

# JUDICIAL INSTITUTE



Monthly Newspaper Covers The activities & The news of the Iraqi Judicial Institute

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## News

### Judicial Institute Celebrates Graduation of 47th Judicial Class

The Judicial Institute held a graduation ceremony for the 47th class of judges, in an event attended by the President of the Supreme Judicial Council and President of the Federal Court of Cassation, Judge Dr. Faiq Zidan, along with a number of distinguished judges, members of the Institute's Council, and faculty members.

The President of the Supreme Judicial Council delivered the following speech:

In the name of Allah, the Most Gracious, the Most Merciful Honorable audience,

Peace be upon you and Allah's mercy and blessings, On this special day, we gather to celebrate the graduation of a new cohort of loyal sons and daughters of our nation — the forty-seventh class of the Judicial Institute students — who have completed their academic and professional training and now carry upon their shoulders a noble mission and a great responsibility.

The judiciary is not merely a profession; it is a sacred trust and a solemn responsibility. It is the scale by which people's lives are balanced, and through which rights and freedoms are preserved. To be a judge is to embody justice, to serve as a pillar of the state, and to be a refuge for the oppressed. To my sons and daughters, the graduates,

As I commend your efforts throughout the past two years of rigorous study at the Judicial Institute — a journey crowned by your graduation and the conferral of the title of Judge — you now embark on a new chapter in your lives. A chapter whose ultimate goal is to serve the nation from a critical position that demands wisdom, integrity, and courage in decision-making.

As you stand on the threshold of assuming this responsibility, I urge you to be successful judges, deeply committed to the message of justice, and faithful to the oath you have sworn. Remain devoted to the rights of your country and your people. Be loyal to constitutional values, resist personal inclinations, and stand firm in the face of pressure. Let your living conscience be your guide, the law your tool, and justice your ultimate aim.

The future of the judiciary lies with you. Be worthy of the trust placed in you, and rise to the responsibility entrusted to you by the Supreme Judicial Council. Strive to be models of integrity and dedication, for you carry a trust beyond measure.

Finally, on behalf of myself and the Supreme Judicial Council, I extend my heartfelt congratulations on your graduation from the Judicial Institute. I ask the Almighty to grant you success in your duties in the courts of justice.

And on your behalf, I offer sincere thanks to the faculty and administrative staff of the Judicial Institute, whose efforts were instrumental in achieving this accomplishment of which we are all proud.

May Allah grant you success and guide your steps, Peace and Allah's mercy and blessings be upon you.

Details on pages 4 and 5



### The Opening Article (The Lead)

#### A New Cohort in the Service of Justice

On the 16th of June, the Judicial Institute celebrated the graduation of a new cohort of its students, presenting them to the nation as judges entrusted with the mission of human justice—a mission they studied and embraced over the course of their two years at the Institute.

The graduates of the 47th cohort have worked diligently and persistently throughout their years of study and training, proving themselves worthy of carrying the torch of justice, upholding rights, and safeguarding society.

This celebration of the graduation of this distinguished group of new judges does not merely mark the end of a chapter, but rather the beginning of a professional journey—one that demands a steadfast commitment to ethical and legal principles, a firm adherence to the values of integrity and justice, and a continuous effort to strengthen the citizen's trust in an independent and free judiciary.

The Judicial Institute has placed great emphasis on the development of its academic and training programs, continually updating its curricula and fostering an educational environment that keeps pace with modern developments in legal sciences. Particular focus has been given to practical training through intensive court applications, academic seminars, and workshops.

The Institute has also remained actively engaged with its academic surroundings at the local and international levels, entering into numerous agreements with Iraqi, Arab, and international universities, and opening channels of cooperation with international judicial institutions to promote the exchange of expertise and enhance the quality of judicial training.

As we extend our congratulations to our graduating sons and daughters, we also offer our sincere gratitude and appreciation to the President of the Supreme Judicial Council for his unwavering support of the Institute and his continued guidance in preserving the founding principles upon which it stands. We also thank the honorable judges, professors, and trainers who dedicated tremendous effort over the past two years to educate and prepare this elite group of future judges for service within Iraq's judiciary.

And here, I pause to say to every graduate of the Judicial Institute: Today, you stand at the threshold of great responsibility. Be, as we have always known you, a model of knowledge, character, and fairness. Let your highest goal be the realization of justice and the rule of law.

We hope that this graduation marks the beginning of lasting success in your judicial careers

Editor-in-Chief

## News

### Judicial Institute Participates in Abu Dhabi Conference on the Role of Judiciary in Social Stability



Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, along with Judge Mohammed Salman, President of the Baghdad Criminal Court, participated in the opening of the conference titled "The Role of the Judiciary in Social Stability", held in the UAE capital Abu Dhabi on Wednesday morning, May 28, 2025. The two-day conference concluded on Thursday, May 29, 2025. The event was organized by the UAE Ministry of Justice in collaboration with the Abu Dhabi Judicial Department. It brought together an elite group of judges, legal advisors, and specialists from various countries, in addition to a number of officials from international governmental institutions concerned with societal and family affairs. The aim was to highlight the vital role of the judiciary in promoting family stability and social cohesion—viewed as a cornerstone for protecting rights, achieving justice, and strengthening national and societal unity, based on the principle that the family is the fundamental building block of a secure and stable society.

The conference sought to showcase inspiring models and successful experiences that have contributed to reinforcing family cohesion in multicultural societies. It also served as a platform for exchanging international expertise on achieving social peace, especially in times of conflict and war. The conference's program was structured around four main sessions, each addressing key themes, most notably:

Legislative frameworks and judicial

practices that support societal stability. The impact of judicial rulings on family stability.

Best practices in protecting society and reinforcing the strength of the family unit.

On the sidelines of the event, the Director General also held several bilateral meetings with his counterparts from participating countries, during which he explored opportunities for cooperation in the field of judicial training and the exchange of expertise between judicial institutes.

## News

### Meeting with Admitted Students of the (50th Judges) Class and (51th Public Prosecution) Class

Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, met with the newly admitted students of the Institute's 50th Judicial Class and 51st Public Prosecution Class — those who successfully passed the written and oral competency examinations and were officially accepted into the Judicial Institute.

During his meeting with the students, Judge Jalil Adnan Khalaf welcomed them warmly and expressed his hope that they would excel in the two-year academic journey at the Institute, ultimately becoming effective judges and public prosecutors across Iraq's courts of appeal — following in the footsteps of their predecessors who have graduated from the Institute.

In the course of the discussion, the Director provided a brief overview of the academic structure of the Judicial Institute, outlining both the theoretical and practical components of the curriculum. He emphasized the importance of how the academic content

shapes students' legal thinking, particularly highlighting the significance of the practical component carried out in courts, where students apply what they learn from the faculty members at the Institute.

He also stressed the importance of adhering to official attendance requirements and the behavioral standards set by the Supreme Judicial Council for Judicial Institute students. At the same time, he spoke about the supportive academic environment created by the Council for students pursuing their studies, noting the Judicial Institute's commitment to providing adequate housing for students from other provinces in the on-campus dormitories.

The Director General also listened to the students' questions and comments during the session, affirming the Institute's readiness to address and overcome any administrative or academic challenges they may face during their time at the Judicial Institute.



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## The Open-ended Penal Provision

By Judge Omar Salman Al-Muhammadi

By default, a penal provision enacted by the legislature combines both criminalization and punishment. However, in practice, a close examination of Iraqi criminal laws including Penal Code No. 111 of 1969 reveals that some of its articles impose punishment without explicitly defining the criminalized act. How does this occur?

What Is an Open-ended Penal Provision?

The term refers to a penal rule that includes the punitive element while omitting the explicit element of criminalization.

The term "open-ended" stems from the fact that the legislator imposes penalties for acts that were not specifically identified at the time the penal provision was enacted. Instead, the identification of the act is left incomplete—"blank"—pending further definition by another authority.

Justification for the Open-ended

Penal Provision

The legislator cannot anticipate every circumstance or societal condition.

For instance, economic circumstances fluctuate much like the weather changes daily. As such, penal provisions are sometimes drafted in open-ended form, delegating the task of defining the criminal elements to the executive branch, which then outlines these details through regulations and instructions issued as needed in response to evolving societal demands.

Legal Basis for the Open-ended Penal Provision

This legislative approach rests on the principle of delegated legislative authority, whereby the executive branch is exceptionally authorized to specify the criminalized act. This is done within the framework of modern interpretations of the principle of legality, and under certain constraints, as set forth in Article 80(Third) of the Iraqi Constitution of 2005.

Examples of Open-ended Penal Provisions in Iraqi Law

A close reading of the Iraqi Penal Code reveals that many of its provisions refer to external laws to define criminalized behavior. Notable examples include:

Article 326, which penalizes a public employee or civil servant who, by virtue of his position, enters a private residence outside of the legally authorized circumstances. Yet, the article does not define what those circumstances are, instead referring to the Code of Criminal Procedure No. 23 of 1971 (as amended) for clarification regarding unlawful entry.

Another example is Article 434, which imposes penalties for the act of insult or defamation. However, the legislator does not precisely delineate which specific statements constitute a criminal offense. Rather, it leaves the identification of criminalized expressions to prevailing social customs.

## Provisions of Bail under the Code of Criminal Procedure

Bail is one of the fundamental legal tools used to ensure the defendant's appearance before the judiciary. It stands as one of the clearest embodiments of the principle: "An accused is presumed innocent until proven guilty," as enshrined in Article 19, paragraph (Fifth), of the 2005 Constitution of the Republic of Iraq, which affirms: "The accused is innocent until proven guilty in a fair legal trial..." Because criminal bail directly concerns individual rights and freedoms, it is a legal safeguard for protecting those freedoms.

The Iraqi legislator addressed this mechanism in the Code of Criminal Procedure No. 23 of 1971 (as amended), regulating its provisions under the section titled "Detention and Release of the Accused." The law outlines the conditions for granting, revoking, and breaching bail, as well as the consequences that follow.

