

JUDICIAL INSTITUTE



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

Editor - in - Chief
Judge: Jalil Adnan Khalaf
Director General of the Judicial Institute

Third Year - Issue 34 AUGUST 2025

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The House of Manuscripts Completes the Restoration and Conservation of A Collection of Heritage Books and Manuscripts Preserved at the Judicial Institute

As part of the cultural and scientific cooperation between the Judicial Institute and scientific institutions, the Iraqi House of Manuscripts has completed restoration and technical conservation work on a collection of heritage books and rare manuscripts preserved in the library of

the preservation of the manuscripts' authenticity and material components, while providing protection against damage and deterioration. For his part, Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, praised the efforts of the specialized staff at

House of Manuscripts, acknowledging their meticulous restoration and conservation of a set of old manuscripts and heritage books belonging to the Institute's library.

He described this initiative as a bright milestone in the course of cooperation between cultural and judicial state institutions, contributing to the revival of precious manuscripts that had been at risk of damage and loss, and whose intellectual and historical value is beyond measure. The Director General of the Judicial Institute added:

"On this occasion, we are pleased to announce the donation of a number of these manuscripts, after their restoration, to the Iraqi House of Manuscripts, as the national institution most capable of preserving, maintaining, and providing a suitable environment to ensure their continuity for future generations.

We affirm that this work represents a firm step within the Judicial Institute's orientations to support national efforts aimed at protecting Iraq's ancient heritage, and it reflects our awareness of the importance of intellectual memory in state-building and in strengthening identity." It is worth noting that the Judicial Institute retains a valuable collection of works and references that constitute an important scholarly legacy, and the Institute's administration is committed to developing ways to care for them and to ensuring the best conditions for their preservation for future generations.

Details on page 8

The Judicial Institute Launches Its Specialized Scientific Workshops for Arab Judicial Institutes

In a pioneering initiative—the first of its kind—the Judicial Institute has launched its training program consisting of specialized scientific workshops (held remotely) for Arab Judicial Institutes. During the current month of August 2025, the Institute organized two specialized scientific workshops. The first was held on Sunday, August 17, 2025, under the title "The Impact of a Judge's Scientific Preparation on the Evaluation of Evidence and the Effectiveness of Judicial Decisions", presented by Dr. Farah Jabbar Hashem.

The second workshop was held on Tuesday, August 19, 2025 titled "Forensic Statistics in the Evaluation of Evidence", presented by Dr. Husam Kazem Rasan.

Both workshops saw the participation of distinguished judges from several Arab countries, who praised the initiative, considering it a valuable opportunity for exchanging expertise among Arab judges and enriching discussions on best judicial practices. They emphasized that such training activities contribute significantly to developing the judicial system and enhancing judges' performance, while also commending the Institute's efforts in organizing such specialized workshops and courses that keep pace with new developments and support the advancement of justice.

These workshops, organized by the Iraqi Judicial Institute, come within the framework of the administration's efforts to strengthen the Institute's standing among Arab judicial institutes. They also serve to position the Institute as a regional center for the exchange of expertise, the development of judicial cadres, and the elevation of standards of excellence.

Details p.5

the Judicial Institute. These works involved items considered scientific and cultural treasures of great historical value, carried out under a prior agreement between the administrations of the Judicial Institute and the House of Manuscripts.

The efforts covered a selected set of legal and jurisprudential manuscripts, some of which date back centuries. The restoration was conducted using modern techniques and scientific methods that ensured

the House of Manuscripts, stressing that this accomplishment represents an important step in safeguarding Iraq's legal memory and protecting documentary heritage. He noted that such work strengthens the identity of the judicial institution and enriches the academic environment for researchers and students at the Institute. He expressed his profound gratitude and appreciation for the tremendous efforts made by the specialized team at the Iraqi

Thirty-Nine Ministry of Interior Officers Take the Legal Oath in Preparation for Investigator Authority



Thirty-nine officers from the Ministry of Interior took the legal oath before His Honor Judge Imad Khudair Al-Jabiri, President of the Baghdad/Rusafa Federal Court of Appeal. This followed their completion of a qualification course for the granting of investigative authority, organized by the Judicial Institute and lasting three months, from April 13, 2025 to July 14, 2025.

The program consisted of eight subjects

taught by an elite group of judges and specialists.

For his part, Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, distributed graduation certificates to the participating officers, praising their efforts and discipline throughout the training period, and affirming the importance of the role they will assume in supporting the justice system and achieving justice.

Conclusion of the Training Course on "The Art of Administrative Leadership" for State Employees

The Judicial Institute concluded its training course on "The Art of Administrative Leadership," which lasted for five days from August 2025 3-7, with the participation of 23 employees from various ministries and state institutions. This initiative came as part of the Institute's ongoing efforts to develop administrative capacities and strengthen leadership skills among employees.

The course, delivered by Ms. Nihaya Dawood Salloom, Head of the Teaching Department at the Judicial Institute, covered key topics in modern management, including: the fundamental traits of leadership; the difference between a leader and a manager; sources of leadership, and women in leadership. These topics were presented through an interactive approach that enhanced participants' understanding of the role of leadership within institutional work environments. The course aimed to empower participants to acquire effective leadership concepts and apply them in their professional roles, thereby contributing to improved institutional performance and the achievement of organizational goals with efficiency and effectiveness.

The Opening Article (The Lead)

Documenting and Preserving Historical Records ... A Message for Future Generations

Amid our proud judicial journey—first as students, then as judges, and now as those entrusted with leading an institution that trains future judges—we have come to realize that institutional memory is an integral part of national identity. It is a strong bridge that links the past with the present and extends into the future. From this conviction, it became imperative for us at the Judicial Institute to place the utmost importance on preserving our heritage and restoring what has been damaged, as a means of documenting and honoring decades of accumulated effort and history.

It was a unique and profound experience when we discovered in the Institute's archives a number of rare documents and manuscripts that had remained neglected for many years, covered in dust and nearly forgotten in the corners of disregard. Yet their value, and the legal and historical symbolism they carried, compelled us to immediately embark on a carefully planned scientific effort to restore and preserve them.

This was made possible through fruitful cooperation with the Iraqi House of Manuscripts, whose competent scientific staff carried out restoration and conservation work, completing it in a record period of no more than three months. This stage, with all its challenges and outcomes, carried a clear message: when heritage is respected and preserved, it becomes a source of strength and knowledge.

