics or places for treatment with the supervision of the state and this shall be regulated by law.

Article 32:

The State cares for the handicapped and those with special needs and ensure their rehabilitation in order to reintegrate them into society. This shall be regulated by law.

Article 33:

First: Every individual has the right to live in a safe environment.

Second: The State undertakes the protection and preservation of the environment and biological diversity.



Article 34:

First: Education is a fundamental factor in the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees to eradicate illiteracy.

Second: Free education is a right for all Iraqis in all its stages.

Third: The State encourages scientific research for peaceful purposes that serve man and supports excellence, creativity, invention and the different aspects of ingenuity.

Fourth: Private and public education is guaranteed. This shall be regulated by law.

## CHAPTER TWO: LIBERTIES

Article 35:

First:

A. The liberty and dignity of man are safeguarded.

B. No person may be kept in custody or interrogated except in the context of a judicial decision.

C. All forms of psychological and physical torture and inhumane treatment shall be prohibited. Any confession coerced by force, threat, or torture shall not be relied on. The victim shall have the right to compensation in accordance with the law for material and moral damages incurred.

Second: The State guarantees the protection of the individual from intellectual, political and religious coercion.

Third: Compulsory service (unpaid labor), serfdom, slave trade (slavery), trafficking of women and children, and the sex trade is prohibited.

Article 36:

The state guarantees in a way that does not violate public order and morality:

A. Freedom of expression, through all means.

B. Freedom of press, printing, advertisement, media and publication.

C. Freedom of assembly and peaceful demonstration. This shall be regulated by law.

Article 37:

First: The freedom of forming and of joining associations and political parties is guaranteed. This will be organized by law.

Second: It is prohibited to force any person to join any party, society or political entity or force him to continue his membership in it.

Article 38:

The freedom of communication, and mail, telegraphic, electronic, and telephonic correspondence, and other correspondence shall be guaranteed and may not be monitored, wiretapped or disclosed except for legal and security necessity and by a judicial decision.

Article 39:

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices. This shall be regulated by law.

Article 40:

Each individual has freedom of thought, conscience and belief.

Article 41:

First: The followers of all religions and sects are free in the:

A. Practice of religious rites, including the Husseini ceremonies (Shiite religious ceremonies)

B. Management of the endowments, its affairs and its religious institutions. The law shall regulate this.

Second: The state guarantees freedom of worship and the protection of the places of worship.

Article 42:

First: Each Iraqi enjoys the right of free movement, travel, and residence inside and outside Iraq.

Second: No Iraqi may be exiled, displaced or deprived from returning to the homeland.

Article 43:

First: The State shall seek to strengthen the role of civil society institutions, to support, develop and preserve its independence in a way that is consistent with peaceful means to achieve its legitimate goals. This will be organized by law.

Second: The State shall seek the advancement of the Iraqi clans and tribes and shall attend to their affairs in a manner that is consistent with religion and the law and upholds its noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

Article 44:

There may not be a restriction or limit on the practice of any rights or liberties stipulated in this constitution, except by law or on the basis of it, and insofar as that limitation or restriction does not violate the essence of the right or freedom.

### SECTION THREE: FEDERAL POWERS

Article 45:

The federal powers shall consist of the legislative, the executive and the judicial powers. They exercise their specializations and tasks on the basis of the principle of separation of powers.

### CHAPTER ONE: THE LEGISLATIVE POWER:

Article 46:

The federal legislative power shall consist of the Council of Representatives and the Federation Council.

FIRST: The Council of Representatives

Article 47:

First: The Council of Representatives shall consist of a number of members, at a ratio of one representative per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people in it shall be upheld.

Second: A candidate to the Council of Representatives must be a fully eligible Iraqi.

Third: A law shall regulate the requirements for the candidate, the voter and all that is connected with the elections.

Fourth: The elections law aims to achieve a percentage of women representation not less than one-quarter of the Council of Representatives members.

Fifth: The Council of Representatives shall promulgate a law dealing with the replacement of its members on resignation, dismissal or death.

Sixth: No member of the Council of Representatives shall be allowed to hold any other official position or work.

Article 48:

Each member of the Council of Representatives must take the following constitutional oath before the Council prior to assuming his duties:

(I swear by God the Almighty to carry out my legal tasks and responsibilities devotedly and honestly and preserve the independence and sovereignty of Iraq, and safeguard the interests of its people, and watch over the safety of its land, skies, waters, resources and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the judiciary and adhere to the applications of the legislation neutrally and faithfully. God is my witness).

Article 49:

The Council of Representatives shall set its bylaws to regulate its work.