By Judge Haidar Qasim Mahmoud

Given that personal liberty is a fundamental right that lawmakers strive to protect from infringement — particularly against arbitrary detention — the legislator introduced bail as an alternative to pretrial detention. Bail seeks to strike a balance between the individual's right to freedom and society's right to enforce justice. It formalizes this balance by assigning discretion to judicial authorities, reflecting the judiciary's commitment to the presumption of innocence while also ensuring the smooth progression of justice.

Bail plays a crucial role in the criminal justice system by allowing the defendant to remain free during trial proceedings, provided they do not evade trial or obstruct the course of justice. There are two main types of bail: personal bail and financial bail, both of which are governed by contractual principles. Despite certain similarities with other forms of legal agreements, bail differs significantly in its structure, execution, and characteristics. Criminal bail is considered a unilateral consensual contract, a personal guarantee, and a form of donation agreement.

Although it shares features with other legal concepts — such as personal surety, civil surety, third-party undertakings, and adhesion contracts — bail remains distinct in both function and legal implications. While a bail contract is civil in nature, it gains special status in criminal law due to its placement within the Code of Criminal Procedure. This has led to jurisprudential and judicial debate regarding the nature of the bailor's liability in the event of breach. Some have classified it as civil liability, others as criminal, and still others as a hybrid. However, the Federal Court of Cassation resolved this debate by affirming that the bailor's liability is purely civil. The court ruled that a breach of a criminal bail agreement constitutes a civil contractual failure between the bailor and the investigative authority. The consequence of such breach is limited to financial compensation, which usually takes the form of full or partial forfeiture of the bail amount. Since criminal bail, when granted by an investigative authority, is essentially a contract between the bailor and the authority, the bailor is not subject to criminal prosecution or sentencing. Instead, enforcement procedures are carried out by the Misdemeanor Court upon referral by the investigative or criminal court where the breach occurred.

This position was confirmed by the Federal Court of Cassation in Decision No. 172 / Expanded Criminal Board / 2022 dated 28 February 2022, which stated: "The procedures for collecting the bail amount upon breach by the bailor do not require a criminal trial, formal charges, or a conviction. Rather, these are enforcement procedures handled by the Misdemeanor Court. Accordingly, the bailor is not referred as a defendant by the investigative or criminal courts but is instead referred by official order to the Misdemeanor Court for enforcement of the bail amount..." We find that a bailor who breaches a criminal bail agreement—established between him and the investigative authority or other criminal courts—is considered a debtor bound by a contractual obligation with the judicial authority. The penalty resulting from such breach is the payment of the bail amount in full or in part, or exemption from payment upon the occurrence of a legitimate excuse, or recovery of the amount in installments over a period not exceeding one year, or seizure of the amount deposited in the treasury, or the seizure and sale of his assets in accordance with the Law of Execution. In the event that the required amount

is not recovered, he shall be imprisoned for a period of six months. However, we recommend reducing the imprisonment period to four months instead of six, in alignment with Article 43 of the amended Execution Law No. 45 of 1980.

Not all defendants are eligible for bail. Courts assess the nature of the crime and the defendant's threat to public safety. Bail is often denied in serious offenses such as terrorism and murder, while more readily granted in minor offenses. Bail amounts are determined by various factors, including the severity of the offense, criminal record, and the accused's ties to the community — all intended to reduce flight risk.

Types of bail include:

Financial bail: requiring a specific sum from the defendant or a third party.

Collateral bail: backed by assets or personal guarantees. Bail helps expedite trial proceedings by ensuring the defendant's presence without the need for detention. However, it may be revoked or modified if the defendant poses a threat to witnesses or the trial process.

Despite the importance of bail, its application faces several challenges—chief among them is the lack of equal opportunity among defendants. Some may struggle to pay the bail amount or to secure a guarantor who meets the legal requirements, which results in prolonged detention compared to others who can afford release. Additionally, there are concerns that some defendants may evade justice despite the imposition of bail, prompting the need to develop legal mechanisms that ensure compliance with its conditions.

Bail remains an essential legal system that helps safeguard both the defendant's right to liberty and the proper progression of judicial proceedings without disruption. Like any legal obligation, bail comes to an end upon the occurrence of one of its terminating conditions—whether by the defendant's appearance in court, the issuance of a verdict in the case, or a breach of the bail terms, in which case the guarantor bears the consequences.

Despite the challenges facing this system, bail continues to serve as a vital legal tool — one that requires ongoing reform to ensure fair application and to maintain the delicate balance between individual rights and the public interest.

## The Sanctity of Text: Between Sharia and Law

Prof. Dr. Sami Jamil Al-Kubaisi  
College of Islamic Sciences – University of Baghdad

It is well known that both religious (Sharia) and legal texts carry binding authority and enforceability that render them obligatory in application and subject to accountability and penalty in case of violation. This grants them reverence and respect.

Islamic Sharia is divine revelation from God, while law is man-made. Nonetheless, certain laws derive their rulings and shape their texts in accordance with Sharia — sometimes matching it, at times agreeing in part, and in others, diverging. To determine whether a given law conforms to Islamic Sharia, one must thoroughly examine all its articles to render a proper judgment.

Sharia texts differ from legal texts in several fundamental aspects:

First: In terms of source.

Sharia texts originate from divine revelation, while legal texts are man-made. Each bears the attributes of its originator. Man-

made laws carry the imperfection, incapacity, and limitations of their human authors, making them constantly subject to change and revision based on life's evolving demands — what we refer to as "progress" or "development." As society evolves, laws often need to be amended or replaced. Law, being inherently incomplete, can never attain perfection since its makers themselves are imperfect. As the saying goes: "Every work reflects the traits of its maker."

Law may be capable of addressing past events, but it cannot encompass future circumstances. In contrast, Sharia originates from God — it reflects His power, perfection, and absolute knowledge of all that was, is, and will be. His knowledge envelops everything, present and future alike. Thus, the texts of Sharia are not in need of change or revision regardless of shifting geographies, eras, or levels of human advancement.

Second: In terms of evolution and relevance.

Legal systems are composed of texts and rules designed by society to organize its affairs and meet its needs. As such, law is always either lagging behind society or, at best, keeping pace with it. It inevitably falls behind as society evolves, because legal texts cannot adapt as rapidly as social changes require, necessitating frequent reform.

Sharia, on the other hand, comprises rules ordained by Allah on a permanent basis to regulate society. While both law and

## Administrative Protection of Public Funds

By Judge Hawari Salah al-Din Zainal

Public funds are the central pillar of a state's economic system. The protection of these funds is directly linked to the public interest by ensuring the stability and continuity of public services, which in turn clearly impacts the welfare, development, and advancement of societies. Public funds serve as the material means through which the administration carries out its functions, and their importance is evident in supporting state activity, enabling the performance of its various duties, and ensuring the continuous operation of public facilities. The effect of public funds on state function is reflected in the benefits they deliver to all members of society. It is well established that public funds play a critical role in the lives of nations and peoples and in the happiness of citizens. They also contribute significantly to the stability, strength, and sovereignty of states. For this reason, states have, since their formation, sought to expand the scope of their public funds and assets, a trend that has accompanied the growing role of the state and its increasing involvement in economic life.

The theory of public funds, and the extent to which the administration is empowered to adopt the means necessary for their protection, must inherently include administrative mechanisms that prioritize the public interest over private interest. Linguistically, "māl" (money/property) refers to everything an individual or group owns, including goods, merchandise, real estate, currency, or livestock. Its plural is "amwāl." The expression "man of wealth" refers to one who possesses property; "al-mayl" refers to someone of abundant wealth; and "al-mayla" refers to a wealthy woman. Technically, "māl" is defined as "a right that pertains to an object." al-Aḥkām al-'Adliyya" journal defines it in Article 126 as: "What human nature inclines toward and what can be stored for times of need, whether movable or otherwise."

The Iraqi legislator defines public funds in Paragraph 1 of Article 71 of the Iraqi Civil Code No. 40 of 1951 (as amended) as: "Public funds are considered to be the real estate and movables owned by the state or public legal persons and designated for public benefit either in fact or by operation of law." From this definition, it becomes clear that public funds may be real or movable property, regardless of type — including land-based, maritime, riverine, or aerial assets. The term "public fund" applies to property owned by the state or one of its public legal entities, thereby excluding property owned by individuals or private legal entities. In addition, for property to be classified as public, it must be designated for public benefit — either as a matter of practical reality or by legal designation. It is worth noting that the Iraqi Civil Code does not explicitly categorize public funds but instead provides a general criterion for identifying them, based on their allocation to public use.

Due to the expanding role of the state and its involvement in all aspects of public life, and the impracticality of a single entity being solely responsible for protecting public funds, multiple bodies — both public and private — are now entrusted with this responsibility. The 2005 Constitution of the Republic of Iraq, which adopts a parliamentary system based on the separation of powers, entrusted the task of protecting public funds to the federal executive authority, represented by the President of the Republic and the Prime Minister. Similarly, the Law of Governorates Not Incorporated into a Region No. 21 of 2008 (as amended) assigns to governors, district administrators, and subdistrict directors — each within their administrative unit — the responsibility of maintaining public order and security, safeguarding state property, and ensuring the collection of public revenues.

Moreover, constitutional systems have established independent oversight bodies to monitor public fund protection and overall administrative performance. The 2005 Iraqi Constitution, in Chapter Four, addresses independent entities and grants them financial and administrative independence. These include the Federal Board of Supreme Audit and the Commission of Integrity, which are tasked with combating corruption and protecting public assets.