But did we stop there? Certainly not. We did not remain merely astonished by this achievement, for our mission would be incomplete without presenting the past to future generations. Today at the Institute, we are working on comprehensive steps, the most notable of which are:

- Preparing an extensive documentary encyclopedia that records the history of the Institute since its establishment in 1976, including its milestones and the distinguished judicial figures who contributed to its scientific journey.
- Launching a modern informational guide to the Institute's departments and their mechanisms of work, to serve as a reference for future administrations and to ensure continuity of performance and knowledge.
- Preparing for the opening of a permanent documentary museum that will showcase the most important documents, photographs, and manuscripts, serving as a window that connects visitors with the Institute's history, and honoring all those who contributed to its establishment and development.

Our project to preserve judicial heritage is not merely an official duty, but rather a strategic vision. Through it, we seek to establish a refined institutional culture that values history, motivates its preservation, and presents it to future generations as a cornerstone in building the future.

In conclusion, I affirm that what we have begun today will leave its mark tomorrow, for nations that preserve their heritage preserve their identity and are worthy of their place at the table of civilization.

Editor-in-Chief

Conclusion of the Government Contracts Course

On Thursday, 31 July 2025 the Judicial Institute concluded the Government Contracts course, which extended over ten days with the participation of employees from various ministries and government institutions.

The course was taught by a distinguished group of specialized academics and university professors in the field of government contracts. Its primary goal was to familiarize participants with the legal and procedural foundations of concluding government contracts, in order to enhance their abilities in drafting such contracts for the public sector, while also acquainting them with the key challenges that arise in the contracting process and the appropriate methods to address them.

Participants expressed great satisfaction with the scientific and organizational

level of the Government Contracts course, appreciating the efforts made by the Judicial Institute's administration in preparing a comprehensive training program that responds to the needs of work in this field. They affirmed that the course provided them with in-depth legal and procedural knowledge regarding the fundamentals of concluding and drafting government contracts, while also improving their practical skills in tackling the challenges that accompany this type of contract. They further noted that the academic material presented, along with the interactive discussions with the lecturers, helped them gain a comprehensive understanding of both the technical and legal aspects. They expressed their interest in taking part in advanced courses in the future to further strengthen their expertise.



Distinguishing Between the Statute of Limitations in Criminal Proceedings and the Expiry of the Right to Initiate Them

It is established in both legislation and comparative criminal jurisprudence that the statute of limitations in criminal law—whether concerning the limitation of punishment or the limitation of criminal proceedings—has rules and regulations that define its scope with precision, in a manner that differs from the rule of the expiry of the right to initiate criminal proceedings. In this article, we seek to lay out the scientific foundations for distinguishing between the statute of limitations in criminal proceedings and the expiry of the right to initiate them, a distinction that has generated much confusion in some Iraqi criminal law literature, with subsequent effects on the rulings of Iraqi courts.

To begin with, it is necessary to clarify the meaning of "limitation." Arabic linguistic dictionaries define taqadum (limitation) as the opposite of occurrence. It is said: qidman kana kadhā wa kadhā ("long ago such-and-such happened"), derived from al-qidam (antiquity), which is one of the names of time. It denotes that something has existed for a long period; in other words, it has become old. Thus, taqadum linguistically refers to the passage of time.

**By Dr. Imad Youssef Khorsheed
Assistant Professor of Criminal Law**

Upon examining criminal legislation, we find that limitation itself is not explicitly defined. Therefore, criminal jurisprudence has sought to fill this gap by setting out its scope, defining it as:

"The lapse of a period of time following the commission of a criminal act, beginning on the day after the criminal result has occurred, or from the date of the last procedural act that interrupts or suspends the period, which results in preventing the competent authority from initiating criminal proceedings, and precludes the judge from ruling on the matter. Consequently, the judge issues a decision declaring the criminal case extinguished by limitation."

In addition, criminal jurisprudence has set forth the theoretical foundations that justify the existence of the statute of limitations for criminal proceedings, which may be summarized as follows—without unnecessary elaboration:

1. The theory of society's forgetting of the crime.
2. The theory of neglect and waiver.
3. The theory of legal stability.
4. The theory of moral punishment.
5. The theory of the loss of evidence.
6. The theory of social-legal balance.
7. The theory of reconciling reality with law.
8. The theory of offender reform.

It is noteworthy that most comparative criminal legislations have justified adopting the statute of limitations in criminal proceedings due to the importance of this system in ensuring stability for both judicial authorities and society. We observed that the majority of comparative criminal legislations apply this system. To cite some examples:

- The French Code of Criminal Procedure, in force, states in Article (7) that: "In matters of felonies, public prosecution shall lapse after ten years from the date of the crime, unless any act of investigation or prosecution occurs during this period..." Article (8) stipulates: "In matters of misdemeanors, criminal proceedings lapse after three years, under the same conditions set out in the previous article." Article (9) further provides: "In matters of contraventions, public prosecution shall lapse after one year, under the conditions described in Article (7)."

- Similarly, the Egyptian Code of Criminal Procedure No. 150 of 1950 (as amended), Article (15), provides that: "Criminal proceedings in felonies shall lapse after ten years from the date of the crime, in misdemeanors after three years, and in contraventions after one year, unless otherwise stipulated by law."

The Egyptian Code of Cassation clarified the scope of this article in a ruling stating:

"The periods set out in Article 15 of the Egyptian Code of Criminal Procedure apply to all types of crimes, whether included in the Penal Code or in special laws. The limitation periods set out in this article constitute a

general limitation that applies to all crimes, whether the victim was aware of them or not." (Court of Cassation, April 1978, 24 – Collection of Cassation Rulings, Vol. 29, Ruling No. 85, p. 447).

As for the Iraqi legislator's position on the statute of limitations for criminal proceedings in general, and on the gradation of the period in particular, it becomes clear, upon reviewing the provisions of the Code of Criminal Procedure, the Penal Code more broadly, and special criminal laws, that the legislator is influenced by two different systems. He is influenced primarily by Anglo-Saxon legislation, which categorically rejects the idea of limitation, and, in another respect, he is partially influenced by Latin legal systems that adopt this regime.

As a rule, he rejects the notion of limitation in the Code of Criminal Procedure No. 23 of 1971, and likewise in the Penal Code No. 111 of 1969. Nevertheless, the criminal legislator has enacted special criminal laws that adopt the statute of limitations for criminal proceedings. He enacted the Juvenile Welfare Law No. 76 of 1983, Article (70) of which provides: "First: Criminal proceedings shall lapse after ten years in felonies and five years in misdemeanors. Second: A measure shall lapse if not enforced after fifteen years in felonies, and after three years from the end of the period of the imposed measure in other cases." A reading of this provision shows that it expressly incorporates the limitation system, the first paragraph referring to the lapse of the criminal case, and the second to the limitation of punishment.