Article 50:

First: The Council of Representatives shall decide by a two-thirds majority, the membership authenticity of its members within 30 days from the date of filing an objection.

Second: The decision of the Council of Representatives may be appealed before the Federal Supreme Court within thirty days from the date of its issuance.

Article 51:

First: Sessions of the Council of Representatives shall be public unless it deems them otherwise.

Second: Minutes of the sessions shall be published in means regarded appropriate by the Council.

Article 52:

The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within 15 days from the date of the ratification of the general elections results. Its eldest member shall chair the first session to elect the president of the Council and his two deputies. This period may not be extended by more than the aforementioned one.

Article 53:

The Council of Representatives shall elect in its first session its president, then his first deputy and second deputy, by an absolute majority of the total number of the Council members by direct secret ballot.

Article 54:

First: The electoral term of the Council of Representatives shall be limited to four calendar years, starting with its first session and ending with the conclusion of the fourth year.

Second: The new Council of Representatives shall be elected 45 days before the conclusion of the previous electoral term.

Article 55:

The Council of Representatives shall have one annual term with two legislative sessions lasting eight months. The bylaw shall define the method of convention. The session in which the general budget is being presented shall not end until its approval.

Article 56:

First: The President of the Republic or the Prime Minister or the President of the Council of Representatives or fifty members of the Council of Representatives may call the Council to an extraordinary session. The session shall be restricted to the topics that necessitated the request.

Second: The President of the Republic, or the Prime Minister or the President of the Council or 50 members of the Council of Representatives, may ask for an extension of the legislative session of the Council of representatives for no more than 30 days in order to complete the tasks that required the extension.

Article 57:

First:

A. The Council of Representatives quorum shall be fulfilled by an absolute majority of its members.

B. Decisions in the sessions of the Council of Representatives shall be made by a simple majority after quorum is fulfilled, unless stipulated otherwise.

Second:

A. Bills shall be presented by the President of the Republic and the Prime Minister.

B. Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees.

Article 58:

The Council of Representatives specializes in the following:

First: Enacting federal laws.

Second: Monitoring the performance of the executive authority.

Third: Elect the President of the Republic.

Fourth: A law shall regulate the ratification of international treaties and agreements by a two thirds majority of the members of the Council of Representatives.

Fifth: To approve the appointment of the following:

A. The President and members of the Federal Court of Cassation, Chief Public Prosecutor and the President of Judicial Oversight Commission based on a proposal from the Higher Juridical Council, by an absolute majority.

B. Ambassadors and those with special grades based on a proposal from the Cabinet.

C. The Iraqi Army Chief of Staff, his assistants and those of the rank of division commanders and above and the director of the intelligence service based on a proposal from the Cabinet.

Sixth:

A. Question the President of the Republic based on a justifiable petition by an absolute majority of the Council of Representatives members.

B. Relieve the President of the Republic by an absolute majority of the Council of Representatives members after being convicted by the Supreme Federal Court in one of the following cases:

1- Perjury of the constitutional oath.

2- Violating the Constitution.

3- High treason.

Seventh:

A. The Council of Representatives member may direct questions to the Prime Minister and the Ministers on any subject within their specialty and they may answer the members' questions. The Member who has asked the question solely has the right to comment on the answer.

B. At least 25 members of the Council of representatives may table a general issue for discussion to obtain clarity on the policy and the performance of the Cabinet or one of the Ministries. It must be submitted to the President of the Council of Representatives, and the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.

C. A Council of Representatives member with the agreement of 25 members may direct a question to the Prime Minister or the Ministers to call them to account on the issues within their authority. The discussion on the question shall begin at least seven days after submitting the question.

Eighth:

A. The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he is considered resigned from the date of the decision of confidence withdrawal. The issue of no confidence in the Minister may be tabled only on that Minister's wish or on a signed request of 50 members after an inquiry discussion directed at him. The Council of Representatives shall not issue its decision regarding the request except after at least seven days of its submission.

B.

1- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister.

2- The Council of Representatives may withdraw confidence from the Prime Minister based on the request of one-fifth (1/5) of its members. This request may be submitted only after a question has been put to the Prime Minister and after at least seven days from submitting the request.

3- The Council of Representatives shall decide to withdraw confidence from the Prime Minister by an absolute majority of its members.

C. The Government is considered resigned in case of withdrawal of confidence from the Prime Minister.

D. In case of a vote of withdrawal of confidence in the Cabinet as a whole, the Prime Minister and the Ministers continue in their positions to run everyday business for a period not to exceed thirty days until a new cabinet is formed in accordance with the provisions of article 73 of this constitution.