To fulfill its responsibility of preserving public funds and shielding them from potential threats, the administration resorts to various methods to achieve this purpose. These may include issuing regulatory administrative decisions, or individual administrative decisions, in addition to direct enforcement actions carried out by the administration without recourse to the judiciary, as well as administrative penalties imposed on violators for the misuse of public funds, whether such penalties are financial or non-financial. From the above, we arrive at several key conclusions. Iraqi legislation has established the principle of allocation to public use as the defining criterion for distinguishing between public and private state property. A number of public agencies — including those in Iraq — are authorized to protect public funds, while private entities also share this responsibility and are granted financial and administrative independence to ensure neutrality and effective oversight, free from governmental or political influence. The administration is equipped with a range of mechanisms for protecting public funds, ensuring their proper use, and preventing misuse or unauthorized disposition. These mechanisms are grounded in various legal instruments relied upon by the administration, including regulatory decisions, individual administrative decisions, direct enforcement, and administrative sanctions. In this regard, we recommend the enactment of comprehensive Public Funds Protection Law, one that is unified and precise, defining what constitutes public funds, identifying the entities authorized to protect them, and outlining procedures for addressing violations. We further propose strengthening the role of the Public Prosecution apparatus in safeguarding public funds by empowering it to initiate complaints against those who encroach upon public assets and to pursue cases involving financial and administrative corruption.

## Rigid and Flexible Legislative Drafting

By Judge Areej Khalil

Legislative drafting plays a vital role in the legal system of the state, helping cleanse it of defects that may arise due to instability caused by the frequent amendments made to legislation. Precise legislative drafting prevents conflicts of interest among various segments of society addressed by the provisions of the law. Legislative drafting is classified into rigid drafting and flexible drafting. Rigid drafting refers to expressing legal provisions in definitive and unambiguous terms that leave no room for interpretation. It conveys legal obligation in a firm and clear manner, leaving no space for doubt or preference. This form of drafting grants stability to legal texts and is typically used in provisions where interpretation is not permissible, such as those related to statutes of limitations, appeal deadlines, and procedural lapses. Rigid drafting deprives the judge of discretionary authority in applying the legal rule, as it provides for a fixed assumption or solution that does not change regardless of varying circumstances. The judge is thus obligated to apply the rigid rule once its elements are met. This type of drafting defines the subject addressed by the rule, the event, and its legal consequences with precise descriptions that leave no room for interpretation.

Rigid legislative drafting is characterized by stability and the establishment of legal certainty within society. It eliminates disparities in judicial interpretations and facilitates the resolution of disputes, as individuals are fully aware of their legal standing. Moreover, it clearly delineates the judge's role as one of applying the law without interpretation. However, rigid drafting has its downsides—it struggles to keep pace with evolving circumstances and new realities. When rigid rules are strictly adhered to, they fail to accommodate emerging changes, as they aim to achieve abstract justice. In contrast, flexible drafting, though more

capable of achieving contextual justice, does so at the expense of legal certainty and stability in transactions and individuals' legal positions. This is because it grants judges broad discretionary powers and makes it difficult for individuals to predict the exact consequences of their actions.

Flexible drafting refers to expressing legal provisions using broad terms that allow for adaptable solutions based on prevailing circumstances. It expresses legal obligation using pliable language and is employed when addressing scenarios and situations that cannot be exhaustively defined at the time of drafting. Such flexible rules grant judges wide discretion in their application, allowing them to respond to the demands of justice. This form of drafting makes the legal text applicable to a wide range of situations and across different time periods, lending resilience to legislation and enabling the spirit of the law to persist. Examples of flexible legal rules include the minimum and maximum limits of punishment, where judges are granted the freedom to impose appropriate penalties within those bounds based on the specifics of each case. Both types of drafting are essential when formulating legislation. As a rule, legal provisions should be precise and well-defined. However, there are numerous situations in which flexibility is necessary to accommodate changing circumstances and evolving societal realities. Whether rigid or flexible, legislative drafting must ensure the effectiveness of laws in a way that prevents legislative conflicts, curbs legislative inflation, and fulfills both general and specific deterrence in criminal penalties. Achieving this requires involving experts and legal professionals to provide input on draft laws before they are enacted, in order to avoid legal loopholes that could render legislation impractical and ultimately ineffective—resulting in nothing more than legislative excess.

Sharia serve this regulatory function, Sharia differs in that its texts are permanent and not subject to amendment. This permanence requires that Sharia's provisions be characterized by flexibility and universality — expansive enough to accommodate society's evolving needs, however long the time span or however diverse the demands. Sharia texts are never outdated or below the standard of any age. They are ever responsive to human needs and societal requirements.

This sets Sharia apart from all other divine and man-made systems. Its texts were revealed with a general, adaptable scope, and possess a degree of elevation and nobility beyond imagination.

Third: In terms of relationship with society.

Laws lag behind society and follow its evolution. They are designed to manage its affairs, not to guide or shape it. Law is the product of society — not the other way around.

But Islamic Sharia is from God, the One who perfected all creation. It is not shaped by society; rather, it is what shapes society.

The purpose of Sharia goes beyond merely regulating people's affairs, as is the aim of positive law. Its primary objective is to cultivate upright individuals, build a righteous society, and establish an ideal state. For this reason, its texts were revealed at a level superior to that of the entire world at the time of its revelation — and they remain so to this day.

## The Commercial Trade in Academic Research Writing , and position of the iraqi Law from that

Recently, there has been a noticeable spread of the phenomenon of academic research being written by commercial offices or individuals on behalf of students in exchange for a specified fee. At first glance, this may seem like a commercial practice involving these offices offering academic assistance to students. However, this act raises several ethical and legal issues related to its illegitimacy, in addition to the possibility of it being criminalized under the provisions of the Iraqi Penal Code No. (111) of 1969.

By Student: Mahmoud Adel Mahmoud  
Cohort 49

In this regard, it is noted that the Ministry of Higher Education and Scientific Research has previously issued several regulations related to strengthening scientific research. Among these is the directive issued by the Supervision and Scientific Evaluation Department, numbered (777) and dated (2024/2/15), which was later amended by directive no. (5481) dated (2024/12/12), whose clause (Fourth/2) stated: "A student who is proven to have resorted to what are known as scientific publishing offices for the purpose of writing his/her thesis or dissertation, in whole or in part, shall have their registration canceled and shall not be readmitted to study either inside or outside Iraq."

As for undergraduate students, it is noted that the Examination Regulations for Universities and Institutes No. (134) of 2000 state that a student shall be considered failed for the academic year if proven to have cheated in any of the examinations. Since the graduation research is considered an academic subject, and



its examination takes place during the defense before a scientific committee appointed by the college, seeking assistance from an individual or office to write this research and attributing it to the student constitutes cheating, which requires the student's dismissal if proven. This raises a legal question about the basis for the illegitimacy of students—generally—resorting to offices or individuals in exchange for payment to write their academic research. One might argue that the original researcher (the author) has waived both their material and moral rights to the other party (the student), and that a contract is binding between parties, and individuals are free to organize their legal relationships as they wish (principle of freedom of contract)? The student's use of an office or individual constitutes a legal violation, the basis of which can be found in Article (10) of the

Iraqi Copyright Protection Law No. (3) of 1971, which states: "Only the author has the right to be attributed for their work..." Copyright in general includes two types of rights: material and moral. The material right refers to the financial return the author gains from their work, as the author has the exclusive right to exploit their work directly or by transferring it to another person or entity to exploit (holders of neighboring rights to the author's right). As for the moral right, it pertains to the attribution of the work to its author (the right of authorship), which is explicitly stated in Article (10) above. This article is considered a mandatory provision that cannot be contractually waived, even if there is an explicit waiver by the holder of the authorship rights. Such a waiver only applies to the material right. As for attributing the work to someone other than its actual author, the moral right

is considered a matter of public order and cannot be waived. This imposes a restriction on the principle of freedom of contract, as individuals may enter into any contracts provided they do not violate public order or morality.

Regarding the criminalization of individuals or owners of offices who sell academic research to students under the provisions of the Iraqi Penal Code No. (111) of 1969 (as amended), Article (240) of the Penal Code states: "Anyone who violates the orders or decisions issued by an employee, council, or authority authorized to issue them under laws or regulations shall be punished by imprisonment for a period not exceeding six months, or by a fine, or by either penalty." Since the Ministry of Higher Education and Scientific Research in Iraq has previously issued regulations requiring students to write their research themselves, and since a student's use—

generally—of another person or entity to write their academic research on their behalf constitutes cheating that is explicitly prohibited under all academic regulations, the aforementioned act is a punishable offense under the provisions of Article (240) of the Penal Code.

It is also noted that the Presidency of the Public Prosecution / Legal Division had previously received a report regarding offices that write and sell academic research to students. This report was referred by official letter no. (11937) dated (2024/6/9) to the Ministry of Higher Education and Scientific Research for review and to provide an update on the progress of the committee formed to prepare a draft law criminalizing private offices that prepare theses and dissertations on behalf of students. A copy of the letter was also sent to the Al-Rusafa Investigative Court to take legal action against violators, and to the office of the Public Prosecutor in Al-Rusafa for follow-up. This falls within the duties of the Public Prosecution as stipulated in Article (5/Eighth) of the Public Prosecution Law No. (49) of 2017.

In conclusion, the act of commercial offices or individuals writing academic research on behalf of students generally constitutes a breach of the academic integrity required of students, in addition to being a legal violation that warrants punishment for any student proven to have used such offices or individuals to write their academic work. Those who engage in this act may also be held criminally accountable under the provisions of Article (240) of the Penal Code. Therefore, we urge students to avoid such practices and to rely on themselves in fulfilling the academic requirements of any program of study, including academic research.

## The Rights of the Wife of the Absent or Missing Person

Among the circumstances a person may face is the state of being absent or missing from their community, which can hinder their family and professional life and cause hardship for those left behind as they struggle to maintain their daily lives amidst life's difficulties. In addition to the emotional pain caused by the absence or loss of a loved one, there arises a need to establish rights for those affected, while also preserving the identity and rights of the absent or missing person—particularly their financial, personal, and marital rights—balanced against the legitimate rights of the wife, which are often essential to her continued livelihood. This prompted the idea of examining the rights that a wife may claim when her husband becomes absent or missing, in a way that does not encroach upon or unjustly diminish the husband's rights.