Another special law that he enacted and that incorporates limitation is the Customs Law No. 23 of 1984 (in force), Article (253) of which provides: "The limitation period extinguishing the customs action or penalty shall be as follows: First: ten years for smuggling offenses or what is treated as such, from the date the offense occurred. Second: three years for other offenses, from the date of their occurrence. Third: ten years for the enforcement of judgments relating to smuggling or what is treated as such, from the date they become final. Fourth: five years for the collection of fines and confiscations imposed in other offenses, from the date the fine or confiscation order is issued."

We note that while the Iraqi legislator specified the periods for the lapse of criminal proceedings, these texts do not state when the limitation period begins, nor do they mention the most important aspect of the limitation system, namely the procedures that interrupt limitation, or its suspension, or the slowing of its course with respect to certain crimes. As a result, the judiciary has turned to scholarly opinions and doctrinal positions to decide the cases before it. By way of example, the Federal Court of Cassation held: "...limitation is a new system in Iraqi legislation, and in the absence of judicial precedents, jurisprudence holds that limitation is interrupted upon the taking of an investigative measure..." (Ruling No. 122/General Panel/89, Majallat al-Qadha', Issues 1 and 2, Year 1991, 46, p. 131).

And what is worth pausing at—after having explained and clarified the concept of the statute of limitations in criminal proceedings—is that we observed the statute of limitations differs from the expiry of the time periods specified for crimes dependent on a complaint, as provided in Article 3 of the Egyptian Code of Criminal Procedure No. 150 of 1950, which corresponds to Article 6 of the Iraqi Code of Criminal Procedure No. 23 of 1971 (as amended and in force). We see it appropriate to set out the differences as follows:

1. With respect to their applicability to crimes: The provisions on the statute of limitations in comparative legislations that adopt limitation apply to all crimes (felonies, misdemeanors, and contraventions) without restriction as a rule. By contrast, the expiry of time in cases dependent on a complaint is exhaustively limited to the crimes listed in Article 3 of the Iraqi Code of Criminal Procedure.
2. With respect to the commencement of the period: The law specifies that the limitation period begins from the day the crime was committed. In crimes dependent on a complaint, however, the period begins from the day the victim becomes aware of the crime and the perpetrator.
3. With respect to the time period itself: The law determines the length of the limitation

period depending on the type of crime (felony, misdemeanor, or contravention). In contrast, for crimes dependent on a complaint, the fixed period is three months for all such crimes, as provided in Article 3.

4. With respect to interruptive measures: The limitation of criminal proceedings is subject to certain interruptive measures, specified exhaustively, such as investigative procedures and trial procedures. Once any such measure is taken, the limitation period is interrupted, and the period is recalculated anew. As for crimes dependent on a complaint, the law does not provide for interruptive measures. Instead, once an action is taken by the competent authority, the period expires, with no recalculation of time for the expiry of the right to initiate criminal proceedings.

5. With respect to the legislator's rationale in setting the period: The statute of limitations in criminal proceedings is established for the public interest, whereas the expiry of time in crimes dependent on a complaint is established for the benefit of the victim.

6. With respect to legal characterization: The completion of the limitation period in criminal proceedings results in the case becoming extinguished by limitation. In crimes dependent on a complaint, however, the result is the expiry of the right to file the complaint.

7. With respect to the suspension of limitation: Under the statute of limitations, there exists a rule for suspension. For example, if the accused suffers from a mental disability or loss of perception, the calculation of the limitation period is suspended. No such rule exists with respect to the expiry of the right to initiate criminal proceedings.

In conclusion, the expiry of the right to initiate criminal proceedings is entirely distinct from the statute of limitations in criminal proceedings. It is important to highlight and use the correct terminology for each, as each carries different effects and rulings. Ultimately, this distinction serves to safeguard individuals' rights and fundamental freedoms.

Writing from the Zero Zone

By Judge: Ahmed Jasib Al-Saa'di

A thoughtful reader might wonder about the relevance of this title to a journal concerned with legal culture and the publication of studies and articles in that field. To answer this, we must first recognize that any writer on legal matters must acquire the fundamental tools of authorship: knowledge of the subject about which he writes (that is, specialized expertise), in addition to being fortified with culture, insight, and mastery of the language of the article or scholarly paper. All of this cannot be achieved without respecting established rules in this craft. No writer can detach himself from what his predecessors established in this domain, nor can he disavow his intellectual background and its historical and social accumulation, nor avoid drawing on the experiences of those who came before him.

This introduction brings us to the theme of the article: writing from the zero zone.

This critical term broadly refers to liberation from established writing traditions, the discovery of new forms of expression, and the breaking away from institutionalized, rigid texts.

The "zero degree of writing" was introduced by Roland Barthes, the French researcher and critic (1909-1915), in his book *Writing Degree Zero*. He defined it as the removal of the social and cultural burdens that dominate writing, and liberation from the pressures tied to its traditional forms. It is the writer's opportunity to reshape the meaning of a literary text, advancing toward newer stages of modernity and emancipation from patriarchal, social, and religious conventions. In this way, the literary text becomes a blank surface, with the reader as the sole laboratory of its language.

This concept, in the era of postmodernism, reflected itself in literary practices, including poetry. Works appeared that fell outside the bounds of what could traditionally be called poetry—texts so hybridized that readers could not label them clearly. Ironically, their authors, while advocating freedom from the past and its constraints, insisted on calling them poetry, unable to find another name.

But the question arises: can a writer, author, or creative mind truly detach from his intellectual, social, cultural, and religious background in writing? The definite answer is no. No writer or creator can, under any circumstances, fully escape all of that.

This is the general framework. As for writing in the legal domain, it is bound by many restrictions—the foremost being the governing legal texts, principles, and rules, as well as the experiences of predecessors in the field. A writer here is among the most bound to such heritage. Yet this does not necessarily eliminate the path of creativity, innovation, and the adoption of new approaches in legal writing. Creativity sometimes emerges in innovative judicial rulings that resolve disputes by departing from what Professor Dr. Amin Atif Saliba described (in his commentary on a ruling of the Baghdad Al-Jadida Court of First Instance concerning a gift without conditions) as a break from the "idolatry of the text," aiming instead to stabilize transactions and humanize the application of the law.

Thus, there is no true "zero zone" in legal writing. But this does not mean surrendering to the bondage of past texts or closing the door on creativity, innovation, and inspired improvisation—so long as the writer and jurist find a way forward.

A Power Generator Disturbing Neighbors ...

Can It Be Removed by Law?