E. The Council of Representatives may interrogate independent commission heads in accordance with the same procedures as for the ministers and may dismiss them by an absolute majority.

Ninth:

A. To consent to the declaration of war and the state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.

B. The period of the state emergency shall be limited to 30 days, extendable after approval each time.

C. The Prime Minister shall be authorized with the necessary powers that enable him to manage the affairs of the country within the period of the state of emergency and war. A law shall regulate these powers that do not contradict the constitution.

D. The Prime Minister shall present to the Council of Representatives the measures taken and the results within the period of declaration of war and within 15 days of the end of the state of emergency.

Article 59:

First: The Council of Ministers shall submit the draft general budget bill and the closing account to the Council of Representatives for approval.

Second: The Council of Representatives may conduct transfers between the sections and chapters of the general budget and reduce the total of its sums, and it may suggest to the Cabinet to increase the total expenses, when necessary.

Article 60:

First: A law shall regulate the rights and privileges of the speaker of the Council of Representatives, his two deputies and the members of Council of Representatives.

Second:

A. Each member of the Council of Representatives shall enjoy immunity for statements made while the Council is in session, and the member may not be prosecuted before the courts for such.

B. A Council of Representatives member may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council of Representatives members consent by an absolute majority to lift his immunity or if caught in flagrante delicto (the act) in the commission of a felony.



C. A Council of Representatives member may not be arrested after the legislative term of the Council of Representatives, unless the member is accused of a felony and with the consent of the speaker of the Council of Representatives to lift his immunity or if he is caught in flagrante delicto in the commission of a felony.

Article 61:

First: The Council of Representatives may dissolve itself with the consent of the absolute majority of its members, upon the request of one-third of its members or upon the request of the Prime Minister and the consent of the President of the Republic. The Council may not be dissolved during the period in which the Prime Minister is being questioned.

Second: Upon the dissolution of the Council of Representatives, the President of the Republic shall call for general elections in the country within a period not to exceed 60 days from the date of its dissolution. The Cabinet in this case is considered resigned and continues to run everyday business.

SECOND: The Federation Council

Article 62:

A legislative council shall be established named the "Federation Council" to include representatives from the regions and the governorates that are not organized in a region. A law, enacted by a two-third majority of the members of the Council of representatives, shall regulate the Federation Council formation, its membership conditions and its specializations and all that is connected with it.

## CHAPTER TWO: THE EXECUTIVE POWER

Article 63:

The Federal Executive Power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the constitution and the law.

FIRST: The President of the Republic

Article 64:

The President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He safeguards the commitment to the Constitution and the preservation of Iraq's independence, sovereignty, unity, the security of its territories in accordance with the provisions of the Constitution.

Article 65:

A nominee to the Presidency must meet the following conditions:

- A. Must be an Iraqi by birth, born to Iraqi parents.
- B. Must be fully eligible and be at least 40 years old.
- C. Must be of good reputation and political experience, and known for his integrity, righteousness, fairness and loyalty to the homeland.
- D. Must not have been convicted of a crime involving moral turpitude.

Article 66:

First: A law shall regulate the nomination to the post of the President of the Republic.

Second: A law shall regulate the nomination of one deputy or more for the President of the Republic.

Article 67:

First: The Council of Representatives shall elect, from among the nominees, the President of the Republic by a two-thirds majority of its members.

Second: If any of the candidates does not receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the highest number of votes in the second election shall be declared as President.

Article 68:

The President shall take the Constitutional Oath before the Council of Representatives in the form stipulated in Article 48 of the Constitution.

Article 69:

First: The President of the Republic's term in office shall be limited to four years and may be elected for a second time and no more.

Second:

A. The term of the President of the Republic shall finish at the end of the Council of Representatives' term.

B. The President of the Republic will continue to exercise his functions until the elections for the Council of Representatives is completed and until it meets. The new President shall then be elected within 30 days of its first meeting.

C. If the position of president of the republic is vacant, for whatever reason, a new president will be elected in order to fill the vacancy for the remaining period of that president's term.

Article 70:

The President of the Republic shall assume the following powers:

A. To issue a special pardon on the recommendation of the Prime Minister, except for anything concerning private claim and for those who have been convicted of committing international crimes, terrorism, and financial and administrative corruption.

B. To ratify international treaties and agreements after the approval by the Council of Representatives. Such international treaties and agreements are considered ratified after 15 days from the date of receipt.

C. To ratify and issue the laws enacted by the Council of Representatives. Such laws are considered ratified after 15 days from the date of receipt.