By Judge Ahmed Mohammed Jassim

The importance of this topic has grown in light of practical realities observed in courts, especially with the rise in cases of terrorism, armed conflict, and the resulting disappearances and abductions in recent years, as well as the migration of some individuals from their countries, leaving their spouses behind. We begin by defining absence and disappearance:

An absent person is someone who has left Iraq or whose whereabouts within Iraq have been unknown for a period exceeding one year without news, resulting in the disruption of their affairs or the affairs of others. A missing person, on the other hand, is someone whose fate—alive or dead—is unknown, and is declared

missing upon the request of any concerned party. These conditions differ from similar cases such as a prisoner of war, who is held captive by an enemy, or a migrant, who has left their home, family, and country for personal reasons and traveled to a known or unknown destination with the intent to remain there. The latter two are considered absent but not missing, due to the continuation of communication or news. If such communication ceases and their fate becomes unknown, they may then be considered missing. As for the rights of the wife in the event of absence or disappearance:

In the case of absence, the wife is entitled to certain personal rights, such as the right to enjoy marital life. If the husband remains absent for a prolonged period, he deprives her of this right. She also retains financial rights, such as entitlement to the deferred dowry if its due date is upon demand and financial ability after consummation of the marriage. If the dowry is due upon the earliest of two events, she is not entitled to it unless separation occurs. Additionally, she has the right to claim maintenance, which is imposed on the absent husband's property. In exchange for these rights, the wife is obligated to uphold the duties imposed upon her by the marriage contract, including the obligation to preserve the marital relationship during the husband's absence.

In the case of disappearance, the wife also has rights and obligations. These include the personal right to request judicial separation due to her husband's disappearance, the right to manage the husband's assets, and the right to request a judicial declaration

of his death once the legal conditions for such a declaration are met. She also has financial rights, such as claiming maintenance from the property of the missing husband, and entitlement to the deferred dowry under the same conditions mentioned earlier. However, in this case, she is entitled to the dowry in all circumstances if a ruling is issued declaring the husband deceased.

With regard to her obligations, the wife of a missing person must continue to fulfill the duties imposed by the marriage contract toward her husband and his rights, preserving the sanctity of the marriage during his absence. Should a ruling be issued terminating the marriage due to the husband's death or a decree of separation, the wife must observe the waiting period (iddah) for a widow, which is four months and ten days.

As for the procedures and means of proving these rights, the wife of an absent person may submit a petition to the competent court requesting separation due to absence, and the court may issue a separation decree after verifying the conditions justifying such a decision. She may also submit a petition to obtain maintenance from her husband's property, which the competent court may grant.

In the case of disappearance, procedures include submitting a petition for judicial separation based on a proven material fact of disappearance, identifying the case of disappearance in order to manage the missing person's property through a guardianship and interdiction order, and confirming the missing person's status to issue a judicial declaration of death

after completing the required procedures. The wife may also file a maintenance claim before the personal status court in order to receive maintenance from her missing husband's estate.

Among these procedures, several critical issues arise, including:

1. The need to regulate the legal framework for absence with greater precision through legislation that addresses key challenges—such as when the absent husband leaves no legal representative and leaves behind assets or businesses requiring immediate management, especially when there is no appointed agent or when the power of attorney restricts their administrative authority in a way that prevents them from acting in the husband's absence. This directly impacts the wife's rights and her ability to access and manage the husband's property.
2. The necessity of legally establishing a fixed date of disappearance—for example, by notifying the investigative judge of the disappearance—as the date from which the waiting period for declaring death should be calculated, rather than relying on the date of issuance of the guardianship and interdiction order, particularly since the law does not require using the latter as the start date for calculating the period.
3. The need to obligate the wife of the missing person, or one of his second-degree relatives at most, to notify the court of the disappearance, given the importance of doing so to protect the rights of both spouses and others—especially in the case of minor children.

## The Crime of Cultivating Narcotic Plants in Iraqi Law

By Student:  
Hussain Alawi Al-Mandlawi -  
Cohort 50

The crime of cultivating narcotic plants is one of the offenses addressed by the Iraqi legislator in the Narcotic Drugs and Psychotropic Substances Law No. (50) of 2017. Narcotic plants may be defined as those that contain chemical compounds affecting the human nervous system, and may cause various effects such as hallucination, sedation, stimulation, or pain relief. These plants may be misused illegally due to their psychological and physical effects. The types of narcotic plants prohibited for cultivation vary in form and intended use and include cannabis, poppy, opium, coca, khat, and datura.

The Iraqi legislator established the legal basis for criminalizing drug cultivation



in Article (23) of the aforementioned law, which states:

"It is prohibited to cultivate, import, export, own, possess, purchase, sell,

transport, deliver, exchange, assign, or broker in any way the plants that yield narcotic or psychotropic substances listed in Schedule I annexed to this law, in all

stages of their growth and seeds, except for medical or scientific purposes and under the conditions set out in this law. These include poppy, opium, cannabis, coca shrubs, khat, and any genetically modified plants with similar narcotic effects."

Iraqi law criminalizes the cultivation of such plants under Articles (27/Third) and (32) of the same law. From these two articles, it is clear that criminal liability for drug cultivation is always based on intent, but the penalty varies depending on the purpose. If the cultivation is intended for trafficking, the penalty is death or life imprisonment, in accordance with Article (27/Third), which states: "Shall be punished by death or life imprisonment anyone who commits any of the following acts: ... Third: Cultivates a plant that yields narcotic or psychotropic substances, or imports, brings in, or

exports such a plant in any stage of growth for the purpose of trafficking, or traffics in its seeds in circumstances not authorized by law."

If the purpose of cultivation is personal use or consumption, the penalty is imprisonment for not less than one year and not more than three years, in addition to a fine of not less than five million dinars and not more than ten million dinars, in accordance with Article (32) of the same law.

Moreover, Article (33) of the same law imposes a penalty of imprisonment for not less than six months and not more than two years, and a fine of not less than three million dinars and not more than five million dinars, on any person who is aware that narcotic plants—specified in this law—are being cultivated in a particular location for illegal purposes and fails to report them.

On the Path of Justice ... Graduation of Judicial Institute's 47th Class – Judges

Yesterday's Students, Today's Judges  
Bearing the Trust of Justice and the Responsibility of the Nation



Several supervising professors praised the high quality of legal research produced by the students, reflecting the new generation's awareness of modern legislative developments. The Faculty's Commendation of the Graduation Faculty members who taught the 47th class over the two-year program offered their congratulations, wishing their students a bright future as they enter the noble profession of the judiciary in service to society. Judge Ahmed Jasib Al-Saadi, professor of personal status law, remarked: "Teaching at the Judicial Institute requires more than covering theoretical material—it focuses on practical application, where students engage directly with what they learn. The Institute not only offers academic training but also develops

judicial work skills that rely not only on knowledge but also on personal strength and the ability to understand people. I advised my students to broaden their understanding beyond law, to learn about society and human behavior, and to adopt a constructive approach to resolving disputes. I wish today's judges, yesterday's students, the greatest success." A Message to Society Through this graduation, the Judicial Institute sends a clear message to Iraqi society: that justice is strong, and the judiciary continues to supply its institutions with scientifically and professionally qualified talent. The graduation of the 47th class is not the end of the road for these young judges—it is the beginning of a long journey in service to the nation and its people, under the banner of truth and justice.

Graduates of the 47th Judicial Class alongside esteemed members of the Judicial Institute Council

In a joyful ceremony blending pride with a sense of responsibility, the Iraqi Judicial Institute celebrated the graduation of its 47th class – the Judges' Class. Yesterday's students, now today's judges, have officially joined the ranks of justice and the guardianship of law in Iraq.

The graduation ceremony took place on the evening of Monday June 16, 2025, at the Judicial Institute Hall, attended by members of the judiciary, prominent legal and academic figures, and the families of the graduates, who shared in the moment of triumph with their children.

Prepared by: Ali Al-Badrawi/ Judicial Institute Emp.

A Journey Rich in Study and Training The 47th Judges' Class underwent an intensive two-year academic program that included advanced studies in criminal, civil, administrative, and personal status law, along with hands-on practical training in Iraqi courts. The students also actively participated in the preparation of legal research and studies. The curriculum focused in particular on enhancing their abilities in judgment writing, courtroom

advocacy, and case resolution techniques. Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, emphasized that the 47th class represents "a qualitative leap in the academic and practical preparation of Iraqi judges," commending the discipline and dedication of the students. He also highlighted the continued support of the Supreme Judicial Council for all efforts aimed at advancing judicial performance and overcoming the challenges facing the

educational process at the Institute. Inspiring Role Models with Great Ambitions The journey was far from easy, but it was filled with determination and perseverance. "Today we bid farewell to the classroom and step into the real field of work," said Mohammed Abdul-Amir Jassim, top of the class. "We are fully aware of the great responsibility that lies ahead, and we pledge to live up to the trust placed in us."

حفل تخرج طلبة الدورة (٤٧) - دورة القضاة



Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, with the top three graduates of Class 47 - Judges: Mohammed Abdul-Amir Jassim (First) Qusai Asi (Second) Kifaya Jalil (Third)



The Judicial Institute's Journey Captured in a Documentary Film

As part of the graduation ceremony of the 47th Judicial Class of the Judicial Institute, a documentary film was screened highlighting the long and distinguished journey of this leading judicial institution in Iraq. Seven minutes encapsulated a rich legacy, the film lasted seven minutes, during which

it presented a brief yet comprehensive account of the institute's history since its founding, through its various stages, to the achievements it has made and the future vision it has drawn. The Institute's History and Journey The film began with a presentation of

the founding of the Judicial Institute in 1976 as the first institution specialized in preparing judges in Iraq, and how it became a cornerstone in the development of the judicial system and a source for supplying Iraqi courts with judges qualified both academically and practically.

Activities and Departments of the Institute The film addressed the institute's various activities, including academic lectures, practical applications, specialized training workshops, in addition to the different departments that oversee its academic and administrative functions.