The plaintiff never imagined that the sidewalk opposite his home would turn into a source of noise and environmental pollution when the defendant decided to install a massive power generator and a large fuel tank in front of his house without obtaining approval from him or the relevant authorities. The harm was not limited to the constant noise from the generator's operation; it extended to rising fumes and polluted gases, not to mention the site becoming a disturbing gathering spot for groups of young people. With no other choice, the plaintiff resorted to the courts, demanding that the defendant be obliged to remove the generator, the fuel tank, and all related equipment, estimating the value of his lawsuit at thirty million Iraqi dinars.

By Student: Hayyan Ibrahim Al-Khayyat - Class 51

The plaintiff never imagined that the sidewalk opposite his home would turn into a source of noise and environmental pollution when the defendant decided to install a massive power generator and a large fuel tank in front of his house without obtaining approval from him or the relevant authorities. The harm was not limited to the constant noise from the generator's operation; it extended to rising fumes and polluted gases, not to mention the site becoming a disturbing gathering spot for groups of young people. With no other choice, the plaintiff resorted to the courts, demanding that the defendant be obliged to remove the generator, the fuel tank, and all related equipment, estimating the value of his lawsuit at thirty million Iraqi dinars.

After several public hearings, the court sought the assistance of specialized experts, including one from the Ministry of Health and Environment, to assess the generator's impact on the residential property. The reports confirmed clear environmental and health damages. The three experts' report indicated that the smoke and gaseous pollutants exceeded permissible environmental limits and had caused smoke residue to accumulate on the plaintiff's house walls. It was also established that the generator had not been installed at the site authorized under official permits, strengthening the plaintiff's claim of its unlawful presence at that location. Based on these findings, on February 2021, 4, the Karkh Court of First Instance issued a ruling obliging the defendant to remove

the generator and its attachments. The defendant, dissatisfied with the decision, appealed it, requesting the annulment of the ruling on the grounds that the generator

Appeal issued a decision upholding the initial ruling and rejecting the appeal. This prompted the defendant to challenge the decision by filing a cassation appeal before the Federal Court of Cassation.

Upon reviewing the appeal and after careful deliberation, the Federal Court of Cassation found the ruling sound and consistent with the law, as all evidence, testimonies, and expert reports confirmed the existence of environmental and health damage that justified obliging the defendant to remove the generator. The Court also referenced a well-established legal principle stipulating that excessive harm must be removed, whether old or new, pursuant to Article



served the neighborhood residents and that removing it would cause a general harm that outweighed the plaintiff's personal harm.

When the case was reviewed before the Baghdad/Karkh Federal Court of Appeal, the court appointed five additional experts at the defendant's request. Their report fully aligned with the previous ones, confirming that the generator directly caused environmental and health damage to the plaintiff and that it had not been placed at its officially designated site. The court further found that the defendant's claim that the generator served the area did not negate the plaintiff's right to eliminate the excessive harm, particularly since the generator could be relocated to another site once proper approvals were obtained. Accordingly, on July 2021, 4, the Court of

(1051) of the Civil Code.

Thus, in its decision No. 4257/Appellate Real Estate Panel/2021 dated November 2021, 14, the Federal Court of Cassation upheld the ruling and rejected the cassation appeal, concluding the dispute by obliging the defendant to remove the generator, the fuel tank, and all related equipment from in front of the plaintiff's house.

Lesson from the Case:

When an individual action causes environmental and health harm to others, the law obliges the removal of such harm, even if the action serves a public interest, so long as the same purpose can be achieved without causing harm to others. Moreover, obtaining official approvals is not sufficient if the implementation violates the designated sites specified in the permits, as this may subject the party to legal accountability.

Forms of Legislative Deficiency

By Judge : Ali Yahya Kazem

Legislative deficiency is a type of legislative shortcoming or defect that affects a legal text in such a way that the provision cannot be fully understood without a word or phrase that is absent from the text, thereby rendering it flawed. Legal scholars have identified two forms of legislative deficiency: false deficiency and genuine deficiency.

False deficiency arises when the legal rule addressing a particular issue exists but does not align with prevailing social circumstances. It is also called ideological deficiency, because when ideology changes, the judge is compelled to "bend" the text through interpretive effort to arrive at a ruling consistent with the facts of the case and the deficient legal provision. It is also referred to as enforcement deficiency, since the judge applies the law to a specific dispute even though the statute does not explicitly address it. In such cases, the legal rule no longer aligns with the purpose of the legislation.

A prime example of false deficiency can be seen in Article 57, paragraph 4, of the amended Personal Status Law No. 188 of 1959, which states:

"The father shall supervise the affairs of the child in custody, including upbringing and education, until the age of ten. The court may authorize the extension of custody until the age of fifteen if, after consulting the relevant medical and community committees, it determines that the child's best interest so requires, provided that the child does not spend the night except at the custodian's residence."

Here, the legislator authorized the father to oversee the affairs of the child but failed to elaborate on this right, shifting instead to the subject of extending the custody period and the conditions for doing so. However, the courts—through broad interpretation and by looking to the objectives of legislation and the interest of society—have issued rulings granting the father visitation and, at times, the

right to take the child out, in order to fulfill the purpose of the provision, even though these rights are neither expressly nor implicitly mentioned by the legislator. This is false deficiency.

Genuine deficiency, on the other hand, means the absence of a legal provision to address the matter presented before the court. This is what first comes to mind when speaking of legislative deficiency: a situation in which a case is brought before the judiciary, but upon reviewing the law, the judge finds no applicable provision. In such cases, the judge must exert considerable effort, searching within the corpus of laws to reach a fair ruling. There are countless examples of genuine deficiency. For instance, in matters of custody and visitation, there is no statutory provision granting grandparents the right to request visitation, no specification of how often a father may be granted visitation, and no guidance on the expenses a custodian may incur to transport the child to and from the visitation location. The Iraqi legislator has not addressed

such examples, which appear daily in personal status courts. Nevertheless, the judiciary continues to accept such cases, as the Personal Status Panel of the Federal Court of Cassation has issued rulings that provide solutions despite the absence of statutory provisions.

By contrast, a legislative gap imposes a lighter burden on the judge than legislative deficiency or defects in linguistic or legislative drafting. In cases of legislative gaps, the judge does not need to resort to interpretation or extensive reasoning. Instead, the law itself authorizes the application of alternative sources: the judge may seek a legal rule that fits the case, turn to custom, apply the principles of Islamic Shari'a most consistent with statutory law (without adherence to a particular school), or invoke the rules of equity, guided by judicial precedents established in Iraq and in other countries with comparable legislation. This approach is expressly permitted under Article 1 of the Civil Code No. 40 of 1951.