D. To call the elected Council of Representatives to convene during a period not to exceed 15 days from the date of approval of the election results and in the other cases stipulated in the Constitution.

E. To award medals and decorations on the recommendation of the Prime Minister in accordance with the law.

F. To accredit Ambassadors.

G. To issue Presidential decrees.

H. Ratify death sentences issued by the competent courts.

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## Statement By President Bush On The Formation Of Iraq's New Unity Government

[May 20, 2006](#)

THE PRESIDENT: "I congratulate Prime Minister Maliki on the formation of Iraq's new unity government. Iraqis now have a fully constitutional government, marking the end of a democratic transitional process in Iraq that has been both difficult



and inspiring. This broadly representative unity government offers a new opportunity for progress in Iraq.

"The new government reflects Iraq's diversity and opens a new chapter in that country's history. Iraq's new leaders know the period ahead will be filled with great challenge. But they also know that they – and their great country – will not face them alone. The United States and freedom-loving nations around the world will stand with Iraq as it takes its place among the world's democracies and as an ally in the War on Terror.

"Today, as Iraqis look to their new government, they can be proud that in three years they have progressed from the oppression of a brutal dictator who fomented sectarian divides to an elected government in which all Iraqis have a voice. As Iraq's leaders work together to chart the future of their nation, bringing freedom and security to the Iraqi people, they make the world a safer place for all of us. The sacrifices of many of our country's noblest and bravest have helped make this day possible. We will not forget their contribution to our security and Iraq's democracy."

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## Remarks By President Bush On The Formation Of A New Government In Iraq

May 21, 2006

The formation of a unity government in Iraq is a new day for the millions of Iraqis who want to live in peace. And the formation of the unity government in Iraq begins a new chapter in our relationship with Iraq.

This morning, I called the President, the Prime Minister and the Speaker to congratulate them on working together to form the unity government. I assured them that the United States will continue to assist the Iraqis in the formation of a free country, because I fully understand that a free Iraq will be an important ally in the war on terror, will serve as a devastating defeat for the terrorists and al Qaeda, and will serve as an example for others in the region who desire to be free.

Thank you.

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# Statement By U.S. Ambassador To Iraq Zalmay Khalilzad On The Inauguration Of The Permanent Government Of Iraq

May 20, 2006

Today marks a new milestone for Iraq. What happened in the assembly represents the end of Iraq's political transition that began in April 2003 from the American administration under occupation, to a democratically elected Iraqi government. I congratulate the Iraqi people on the inauguration of their country's first-ever national unity government. Though the appointments of the Ministers of Defense and Interior will come in the next few days, the Iraqi people should take pride in the fact that the cabinet ministers announced today were approved by democratically elected leaders representing all areas of the country and all of Iraq's people. Iraqi leaders worked through their differences and forged compromises to create a permanent government. This process has been without precedent in Iraq's long history.

But Iraqi leaders have done more than form a government. First, they have agreed to power-sharing and confidence-building arrangements that are essential to catalyzing a productive political process capable of bridging divides among Iraqi communities. Second, they have agreed on common policy priorities that the government will focus on. These agreements mark a new chapter for Iraq.

The fact that Iraqi leaders are taking some additional time to name the security ministers shows the seriousness with which they have approached the task. Getting these appointments right is essential to putting Iraq on a path to stability. Iraqi leaders have agreed that the security ministers must be unifiers, not dividers; professionals, not partisans; and free of links to crimes of the past regime and to today's sectarian militias. Moreover, Iraqi leaders have agreed that these choices must be made by consensus. It is important that these criteria are met.

Even with the formation of this unity government, tremendous challenges still lay ahead. Prime Minister Maliki realizes the new government must:

- Forge unity and reconciliation amongst the Iraqi people;
- Provide security for the Iraqi people;
- Deliver basic services, economic prosperity, and rule of law to the Iraqi people; and
- Lead the Iraqi people as they work to strengthen their new democratic institutions.

We recognize that this work will not be easy. But the cabinet ministers inaugurated today will give the new government a strong foundation for progress in Iraq. They must commit to building a better future for all Iraqis, and to put the interest of the people above

those of their parties. The United States will work with the new government as it strives to bring security and economic prosperity to Iraq, and as it works to consolidate the democratic society the Iraqi people are building.

The future of Iraq will set the course for the future of the Greater Middle East. The future of this region will determine the future of the world over the next century. I therefore call upon the international community to join us in helping to support the democratically elected government of Iraq in its important work.

Thank you, and may God bless the people of Iraq.

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