Established Achievements and an Ambitious Strategic Plan The documentary also showcased the institute's key accomplishments, including curriculum development, modernization of judicial training methods through the use of modern technologies, and efforts to introduce artificial intelligence into the students' curriculum, as well as the preparation of judges according to the highest professional standards. It also presented the institute's strategic plan, which is based on improving academic performance, strengthening international cooperation, and engaging with the latest judicial methodologies.

Academic Partnerships and Cooperation Agreements The film also reviewed the agreements the institute has signed with several Iraqi and international universities to promote academic exchange, develop curricula, and

exchange expertise in the legal and judicial fields.

It also shed light on the institute's library, which includes thousands of titles in legal and judicial sciences, as well as periodicals and academic journals that serve as an important academic resource for students and researchers at the institute. The film also paused to highlight the Judicial Institute's monthly newspaper, which covers news and activities of the institute and publishes legal studies and research, in addition to its quarterly journal that features specialized legal research and studies.

Continued Support from the Judiciary The film concluded by pointing to the great support the institute receives from the President of the Supreme Judicial Council, who consistently emphasizes the importance of developing the institute as a fundamental pillar for judicial reform and for preparing a new generation of highly competent and professional judges.

The Film's Message The documentary delivered a clear message: the Judicial Institute is not merely an educational institution—it is a maker of justice and a true gateway to a fair judiciary and a brighter future for the Iraqi judicial system.

## The Faculty of the Judicial Institute: Academic Expertise Shaping a Promising Judicial Future



The faculty of the Judicial Institute plays a pivotal role in preparing its students over two years of study and dedication before graduating them into the field of Iraqi judiciary, equipped with knowledge and legal acumen. This process is directly overseen by the Institute's Board of Administration, chaired by the President of the Supreme Judicial Council, Judge Dr. Faiq Zidan. The Board acts as the highest authority supervising the selection and approval of the academic curricula and assumes a central role in shaping judicial education policy in ways that enhance the competence

of future judges and ensure their alignment with the modern demands of justice. It also sets the broad outlines of the educational policy in line with the institute's goals and the vision of the Supreme Judicial Council, keeping pace with legal and judicial developments at the national and international levels. The Board further ensures that practical and training aspects are incorporated into the curricula, in coordination with courts and judicial bodies, to prepare students for real-world judicial responsibilities. At the graduation ceremony of the 47th Judicial Class, the Judicial Institute met

with a distinguished group of its faculty members, who shared their reflections and future hopes for the graduating students. Dr. Ali Atiyah Al-Hilali, Dean of the College of Law at the University of Baghdad and professor of "Legislative Drafting" and "Constitutional Judiciary," stated: "It is a pleasure to share this blessed celebration with our graduating students as they prepare to shoulder the responsibility of the judiciary in Iraq. This day is not merely a graduation milestone, but the beginning of a noble professional journey that demands of every judge to be a model of integrity, competence, and justice.

The Judicial Institute, with its advanced academic programs and distinguished faculty, has proven over the decades to be the true incubator for the scientific and professional preparation of judges. At the College of Law - University of Baghdad, we take pride in our academic partnership with the Institute and believe that collaboration between academic institutions and specialized institutes is the optimal path to graduating judges who possess both deep legal knowledge and a high humanitarian vision. We congratulate all the graduates on this significant achievement and urge

them to remain faithful to the mission of the judiciary, defenders of rights, and committed to enforcing the law with fairness and a living conscience—through which rights are upheld and freedoms preserved."

Retired judge and professor of "Civil Procedure Law," Mr. Abbas Al-Anbaki, also shared his remarks on the occasion:

"It has been an honor to teach at this prestigious institute. I have always told my students that the judiciary is not just a profession, but a mission and a great responsibility before God, your conscience, and a society that looks to you as a stronghold of justice and a refuge for the wronged.

This class, as we all witnessed, was marked by excellence, dedication, and a spirit of inquiry and diligence. We saw in you a deep commitment to understanding not only legal texts but also the philosophy of justice and the spirit of the law.

Before their graduation, I gave them several pieces of advice, the essence of which was this: you are about to begin a new journey, standing in the role of the judge—a position that requires wisdom, knowledge, and courage in making decisions. I congratulate them on their graduation and pray that God grants them success in their judicial path. May this graduation mark the beginning of a long journey of contribution to justice and the homeland."

In his remarks, Dr. Ali Fawzi, professor of "Civil Law" at the Judicial Institute, stated that the 47th Judicial Class was exceptional in every way, noting the students' high level of discipline and eagerness to acquire knowledge, adding that they are well-suited to undertake the responsibilities of the judiciary.

Finally, Dr. Farah Jabbar Hashem, instructor of "Criminal Evidence," expressed her happiness at the graduation of the class she had taught. She urged the graduates to pursue continuous learning and regularly update their legal knowledge, emphasizing that justice is a responsibility that is renewed every single day.

### Graduation of Judicial Institute's 47th Class – Judges Ceremony Photos



## “It’s Better That We Should All Suffer a Little.. Than Any of Us Should Have to Suffer a Lot”

During the financial crisis that shook the global economy in 2008, an American company decided to lay off part of its workforce due to a lack of liquidity and a debt of 10\$ million. However, Bob Chapman, the company’s CEO, rejected the idea and instead proposed a solution that would satisfy everyone: each employee would take four weeks of unpaid leave at any time during the year.

It was a remarkably smart idea. He told the employees:

“It’s better that we should all suffer a little, than any of us should have to suffer a lot.”

At that moment, employees recognized the sense of security and appreciation they had from their company and realized their value. They implemented the idea enthusiastically—some even took more than four weeks off. As a result, the company saved 20\$ million—double the amount they needed—and not a single employee was laid off. Bob Chapman thereby embodied true administrative leadership, the kind every successful leader should possess.

By: Nihaya Dawood Salloum / Judicial Institute Emp.

Many people may view leadership as merely a prestigious position, with status, presence, influence, and power granted by a high-ranking administrative role—often underlined with the title “Leader” and surrounded by an aura of admiration and attention. But if we look at leadership from a practical perspective, it is one of the most difficult and critical roles. The success of institutions depends on the success and competence of those in leadership positions—and vice versa. Leadership is the art of dealing with people and influencing them to move toward a common goal. Mastering this art requires understanding the tools that motivate people and learning how to use them effectively. These include:

1. Incentivization

This involves anything that entices someone to respond positively. It’s an approach used with employees who are given greater

freedom in their work and are rewarded and encouraged when they excel—boosting their motivation and productivity.

2. Deterrence

This involves instilling fear of consequences for non-compliance. Some employees, when treated with leniency and friendliness, may respond with negligence or indifference. These individuals often require stricter measures rather than incentives.

3. The Art of Persuasion

This is a crucial skill for any leader—changing others’ opinions toward a desired viewpoint by using well-structured arguments and logical evidence. This is particularly important when convincing team members of the need to adopt new work strategies in pursuit of institutional goals.

4. Public Speaking

This refers to the speaker’s ability to convey information, feelings, and ideas through



speech, using body language and vocal tone to influence and persuade the audience.

5. Leading by Example

A role model is someone whose words align with their actions—people follow them out of personal conviction. A leader’s responsibility is great because they shape the behavior of those around them.

Leadership requires full responsibility not just for setting goals, but also for implementing them. A true leader does not simply set goals and wait at their desk while others work to achieve them—they must be part of the team. Some managers mistakenly believe they are shielded from blame if goals aren’t met, choosing to fault employees for the failure. But the real consequence for a failing manager is the loss of credibility among both staff and higher leadership. They become known as someone who talks more than they act—which can be the harshest punishment

for any leader.

Moreover, leadership cannot be measured by certain superficial standards. It should be tied to the individual’s personal capabilities—the ability to balance firmness and compassion, simplicity in communication and depth in vision, kindness and assertiveness. Leadership is the art of influencing others, a skill not everyone possesses.

For example, appointing someone to a leadership role should not be based on:

1. Seniority

Some believe that the longer someone has served at an institution, the more deserving they are of a leadership role. This is a misconception. A senior employee might have climbed the professional ladder but still lack the qualities of a leader—or may have spent their years without gaining meaningful experience or training to build leadership skills.

## In the Company of Justice

### My First Step into the Mahmoudiyah Court

Among the attributes of hope in shaping justice, and from the very heart of a responsibility borne only by those who believe that law is not a collection of rigid texts but a spirit flowing through the veins of society, came my first step toward the Mahmoudiyah Court on the morning of March 2025, 10. That moment was not merely a first day on the job—it was a new covenant of service, a pure turn in a path where the scent of the land merged with the fragrance of legal text, and where the noise of injustice intertwined with the silence of investigation papers.

That hour, where the dawn broke through with the warmth of duty, was far from an ordinary entry in the record of days. It carried with it a swirl of emotions—reverence for the moment, awe at the place, eagerness to attempt, and determination to fulfill a mission. I arrived at the judicial complex in Mahmoudiyah draped in the sash of the public prosecution, gripping my pen like one carrying a finely calibrated scale. Before me stood a vigilant courthouse, a city’s heartbeat, and a community awaiting a justice that listens not to noise but to the whispers of truth in the corridors of silence.

By: Deputy Prosecutor  
Mr. Ahmed Razaq Ghani

I entered the complex—my steps not hesitant, but firm despite the weight of beginnings. In my mind echoed the words of jurists and judges, from the jurisprudence of Omar to the wisdom of Iyās, from the dignity of legislation to the precision of implementation.

In that moment, the courthouse appeared to me as a sanctuary of light. Though the structure was modest, its greatness lay not in its grandeur but in the rulings issued within and the justice fulfilled there.

There, I met Judge Nabras, head of the judicial complex, for the first time. The meeting felt like a conversation between justice and its new envoy from the prosecution—not to lecture, but to consult, to include, and to grant a place among those who are weighed by the measure of truth.

The meeting was not a dry protocol but rather shaped by the warmth of a man who understands the value of uniting the judiciary and prosecution around a common purpose: “No wronged person shall be forgotten, and no adversary shall be wronged.”