The Legal Mechanisms of Digital Justice



■ By Judge : Awad Hussein Yassin

Defining the concept of digital litigation is of utmost importance, as it allows us to determine the legal framework and rules governing it. This requires exploring the nature of technology and informatics in relation to judicial procedures, and how litigation through digital means represents a step toward the broader digital transformation of states.

Digital justice refers to the replacement of traditional mechanisms with digital means

(a "digital judge") in issuing rulings and judgments in disputes, including those arising from digital transactions such as banking operations, alimony, inheritance, wills, and others. There are already applications of this type, such as the virtual judge in China, digital courts in the United States, and pilot projects in Beirut, Lebanon.

Litigation through digital platforms is a new system not yet regulated by dedicated laws in Iraq, given the novelty of such media. As such, it is unsurprising that the Iraqi Code

of Civil Procedure and the Evidence Law make no reference to this type of litigation. Over the past two decades, the role of digital litigation has grown significantly. This form of justice requires a clear procedural framework to facilitate the execution of a digital litigation project and the filing of claims remotely. Among its essential components are:

1. Classification of cases: Determining which types of cases can be filed digitally and specifying the documents and evidence that may be accepted in digital form.
2. Authorized access: Identifying the individuals permitted to access the information system and file or review cases—such as judges, court clerks, lawyers, experts, and other authorized parties—thereby preventing unauthorized persons from breaching the system and accessing case documents.
3. Verification procedures: Establishing mechanisms for registering lawyers and litigants and verifying their identity, such as through usernames and passwords.
4. Integration of digital litigation terminology: Ensuring that the lexicon of digital litigation becomes part of civil judicial practice.

Consequently, equipping courtrooms, administrative sections, and enforcement offices will increasingly take on a technical character, enabling digital communication with court staff and judges without requiring physical attendance. This type of interaction is characterized by transparency and high speed in obtaining information and executing procedures. In sum, digital justice is the use of digital platforms in the litigation process—from filing the initial claim, to conducting hearings, to issuing, appealing, and executing judgments. This means digital tools serve as essential instruments assisting the judge throughout the litigation process. Ultimately, digital justice is a technical system that allows litigants to register their claims, present their evidence, attend hearings, and proceed toward judgment and its enforcement through digital communication. It is part of an integrated information system that enables judges to connect with litigants without their physical presence, and to conduct litigation procedures entirely within this framework. Among the most notable advantages of this system are its transparency, procedural speed, and efficiency in delivering justice.

The Licensing Contract in Iraqi Law: Its Characteristics, Nature, and Elements

Linguistic definition of licensing: The verb *rakhkhasa* means "he permitted him" or "he authorized him." In dictionaries, *tarkīṣ* (licensing) is defined as the granting of permission or authorization to a person to do something that was otherwise prohibited or reserved for someone else. Thus, its linguistic meaning revolves around authorization and delegation, without transferring ownership or full proprietary control.

Terminological definition: A licensing contract is a legal agreement concluded by the owner of an intellectual or industrial property right (such as a patent, trademark, or copyright), under which the owner grants another party the right to use that right within a specific scope and for a defined duration, in return for compensation or without compensation, without transferring ownership of the right itself. Jurist Abdel-Razzaq Al-Sanhouri offered a similar definition, stating that licensing is an authorization granted by the rights-holder to another person to use the right in a specific manner, without relinquishing ownership.

By Student: Hussein Alawi Al-Mandalawi - Class 50

In Iraqi law, the licensing contract is considered one of the important contracts in the field of intellectual, industrial, and commercial property, as it enables others to exploit rights owned by the right-holder. Its main characteristics include:

First – The licensing contract does not transfer ownership:

The most important feature distinguishing a licensing contract from other contracts is that the licensor does not relinquish ownership of the right forming the subject matter of the contract (whether a patent, trademark, or industrial design). Instead, he retains ownership and merely grants the licensee the right to use or exploit the right within specific limits. Hence, the licensing contract is an authorization contract, empowering the licensee to use the right within a defined temporal and territorial scope and under specific conditions.

Second – A licensing contract may be onerous or gratuitous depending on the agreement:

In terms of consideration, the licensing contract may be onerous if the licensee undertakes to pay compensation, such as a lump sum or a share of the profits

generated from use of the right. It may also be gratuitous if the license is granted without compensation, as in licenses for non-profit or research purposes.

Third – A consensual contract in principle, but formality may be required:

Under the general rules of the Iraqi Civil Code, contracts are consensual by default, meaning they are concluded by the meeting of two matching wills without requiring a specific form, unless the law provides otherwise. However, in licensing contracts involving officially registered rights such as patents or trademarks, the law requires registration with the relevant authorities—such as the Central Organization for Standardization and Quality Control for patents—for the contract to be enforceable against third parties.

This is affirmed by Article (25) of the amended Patents and Industrial Designs Law No. 65 of 1970, which states:

"The patent may be disposed of through all legal dispositions, and its ownership and all rights arising therefrom may pass by inheritance. Such disposition shall not be binding on third parties except from the date of its registration in the register maintained

by the Directorate, and notice shall be given of the disposition, mortgage, and transfer of ownership of the patent in the prescribed manner."

Accordingly, the licensee is obliged to respect the scope of use and not exceed it, while the licensor retains ownership of the right forming the subject of the contract. Similarly, Article (6) of Instructions No. 3 of 2001 on the Regulation of Patents and Industrial Designs provides:

"(a) No one may exploit the patent in any way without the approval of its owner.

(b) Licensing to others constitutes a legal disposition of the patent, and such licensing shall be effected by a contract between the licensor (the patent owner) and the licensee (the exploiter of the patent) ..."

The legal nature of the licensing contract:

The legal nature of the licensing contract has been the subject of scholarly and legal debate, as it is a relatively modern type of contract that arises in the environment of intellectual and industrial property rights, which differ from traditional civil and commercial contracts. According to Iraqi law, the licensing contract is classified as an innominate contract, characterized by a composite nature: it combines the traits of civil contracts (consensuality and consideration), the traits of authorization contracts (since it does not transfer ownership), and at times the traits of administrative or regulatory contracts, where the state is a party or where the contract relates to public interest—such as in the case of compulsory licensing.

And like any civil contract, a licensing contract must meet its essential elements for validity in accordance with the provisions of the Civil Code and intellectual property laws such as the Patents and Industrial Designs Law No. 65 of 1970 (as amended) and the Trademarks Law No. 21 of 1957 (as amended).