Judge Nabras, with his characteristic calm, was a man of few words—but when he spoke, his statements glowed like lanterns lit by the reverence of the law. He welcomed me with a sincere phrase that captured the essence of the office:

“Justice is not made by titles, but guarded by actions.”

That sentence felt like a key to a great door—not one opened for me alone, but for my thoughts, efforts, and dream to one day be a voice for truth amid the clamor of chaos.

I listened to his observations on case management and his view that the public prosecution should not merely narrate events, but craft from facts a voice that speaks for the law—guiding the charge not by naming it, but by proving it, with a balance that neither oppresses nor rushes, neither hesitates nor reacts impulsively.

His words were those of a judge not distanced from humility by his leadership, nor from humanity by his black robes. His words resonated in me as guidance, not domination—as consultation, not command.

### The More Lenient Law for the Accused and Its Judicial Applications

By: Judge Aliya Abdul-Amir Abbas

The more lenient law for the accused constitutes one of the pillars of legal legitimacy and an independent guarantee for the criminal protection of the rights of the accused. It is a legal principle upheld by international covenants and constitutions, enshrined in law through clear and explicit legislative texts that define its conditions and scope. Thus, the more lenient law for the accused is not an exception to the principle of non-retroactivity of penal law, but rather a distinct legal rule that aims to protect human rights. It applies to substantive provisions and has no connection to procedural rules. It also does not affect personal rights, as its scope is limited to criminal consequences. A civil claimant may still resort to the civil court to seek compensation even if the new law decriminalized the act.

The term “more lenient law for the accused” refers to any law that establishes a more favorable legal position for the accused compared to the previous law. This may occur if the new law eliminates the criminalization of an act, abolishes the penalty, introduces an exemption from criminal responsibility,

or establishes a justification for the act without eliminating the criminalization itself—or if it reduces the applicable penalty. The 2005 Iraqi Constitution affirms this principle in Article 19, Paragraph 10, which states: “A penal law shall not have retroactive effect, unless it is more favorable to the accused.” Similarly, Article 2, Paragraph 2 of the Iraqi Penal Code No. 111 of 1969 adopts this principle, stating: “If one or more laws are issued after the commission of the crime and before the issuance of a final judgment, the more lenient law for the accused shall apply.” Accordingly, the Iraqi Penal Code embraces the principle of retroactivity of the more favorable criminal law. However, it does not apply it unconditionally—it is restricted by an essential condition: the more lenient law must be issued before the judgment becomes final in the case related to the offense committed under the previous law. Consequently, even if the new law is more favorable, it does not apply retroactively to govern a crime committed under the old law if it is enacted after the final judgment. A final judgment is defined as one that has attained the degree of absolute finality, either because all legal means of appeal have been exhausted or the time limits for appeal have expired.

The rationale for this restriction is to uphold

the principle of *res judicata* (finality of judgments), which is a fundamental tenet of criminal law.

However, if the new law is enacted after the final judgment and renders the act no longer punishable, the legislator explicitly provides—under Article 2, Paragraph 3 of the Penal Code—that the convicted individual shall be treated as though no criminal judgment had been issued. In such a case, the penalty is nullified, and enforcement is halted.

If the new law reduces the penalty compared to that in the previous law, Paragraph 4 of Article 2 allows for the more lenient law to be applied at the discretion of the competent court, and only upon request by either the convicted person or the public prosecution. There are exceptions to applying the more favorable law, notably crimes committed under temporary laws. These are laws with a defined timeframe that automatically expire upon the lapse of that period without requiring a repeal. The expiration of such laws does not prevent the prosecution of violators or the execution of penalties under the new law. This is clarified in Article 3 of the Penal Code to prevent the accused from benefiting from the end of a law’s effect to evade punishment.

The more lenient law also applies to crimes that occurred before its entry into force but that are ongoing, continuous, or habitual offenses committed during the period of the new law. Additionally, if the new law

Are we delivering justice or seeking it? Are we drafting rulings, or are those rulings liberating us from our shortcomings and hesitations?

These questions became an inner compass, pushing me to write my very first words in the Mahmoudiyah prosecution notebook:

There is no place for laziness, no room for hesitation. This is a field where intentions are sifted before words are spoken.

My first day was not just a job marked in the civil service register. It was a turning point that rearranged my principles and renewed the vow I made when I first entered the Judicial Institute—on the day we swore to be soldiers for truth, not tools of authority, and that justice is no one’s enemy, but a shared breath that only lives through sincerity and devotion.

Today, as I recall those first hours, I feel they weighed more than days and ran deeper than moments. In them, I met a judge who was more than just a supervisor—he was an example of steadiness, a mirror that reflected I was not alone, and a reminder

That’s why some institutions don’t rely on seniority but instead offer opportunities to young, creative, and intelligent talents—entrusting them with greater responsibilities. This is a key reason behind organizational innovation and increased productivity.

2. Academic Qualifications

Leadership does not automatically go to those with the highest academic degrees. While education supports professional expertise, leadership requires experience, intuition, vision, credibility, confidence, boldness, and social intelligence. Degrees can enhance a person’s qualifications, but they do not grant leadership abilities to those who lack them.

3. Age

Leadership traits can develop early, shaped by one’s upbringing and environment. Some individuals are more naturally suited to lead regardless of age. Take, for example, Usama ibn Zayd, who was appointed to command the Muslim army against the Romans at just 17 years old. Many young leaders today achieve remarkable results—often outperforming older employees with limited skills.

This should be taken seriously by public institutions, which must focus on selecting energetic, visionary young leaders and giving them space to contribute to progress and meet the demands of a rapidly changing world.

This is the true difference between a manager who sees administration only in numbers, and a leader who understands the value of people—who fosters a sense of warmth and connection in the workplace to achieve excellence.

Indeed, what we truly need to improve our administrative performance is not just academic qualifications, technical expertise, or years of experience, but strong and wise leadership—leaders who master the art of influence and can guide institutions to success.

that justice is not upheld by an individual but by a team that masters dialogue and shares the burden of fairness.

I wrote these words from the heart and memory, to document the symbolism of that meeting and the importance of this phase—and to send a message to my fellow newcomers in the judiciary:

Do not treat your administrative assignment as a routine stamp, but as the opening chapter of a story to be told. If you write the first chapter well, your name may one day be etched on the final page.

And because no beginning is complete without intention, I renew my pledge to be, in Mahmoudiyah Court, as the legislator envisioned, as the wronged hopes, and as the judge dreams—he who guards the dignity of justice through patience, knowledge, and integrity.

In the company of justice, I learned that justice hosts no one... except those worthy of the seat.

modifies provisions related to recidivism or multiple offenses, it applies to any crime that results in the accused being considered a repeat offender—even if the underlying offenses occurred before the new law came into force. This is established in Article 4 of the Penal Code.

It is worth noting that when the legislator enacts new penal laws, they do not declare outright that the new legislation is more favorable to the accused. What matters is whether the new law creates a legal status that alters the accused’s position at the time of committing the crime and what benefits it confers under the new provisions.

The application of the more lenient law for the accused is a matter for the court—the accused has no role in selecting the law or expressing a preference. The court must apply specific criteria to determine which law is more favorable without relying on the accused’s opinion.

To apply the more lenient law, three conditions must be met: The new law must indeed be more favorable to the accused. This applies when the law decriminalizes the act, introduces a previously unavailable excuse or justification, or imposes a lesser penalty than the former law. The new law must be issued after the commission of the offense. The new law must be issued before the final judgment in the case—unless it renders the act no longer punishable, in which case it applies even after a final judgment has been issued.

## Term Estrangement

### “Shar’i Entry” and “Legal Entry” as a Model

■ **By: Judge Ahmed Jasib Al-Saadi**

“Term estrangement” is a phrase used to describe the state of ambiguity or lack of understanding surrounding a specific term within a given environment or context, even though the term may be familiar or well-known in another environment or discipline.

This estrangement manifests in various forms, the clearest of which are cultural or linguistic instances. These are especially evident when a term is translated from one language to another and has no accurate equivalent in the target language—making it appear strange or unfamiliar to the reader or listener. Numerous examples of term estrangement exist, and both literature and philosophy employ them, in addition to the examples already mentioned, in clear and vivid ways.

To avoid drifting in this introduction into broader notions of alienation and estrangement in terminology—and to stay

true to the purpose of this article, which is to promote legal awareness—we must answer a question that will inevitably arise for the reader:

Are there instances or forms of term estrangement in the judgments and legal documents issued by courts?

The answer is yes. Legal work, which is tied to the application of laws and legal texts—being human products—is subject to the influence of external cultures, as well as to the accumulated and inherited legal knowledge of those who came before in the field of law.

One such example lies in the legal petitions, claims, and judgments issued in personal status cases, which frequently contain a clearly estranged term: “legal entry” Unfortunately, this expression is widespread in judicial rulings within Personal Status Courts. If we were to structurally deconstruct the term from a linguistic perspective, we would find it composed of two words. The first is “entry” which refers to the consummation of the

marital relationship between spouses. Islamic schools of jurisprudence differ on its definition: some hold that actual physical consummation is required, and that the mere conclusion of the marriage contract according to the recognized religious or legal formula does not constitute entry that would entail legal and religious consequences. Others argue that legitimate seclusion (khalwa) without intercourse is sufficient to establish entry and generate all related legal effects, most notably, the wife’s entitlement to the full deferred portion of her dowry—according to detailed jurisprudential opinions.

As for the term “legal” I have not found any explanation or definition for it. It seems to have become attached to the word “entry” through unconsidered and habitual usage and has thus evolved into a convention adopted by lawyers and courts alike. The phrase “legal entry” is commonly used and treated as if it were a clear legal term—despite the fact that it lacks any precise academic or legal

definition. By definition, a term refers to an expression or word that is used to represent a specific concept in a defined scientific or knowledge-based field, with a particular meaning limited to that field. But the expression “legal entry,” and the phrase “entered into legally,” do not convey any specific or clear concept.

Those who claim that shar’i (religious) entry, when paired with a marriage contract, or court ruling affirming the marriage, constitutes legal entry, have no basis for this claim. The term entry, in its known usage, is a jurisprudential term that is detailed within the opinions of the various Islamic schools, and it is not defined in the Personal Status Law No. 188 of 1959, which is currently in force. Instead, the law refers the definition of any undefined terms to Islamic Sharia. Therefore, it is necessary to point out the estrangement of this term and the importance of avoiding its use in judicial rulings and legal petitions.

And God is the source of all guidance.

## The Applicability of Law

■ **By: Judge Ali Abdul-Yamma Jaafar**

The definition of law consists of three fundamental elements: formal legality, social impact, and justice or fairness. Based on the weight assigned to each of these elements, different concepts of law emerge.

A school of thought that disregards both legality and social impact while focusing solely on justice adopts the concept of natural law (non-positive law). Conversely, any approach that prioritizes legality and/or social impact while excluding the element of justice adheres to a purely positivist concept of law. Between these two extremes, there are various intermediate approaches. Each of the three elements corresponds to a distinct conception of legal applicability: social applicability, ideal applicability, and legal applicability. From a social perspective, a legal rule is considered socially applicable when it is followed or when non-compliance

is penalized. This raises the question: Is outward conformity to a rule sufficient to deem it followed, or must there be a specific motive or knowledge driving the action? And if so, what kind of motive or knowledge is required to say a rule is being followed?

Moreover, adherence to a rule may vary in degree, as does the punishment for violating it. This leads to three key observations:

1. The social impact—and thus the social applicability—of a rule exists in varying degrees.
2. This impact is measured by the level of adherence to the rule and the extent of penalties for non-compliance.
3. Punishment for non-compliance involves physical coercion, which, in civilized legal systems, is organized coercion exercised by the state.

The ideal applicability of law refers to the rule’s applicability in a moral or ideal sense. A rule is ideally applicable when it can be morally justified. This

concept is grounded in natural law and rationalist legal theories, whereby a legal rule is deemed valid not because of its social impact or formal legality but because of the rightness and justice of its content, as demonstrated through moral and legal justification.

Finally, the legal applicability of law is a distinct concept from both social and ideal applicability. Unlike the latter two, which are self-contained and do not presuppose elements from the others, legal applicability is about the rule’s enforceability according to legal procedures.

If a legal system or rule lacks the minimal degree of social impact—that is, it fails to influence behavior or lacks enforcement—then it may not be legally applicable either. Therefore, the concept of legal applicability necessarily includes elements of social applicability.

If it includes only social elements, we are dealing with a positivist legal

concept of applicability.

If it additionally includes moral or ideal elements, then we are within the framework of natural law.

In practice, a comprehensive concept of legal applicability, when viewed positively, includes social elements, and when viewed non-positively, includes both social and moral elements.

However, it remains possible to establish a narrow legal concept of applicability that relies solely on the formal characteristics of legal enforceability. In this sense, it is distinct from both social and ideal applicability. This narrow concept is what is meant when it is said that a rule is legally applicable simply because it was issued by the competent authority (the legislature), under the conditions prescribed, and does not conflict with a higher-ranking legal norm—or, in short, because it was enacted in accordance with the law.

## Illuminating Glimpses from the Lives of Iraq’s Martyred Judges

### The Martyr Judge Yousif Khorshid Ghaib

**Among the many professional sectors in Iraq, the judiciary stands out as one of the most sacrificial in the service of humanity, freedom, and the pursuit of justice for this nation—offering martyrs one after another. If we were to examine this aspect closely and give it the thorough attention it deserves, we would find that Iraqi judges rank among the highest in the world in terms of martyrdom. The record begins with the first Iraqi judge officially recognized as a martyr in historical records and scholarly sources: Judge Abu al-Manaqib Shihab al-Din Mahmoud bin Ahmad al-Zanjani, who was murdered by the treacherous Mongol invaders during their sack of Baghdad in February of 1258 CE. At the time, he was a teacher of judicial sciences at both the Nizamiyya and Mustansiriyya schools in Baghdad. From that point onward, the judiciary has continued to offer its finest sons in sacrifice for the country.**

**As the official publication representing the voice of the Judicial Institute—the home of Iraq’s judges—it is our duty to shed light on the noble biographies of these martyrs in recognition of their sacrifices and the pure blood they gave in pursuit of justice.**

Presented by Ali Al-Badrawi

Judge Yousif Khorshid Ghaib Orankai Born in 1947 in the Al-Musalla neighborhood (Al-Jay neighborhood) in the city of Kirkuk, he came from a family of cloth merchants that had passed down the trade through generations. He completed his primary education at Al-Musalla Primary School, followed by secondary studies at Al-Musalla High School in Kirkuk. He then enrolled in the College of Law at the University of Baghdad during the academic year –1966 1967, graduating in 1972 with a Bachelor’s degree in Law. In 1973, he began his legal career as a Legal Officer at the Real Estate Registration Department in Mosul, where he worked until 1975. He then served as a Judicial Investigator in Salah al-Din Province until the end of 1977. In 1978, he resumed the same role in Mosul until

his acceptance into the Judicial Institute in Baghdad in 1984. After completing two years of study, he graduated in 1986 with a Higher Diploma in Legal Sciences. He began his judicial career in the town of Sinjar (Nineveh Province) from 1986 to 1989, then served in Tel Kaif from 1989 to 1997 as a judge. Later, he was transferred to Mosul, the provincial capital, where he rotated among various courts, including personal status, civil, investigative, misdemeanor, and criminal courts, based on administrative needs. In 2001, he was honored by Minister of Justice Dr. Mundhir al-Shawi, along with a group of judges, for being one of the most distinguished in terms of professional experience and judicial integrity. The martyr was known for his good character, kindness, love for doing

good, and unwavering commitment to humanitarian values—a sentiment shared by all who knew him. As the poet said: “The worth of people lies in their principles— Not in their wealth, titles, or ranks.”

From 2001 to 2003, he served as Chief of the Criminal Investigation Panel. He was martyred on December 2003 ,23, on his first day as Deputy President of the Nineveh Criminal Court, at the hands of terrorists outside Siddiq Rashan Mosque in the Al-Muthanna neighborhood of Nineveh, shortly after the Maghrib prayer. He had just confirmed his name was among that year’s pilgrims to the Holy House of God. He was buried in Al-Musalla Cemetery in Kirkuk. He married in 1976 and had six children—four sons and two daughters.

A Judge’s Humanity Among the many remembered moments of Judge Yousif’s life is one told by his son, Dr. Imad, who recalls:

During his father’s tenure as an investigative judge in Tel Kaif and later in Mosul between 1989 and 2002, Judge Yousif handled numerous complaints and disputes. Ahead of the Eid al-Fitr and Eid al-Adha holidays, he would request from court investigators the files of cases that involved family quarrels or disputes among relatives—cases where no public right was involved. He would then release the detainees on bail.

Those around him would ask, “Judge Yousif, you’ve released many detainees—aren’t you concerned about responsibility?” He would respond word for word:

“Our intention is to reconcile the disputing parties. The very foundation



of the judiciary is reconciliation between opponents. ‘And reconciliation is best’ — Surat Al-Baqarah, 128.”

He believed that when these individuals were released on the eve of Eid, amid joy and generosity, with the presence of many good people, a wise elder might step in and facilitate reconciliation. Eid, after all, is a time of mercy and forgiveness, indeed, after the Eid, many of those released would return with their accusers to formally withdraw their complaints and confirm that reconciliation had occurred. The cases would be closed, the disputes buried, and all would leave the courtroom in tears of joy, showering the judge with gratitude and prayers to the judge may god have mercy on him. Their words and emotions moved him so deeply that he himself would shed tears of joy at their happiness.

This became a recurring pattern on every occasion and holiday during his time as an investigative judge. He carried the same intention and spirit—though in different ways—while presiding over the Personal Status Court and the Civil Court.

## The Judicial Structure of a Ruling

By: Retired Judge Abbas Hassan Al-Anbaki

A judicial ruling is the product of judicial activity that compares two premises: the minor premise, which the court deduces from the facts of the case, and the major premise, which it draws from legal rules. The challenge does not lie in comparing the two premises, but rather in constructing each of them. Therefore, judicial activity is connected to both fact and law.

Anyone tasked with judging between two parties must first understand what has occurred, then issue a ruling based on what is required. In assessing the facts, the judge encounters a multitude of scattered details— each word may carry various meanings: clear or ambiguous, literal or figurative, eloquent or obscure, relevant or strange.

Some facts appear truthful on the surface but are disproven by evidence. Others contradict their appearance and can only be proven through evidence. Some facts, by their nature, do not permit proof to the contrary. The judge must examine all these facts, evaluate them, extract what is relevant, and determine what most closely reflects reality. Afterward, the judge must classify these facts by applying the appropriate legal description— the corresponding legal terminology— to construct a factual foundation aligned with the legal rule’s structure.

This factual assessment is neutral and descriptive; the judge may not introduce or discuss facts not presented by the parties—except for those related to public order—and may only admit facts proven by legally admissible evidence and in the manner required by law. If procedural defects hinder access to the truth, the judge still may not rely on personal knowledge, even if certain of it.

In this factual process, the judge faces two main risks:

Overanalysis, in which irrelevant details distract from what matters legally, leading to delays in resolving the case.

Incorrect construction, where misinterpretation of the facts results in a flawed or unclear ruling.

In the legal process, the judge must build the major premise by deriving it from the sources set out in Article 1 of the Civil Code, particularly in civil cases. The judge must observe the order of sources as outlined in that article, bearing in mind that contracts are the primary source—so long as they do not conflict with public order.

In this legal activity, the judge encounters legal rules that may be incomplete, limited, ambiguous, insufficient, or contradictory. These rules may be general or specific, prior or subsequent, and the judge must grasp all components of the legal rule: the hypothesis, the judgment, the condition, and any obstacles. The judge may not refuse to rule on the basis that a legal provision is lacking.