For a licensing contract to be concluded, the following elements must be satisfied:

First – Consent: There must be a valid offer and acceptance between the parties (the licensor and the licensee). The license must be based on genuine will, free of defects.

Second – Capacity: Both parties must possess the legal capacity to contract. The licensor must be the owner of the right being licensed or duly authorized to grant it, and the licensee must be legally capable of contracting, whether a natural or legal person.

Third – Subject matter (the object of the contract): There must be a lawful and licensable subject matter, such as a patent, trademark, or industrial design. It must also be specific or at least determinable—for example, by naming the patent, specifying its registration number, or providing a clear description of the licensed technology.

Fourth – Cause (consideration or purpose of the contract): There must be a legitimate cause for the contract. This may be monetary compensation, a share of profits, or even a gratuitous license when a legitimate interest exists.

Fifth – Formality in certain licensing contracts: Formality is not a general requirement for the validity of all licensing contracts. However, in some cases the law requires formality, especially in contracts related to industrial and intellectual property. For example, with respect to industrial design licenses, Article (71) of the Patents and Industrial Designs Law provides:

"The owner may authorize another person to exploit his protected design by means of a written contract, which must be registered with the Registrar..."

Thus, while licensing contracts are generally consensual, in specific areas—particularly in industrial property—the law requires written form and registration to ensure enforceability.

The Right of the Applicant for Renewed Registration to Resort to the Judiciary

By Judge : Ali Falah Abdul Hassan

The Iraqi Real Estate Registration Law No. 43 of 1971 (as amended) represents the primary legal framework regulating ownership of real estate and related rights. Its objective is to ensure legal stability in real estate transactions and to safeguard the rights of individuals and society. Among the important procedures stipulated in the law is the renewed registration of property, which acquires particular significance in addressing exceptional situations related to property ownership. This process is a hybrid of administrative procedures carried out by the competent Real Estate Registration Directorate and judicial procedures conducted by the Property Confirmation Committee, chaired by the judge of the Court of First Instance for the jurisdiction in which the property is located.

The law requires that the applicant for renewed registration be of Iraqi nationality or a national of an Arab country entitled to own property under the conditions prescribed by law. A foreigner's application, however, is not accepted unless filed through a lawsuit that culminates in a final judicial ruling recognizing his ownership of the property he seeks to register. This condition is derived from Article 2(44) of the Real Estate Registration Law. Thus, we have two scenarios: one concerning the non-Iraqi foreigner, and the other concerning the Iraqi national (including dual nationals).

As for the foreigner, Article 1(154) of the Real Estate Registration Law defines him as:

"For the purposes of this Law, a foreigner is any person who does not hold Iraqi nationality and is not a national of the Arab states or Emirates."

If the applicant for renewed registration is a foreigner, his application is not admissible except by way of a lawsuit, which must result in a ruling. Article 2(44) provides for a rule that differs from ordinary renewed registration applications. In such cases, the legislator obliges the foreigner seeking to acquire unregistered property through renewed registration to file a lawsuit before the Court of First Instance, naming the Minister of Finance in his official capacity and any objectors as defendants. The procedures follow those prescribed in the Civil Procedure Code. If the lawsuit ends with a judgment in favor of the foreigner's ownership, the Real Estate Registration Directorate records the rights adjudicated in his favor as renewed registration, without requiring the administrative procedures provided for under the Real Estate Registration Law. The affected party may challenge such a judgment through an original third-party objection.

By contrast, if the applicant for renewed registration is an Iraqi national, he may only follow the path laid down in Articles 43 to 50 (as amended) of the Real Estate Registration Law. This prevents him from bringing an independent lawsuit. It thus becomes evident that the foreign applicant for renewed registration is in a more advantageous position than the Iraqi applicant. The Iraqi cannot challenge the Committee's decision, once confirmed, before any judicial authority. The foreigner, however, has access to the full hierarchy of the Iraqi judiciary: the Court of First Instance, the Court of Appeal, and ultimately the Federal Court of Cassation, which may review the case through cassation and rectification procedures. These remedies are unavailable to the Iraqi national. For this reason, we call upon the legislator to enact a provision allowing those who were unable to object to a renewed registration application for legitimate reasons to bring an annulment action against the property entry, or to pursue a third-party objection.

We further recommend amending Article 50 of the Real Estate Registration Law, which currently provides:

"The decision confirming ownership or rejecting the application for registration may be appealed before the Court of Appeal of the region within the announcement period of the decision, and the court's decision in this regard shall be final." Specifically, we propose deleting the phrase "and the court's decision in this regard shall be final" so as to grant aggrieved parties another opportunity to pursue cassation review of the appellate court's decision, through a rectification petition, where they may have new substantive reasons or evidence that could not previously be submitted. As for the case of an Iraqi dual national, the answer is found in Article 4(18) of the Constitution of the Republic of Iraq (2005), which provides:

"An Iraqi may hold multiple nationalities..."

"This provision permits dual nationality without diminishing the person's Iraqi identity. Similarly, Article 10 of the Iraqi Nationality Law No. 26 of 2006 states:

"An Iraqi who acquires a foreign nationality shall retain his Iraqi nationality..."

Accordingly, an Iraqi who acquires another nationality retains his Iraqi nationality and, as such, is entitled to acquire property through renewed registration in his capacity as an Iraqi.

Participation of the Judicial Institute in Legal and Judicial Cooperation Programs

In support of legal and judicial cooperation between the Iraqi Judicial Institute and Arab judicial institutes, and in implementation of memoranda of understanding between the Iraqi Judicial Institute and a number of Arab judicial institutes, several staff members of the Judicial Institute participated in specialized training workshops (remotely), which we summarize below:

■ Baghdad / Judicial Institute

The first of these training workshops in which the Judicial Institute participated was organized by the Jordanian Judicial Institute and addressed the topic of (Amendments to the Jordanian Penal Code – Alternatives to Detention / Alternatives to Arrest and Community-Based Sanctions). It was held at the headquarters of the Jordanian Judicial Institute on (2025/6/25) and was delivered by Judge Ali Al-Mseimi. Participants included judges, prosecutors, police officers, and judicial enforcement officials, while remotely, representatives from the Omani Judicial Institute, the Palestinian Judicial Institute, and the Iraqi Judicial Institute also took part. The main focus of the workshop was the amendments to the Jordanian Penal Code, which had recently entered into force, relating to alternatives to custodial sentences and community-based sanctions. The lecturer outlined the concept of alternatives to custodial sentences and their importance, then addressed the amendments in detail. These included: postponing or installment-based payment of fines, community-based

sanctions such as community service, rehabilitation programs, subjecting the convict to addiction treatment programs with his consent, electronic monitoring, banning the convict from certain places, and obligating the convict to remain at home or within a specific geographic area. These amendments align with the direction of modern penal policy in expanding restorative justice and reducing the problem of custodial sentences, particularly short-term ones, which have affected the efficiency of judicial bodies in fulfilling their function of applying the law and delivering prompt justice.

Investment Cases

The Judicial Institute also participated, through its representative, in the scientific workshop held at the Jordanian Judicial Institute titled (Investment Cases), convened on (2025/7/10), delivered by Judge Taha Hamed Al-Damour.

The workshop addressed three main themes. It began with the role of the judiciary in protecting the investment environment, covering what the judiciary can provide to encourage and protect investors. The following topics were discussed:

- Speedy adjudication of disputes related to investment cases as quickly as possible, proposing adjudication outside official working hours, and adopting the United Arab Emirates' experience of the mobile court, given the impact of delays on investment projects.
- Imposing judicial oversight on arbitrary decisions issued against investors, especially those concerning expropriation and annulment.

•Flexibility in applying the conditions for urgent proceedings to preserve investment activity, given the impact of such activities on the implementation of these conditions.

•Training judges on investment cases by engaging them in a series of related workshops and courses.

The second theme addressed international agreements and their impact on investment, focusing on the provisions of international agreements governing investment, particularly the following:

- Protection of investors from confiscation and nationalization;
- Freedom for investors to transfer funds;
- Resort to international arbitration for dispute resolution;
- Legislative stability to protect investors.

The workshop concluded with its third theme, which explained Jordanian legislation on investment. This included a presentation of the provisions of the Jordanian Investment Environment Law No. 21 of 2022 and Regulation No. 7 of 2023 on organizing the investment environment, highlighting the strengths and weaknesses of these provisions and offering several observations.

Combating Human Trafficking and Irregular Migration

The Judicial Institute also participated in the remote training workshop titled (Best Practices in Combating Human Trafficking and Irregular Migration), held on (2025/7/16) and presented by Judge Dr. Majid Al-Rifa'i and Lt. Col. Mohammed Al-Azaid.

The workshop was attended by a number of judges, prosecutors, and judicial officers from Kuwait, Oman, the United Arab

Emirates, Palestine, Algeria, and Sudan, with an average of (15) participants.

The workshop covered the main themes in the Law on Combating Human Trafficking and Irregular Migration. It began with a theme focusing on the legislative framework for combating human trafficking, where the meaning of the phrase "crime of human trafficking" was defined under Jordanian Law No. 9 of 2009, Article (3), as: recruiting, harboring, receiving, or transporting persons—acts enumerated exhaustively in the law—that must be committed for the purpose of exploitation, in order for the crime of human trafficking to be established, using force, coercion, threat, duress, deception, fraud, or any form of coercion.

The second theme highlighted the role of judicial officers in combating human trafficking. It discussed the work of judicial officers in the specialized anti-trafficking unit affiliated with the Public Security Directorate since 2013. Its purpose was defined as the swift undertaking of necessary procedures and investigations to combat and prevent crime. Statistics were presented on the cases handled: (212) cases in (238), (2023) in (2024), and (21) in (2025).

The third theme focused on partnership and international cooperation in combating crime. This included serving as the link between the Public Security Directorate and governmental and non-governmental institutions through dialogue sessions on how to address cases of human trafficking, providing solutions and assistance, as well as strengthening international cooperation by concluding agreements

and memoranda of understanding and holding regional conferences to examine developments in this crime, methods of prevention, and measures taken to combat it and rescue victims.

The workshop concluded with its fourth theme, which highlighted the legislative framework for irregular migration. This covered the importance of states combating irregular migration by raising awareness, mobilizing resources, providing alternatives to irregular migration, increasing awareness among vulnerable groups, and fostering international cooperation in the fields of training and judicial pursuit of smugglers. Public Prosecution and the Legal Profession / Partners in Justice: Mediation, Settlement, and Conciliation as Alternative Means in Criminal Litigation

On (2025/7/17), the Judicial Institute participated in the scientific workshop held at the Abu Dhabi Judicial Academy, presented by Dr. Counselor Wael Hussein and Senior Prosecutor Abdullah Hamad Al-Mansouri.

The workshop addressed two main themes:

1. Judicial settlement in criminal law – its concept, legal basis, the crimes for which settlement may be applied under Emirati legislation, and how it differs from similar systems.
2. Conciliation in Emirati law – its definition, the crimes that may be reconciled, the types of conciliation (between individuals, or between individuals and the state), as well as the timing of reconciliation, with examples of its application in Emirati legislation.

Field Visit to the Directorate of Forensic Medicine

Judicial Institute Students Conduct a Field Visit to the Directorate of Forensic Medicine to Learn About Practical Applications and the Role of Its Departments in Crime Detection

Prepared by: Mohamed Majeed R. Judicial Institute Employee

As part of its ongoing efforts to strengthen the practical training of its students, the Judicial Institute organized a scientific field visit to the Directorate of Forensic

Medicine in Baghdad for second-year students of Classes 48 and 49. The visit aimed to provide students with close exposure to the nature of the directorate's work and its technical applications within the field of criminal justice. The visit included an extensive tour of the

various departments of forensic medicine, during which department heads delivered detailed presentations on the methods used in evidence analysis, autopsies, and determining causes of death, as well as technical procedures for examining biological and chemical evidence and

addition to receiving explanations on other related activities:

1. DNA Department: Students observed the process of DNA testing through the examination of blood samples, tissues, bones, teeth, hair, and nails, in order to determine kinship and identify

about the scientific methods employed in gathering forensic evidence.

The visit also included a tour of the directorate's museum, which houses remains, skeletal fragments, and clothing belonging to victims of massacres that occurred in some Iraqi provinces.

or determine the type of weapon used in a crime—underscoring the vital role the directorate plays in achieving justice and uncovering the truth.

This visit represented a significant component of practical training, complementing the theoretical instruction provided at the Institute. It enhanced students' understanding of the importance of coordination between the judiciary and technical bodies, while deepening their appreciation for the procedures on which modern judicial investigations rely.

Dr. Mu'mina, Head of Training at the Directorate of Forensic Medicine, welcomed the visit and emphasized its importance for Judicial Institute students. She highlighted the directorate's key role in supporting the judiciary in identifying perpetrators of crimes and commended the scientific value of such exposure. Photographs were also taken to document the visit.