The legal challenge is twofold: either overlooking an essential element of the rule, or adding an element not included in it, or misinterpreting it beyond what it can bear.

Once both premises have been constructed, the judge moves to the comparison phase. If the facts of the case match the legal model (i.e., the hypothesis of the rule), the judge then applies the legal consequence specified in that rule.

The judge is bound by the legal ruling set by the legislature and by the parties’ claims. As rightly said:

“Neither the mufti nor the judge can issue a sound ruling without two types of understanding:

First, an understanding of reality—determining the truth of what happened through evidence, clues, and indicators until fully grasped.

Second, an understanding of the law in that context—comprehending God’s ruling in relation to the facts. Only then can one apply one to the other.”

## Intellectual Property Rights for Architectural Designs



By Engineer: Mustafa Abdulqader – Judicial Institute Emp.

Intellectual property rights for architectural designs play a vital role in protecting the innovations and creative works of engineers and designers, granting them full rights to use their designs and prevent unauthorized exploitation by others.

Intellectual property is a legal concept that recognizes the rights of individuals and institutions over innovations and creations that originate from their intellectual efforts. These rights aim to safeguard human creativity and motivate its holders to continue innovating. This helps foster an environment conducive to the development of ideas and inventions, while granting their creators control over how these creations are used. Generally, intellectual property encompasses all kinds of mental creations, whether artistic works, inventions, computer programs, trademarks, or many other forms. From here, we turn to architectural designs—their rights, their connection to intellectual property, and how they can be protected from copying, imitation, or alteration.

Architectural design is the process of planning and conceptualizing structures and buildings. It goes beyond merely defining the shape of a building and includes a set of activities that begin with the initial concept or idea and extend to detailed drawings that demonstrate how to implement the project in reality.

As an architectural designer, one must take into account technical, aesthetic, and functional aspects to meet the needs of clients and future users of the building.

What Is the Relationship Between Architecture and Intellectual Property Rights?

This is a natural and frequently asked question: as an architectural designer, is it necessary to protect my designs? And is there a relationship between intellectual property—which we often hear about in the context of patents—and architecture?

The answer is yes. As mentioned earlier, intellectual property is concerned with protecting all forms of human creativity and innovation. Architectural design is a form of creative expression and is certainly subject to intellectual property law, as it is considered a work of art and creativity that must be protected from imitation or theft.

This relationship can be better understood through the following key points:

1. Protection of Architectural Designs: Architectural designs can be protected under copyright law, which is one of the branches of intellectual property law. This protection prevents competitors from using, altering, or stealing your design, blueprints, or architectural plans.

2. Trademarks and Designs: Buildings and architectural structures can serve as distinctive trademarks of a city or a particular company, and as such may be protected as trademarks or industrial designs. An example is the Eiffel Tower, which is considered an iconic design.

The Importance of Intellectual Property Rights in Architectural Design After clarifying the connection between architecture and intellectual property, we can summarize the importance of intellectual property protection for architectural designs in several key points:

– Encouragement of Creativity:

As an architectural designer, having legally protected rights over your work gives you confidence and motivation to continue producing new ideas and designs without fear of theft.

– Prevention of Unauthorized Imitation:

Through intellectual property laws, innovative buildings and structures are protected from replication or unauthorized copying, preserving the identity and essence of each new design.

– Ensuring Fair Compensation:

Intellectual property rights

guarantee that you, as a designer, receive appropriate financial compensation for the use of your designs.

As we've explained, architecture—like any other form of art or science—is directly influenced by intellectual property law, which plays a major role in protecting your rights as a designer and encouraging innovation and sustainability in the field.

Legal Protection

Dr. Hind Al-Hadith, Director of the National Center for the Protection of Authors' Rights and Related Rights at the Ministry of Culture, emphasized that the Iraqi legislator addressed intellectual property rights through Law No. 3 of 1971 on Copyright Protection, as amended in 2004. Article 2, Clause 4 of this law explicitly mentions architectural designs, along with drawing, sculpture, and mathematical formulas.

Under this law, anyone found guilty of violating these rights is subject to financial penalties, and repeated offenses can lead to imprisonment. This offers designers a sense of assurance and stability that their intellectual rights will not be lost amidst the rapid pace of technological advancement.

### Announcement of Final Grades and Rankings for Students of Judicial Institute Cohort 47 – Judges' Track & Cohort 49 – Public Prosecution Track

The Judicial Institute has announced the second semester results and final cumulative grades for students of Cohort 47 (Judges), as well as the second semester results and final average for the first-year students of Cohort 49 (Public Prosecution).

The top three ranking students of Cohort 47 are:

1. Mohammed Abdul-Amir Jasem -

First Place

2. Qusai Assi Dahir Raddad - Second Place

3. Kifayah Jaleel Sankar - Third Place

The top three ranking students of Cohort 49 are:

1. Zahraa Ali Hadi - First Place

2. Anwar Raheem Mohammed Ali - Second Place

3. Mustafa Nadhim - Third Place

### News Judicial Institute Participates in Scientific Symposium of the Arab Center for Legal and Judicial Research

The Judicial Institute took part in the scientific symposium titled "The Impact of Artificial Intelligence on Legal Professions", organized remotely (online) by the Arab Center for Legal and Judicial Research.

The Institute was represented by Mr. Mustafa Ali Hameed, Head of the Legal Division at the Judicial Institute, who presented a working paper entitled: "The Use of Artificial Intelligence Technologies in Iraqi Courts: Challenges and Future Prospects." The symposium addressed the key challenges facing the use of AI technologies in judicial work, foremost among them being the absence of regulatory legislation, in addition to issues related to electronic

infrastructure and information security—emphasizing the urgent need for legislative solutions and the development of robust digital infrastructure.

Discussions also focused on the irreplaceable role of the human judge, noting that the so-called "intelligent judge" cannot fully substitute the human element, due to essential judicial competencies that rely on human skills and discretion—attributes AI lacks, being bound by pre-programmed algorithms.

Participants stressed the importance of developing a pan-Arab ethical charter for the use of artificial intelligence technologies, similar to the existing European AI ethics charter.

## A Ceremony Befitting the Honor of Justice

By: Prof. Dr. Hussein Al-Qasid

Upon the gracious invitation of the Director General of the Judicial Institute to attend the graduation ceremony of the 47th Judicial Class, I had the honor of being present at this remarkable celebration—remarkable in every detail.

I have attended many occasions both inside and outside Iraq, and at the highest levels—governmental, academic, and even cultural. So when I received the kind invitation from the Director General of the Judicial Institute, I expected a routine ceremony resembling a formality that ends with documenting an activity for institutional records. But sometimes, beauty arrives in surprising ways.

When I reached the entrance of the Institute, no one asked me for identification, and there were no searches—nor did I see any military presence. Instead, I was welcomed by a line of elegantly dressed greeters on both sides, wearing coordinated attire.

I greeted them all and entered the Institute building, where the Director General himself was personally welcoming each guest. Nearby, several staff members guided guests toward the reception halls.

The event was scheduled for 6:00 PM on Monday 16 June 2025.

I told myself we would surely be delayed, as such ceremonies are often disrupted by the late arrival of officials. I also assumed the event wouldn't begin until the arrival of the President of the Supreme Judicial Council, His Excellency Judge Dr. Faiq Zidan.

But to my astonishment, the organizers asked us to proceed to the main hall five minutes before six. And just before we took our seats, Judge Dr. Faiq Zidan entered—without a personal entourage or any armed security detail.

After the national anthem and the recitation of verses from the Holy Qur'an, the master of ceremonies began reading the presidential decree for the 47th cohort.

Judge Faiq Zidan then delivered his speech, congratulating the new judges and honoring the top three graduates. He then, accompanied by the Director General of the Institute, presented certificates of appreciation to the rest of the graduating class. He also extended his thanks and appreciation to the teaching staff, and congratulated the new judges on reaping the fruits of their efforts.

It was truly a lesson in elegance, hospitality, and flawless organization—a clear and commendable effort worthy of all forms of praise.

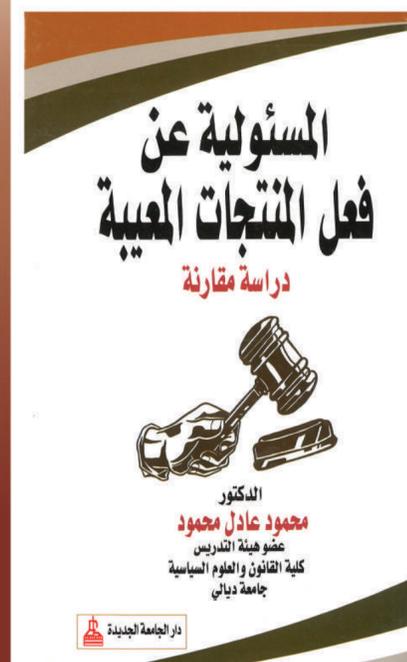
Congratulations to the Judicial Institute and its administration, to the judges who were crowned with this honor, and best wishes and continued success to the entire judicial authority.



### Summary of the Book: "Liability for Defective Products"

Author: Dr. Mahmoud Adel Mahmoud

Student at the Judicial Institute - Cohort 49



The world is witnessing significant scientific advancements in the field of industrial production. Every day, new types of products are developed that contribute to making human life easier and more advanced. Despite the importance of these products and the progress they represent, they have also become one of the leading threats to consumers — both physically and financially — especially with the rise of technological sciences and their direct impact on human life. A prime example is the pharmaceutical industry, where some defective medications have caused permanent disabilities in individuals due to flaws in the products released into circulation.

This context gave rise to the concept of liability for defective products, which is governed by protective legal rules that differ from the traditional principles of liability. This form of liability is based on the defect in the product itself, rather than on personal fault, as is customary in traditional civil liability.

The book concludes with a set of findings and recommendations, culminating in a draft law titled "Proposed Law on Liability for Defective Products," which could serve as a legislative reference should the Iraqi legislator decide to amend the current Civil Code.

The published articles represent the views of their authors and do not necessarily reflect the official position of the newspaper.