The participating students expressed their appreciation for this valuable scientific opportunity, confirming that such visits contribute to building a comprehensive legal awareness that equips judges to effectively address complex criminal cases, many of which depend heavily on the results of forensic evidence.

One student commented:

"Our scientific visit to the Directorate of Forensic Medicine was a unique and important experience. It allowed us to closely observe the practical aspects of applying criminal law and the role of specialized technical departments in uncovering the circumstances of crimes. We witnessed firsthand how the collaborative efforts of forensic doctors and judicial authorities reveal facts and provide precise scientific evidence that upholds justice. This visit strengthened our belief in the importance of forensic medicine as one of the fundamental pillars of the criminal justice system and deepened our understanding of the integration between legal theory and practical application."



Medicine in Baghdad for second-year students of Classes 48 and 49. The visit aimed to provide students with close exposure to the nature of the directorate's work and its technical applications within the field of criminal justice. The visit included an extensive tour of the

the role of such analyses in uncovering criminal circumstances and supporting criminal investigations. The students were divided into three groups to better observe the practical applications and the nature of each department's work in detecting and analyzing crimes, in

unknown individuals.

2. Serology Department: Students were introduced to the protocols for testing toxic substances, drugs, and alcohol in human organs, blood, and urine samples.
3. Mortuary Department: Students visited the autopsy hall and learned

The tour further highlighted the departments most closely linked to judicial work, such as the toxicology section, the genetic evidence (DNA) section, and forensic pathology. Students reviewed real case samples where forensic analyses had helped establish victims' identities

The Judicial Institute Organizes a Specialized Scientific Workshop on the Impact of Judicial Scientific Preparation in Evaluating Evidence and the Effectiveness of Judicial Decisions

■ Baghdad / Judicial Institute

The Judicial Institute held a specialized scientific workshop entitled "The Impact of Judicial Scientific Preparation in Evaluating Evidence and the Effectiveness of Judicial Decisions." The session was delivered by Dr. Farah Jabbar Hashim, with the participation of a select group of judges from several Arab countries.

The workshop addressed the importance of comprehensive scientific preparation for judges in enhancing their ability to accurately evaluate evidence submitted in cases, thereby contributing to the issuance of sound judicial decisions that achieve justice and safeguard the rights of parties. It also highlighted the role of continuous training in improving judicial competence and enabling judges to confront contemporary challenges in judicial practice.

This workshop was organized as part of the Judicial Institute's commitment to developing the scientific and professional skills of judges, in line with legal developments, and to strengthening society's confidence in the judiciary.

Highlights from the Workshop

The workshop began with an introduction by Dr. Farah Jabbar Hashim, in which she stated: "Understanding the meaning of evidentiary systems is essential and indispensable for comprehending current legal statutes, identifying the stages of their development, and determining their characteristics—ultimately leading to their acceptance by human reasoning in general and their credibility before the judiciary in particular. We begin with the linguistic definition of legal evidence: it is the proof, demonstration, testimony, or argument. Evidence is called 'proof' (ithbat) when it establishes a right in favor of its holder after it had been contested between litigants. One may say, 'I do not issue judgment except with proof,' meaning, 'except with an argument that confirms the claim.' Thus, the confirmation of a right by testimony is called evidence, and the term 'proved' may metaphorically be applied to a person whose narration is considered authoritative or trustworthy.

In language, then, evidence carries a single meaning, though the definitions may vary: the confirmation and manifestation of a fact, as well as its verification and examination. In judicial practice, evidence means the establishment or presentation of proof—not the creation of proof, but rather its submission to the authority that is to be persuaded. It focuses on the existence of a disputed legal fact between litigants, such that legal consequences flow from its establishment. The judge's role is thus limited to balancing the conflicting evidence presented by the parties, in order to arrive at what he deems to represent the truth in the specific dispute before him.

Evidence is the process of moving from a stage of doubt to a stage of certainty, in order to obtain proof that confirms the occurrence of the crime, attributes it to its perpetrator, and thereby enables holding him accountable for the offense committed—ultimately to achieve justice.

The lecture then moved on to the historical stages of the development of evidentiary proof,

highlighting the efforts made throughout history in the pursuit of truth. The lecturer summarized the key milestones in the evolution of evidence—from its beginnings to the present day—into five main stages: the primitive stage, the religious stage, the legal stage, the stage of personal conviction, and finally the scientific stage and technological advancement.

Given the rapid escalation and widespread prevalence of modern crimes, it has become necessary for states to devise effective tools and establish appropriate mechanisms to confront such crimes and mitigate their impact. This includes adopting new methods of investigation, detection, and proof, since traditional evidence has proven insufficient in addressing advanced forms of crime. As a result, investigative bodies have increasingly relied on a modern type of evidence known as "scientific evidence," which has become a principal tool in proving complex crimes and confronting them.

Legal Guidelines for the Use of Scientific Methods

The legal controls governing the use of scientific means of proof can be summarized as follows:

1. The evidence must be obtained lawfully.
2. Legal procedures for collecting criminal evidence must be strictly observed.
3. The scientific methods used in proof must yield certainty.
4. The legal guarantees protecting the accused must be respected.
5. Laboratories and technical facilities used must be officially accredited by the state.
6. Experts recognized by the court must possess a high level of competence.
7. Scientific evidence must be subject to discussion during trial proceedings.

From here arose the necessity of developing the judge's scientific knowledge, given his status as "the expert of experts."

The Scientific Preparation of Judges and Its Importance

With the evolution of crime and the exploitation of scientific advancements in disputes—or in concealing the traces of crime



and misleading the authorities—modern forms of evidence emerged as a response to the use of technology in criminal activities. These modern scientific and technical methods of analyzing traces were previously unknown, but have since been incorporated into evidentiary practices to either implicate or exonerate suspects.

Since these means are crucial in judgments and reasoning, systems supportive of developing the justice sector have embraced the concept of scientific preparation of judges. The rationale for scientifically preparing judicial cadres can be explained as follows: •Legislative shortcomings regarding the recognition of scientific evidence and modern technology as means of proof alongside traditional evidence stipulated in the law. •Insufficient readiness of judges and investigators to engage with scientific evidence due to the limited number of training programs and courses available in this area.

•Neglect of supporting sciences, particularly forensic evidence, in legal curricula at law schools, which hampers the creation of a solid scientific foundation for later practical application.

•Divergence in judicial approaches concerning the role of scientific evidence—whether to treat it as primary evidence or as merely supplementary in guiding the judge toward personal conviction.

•The need to reduce reliance on oral evidence such as confessions and witness testimony, especially given challenges related to coerced confessions or testimony influenced by emotional pressures or material incentives. For this reason, the scientific preparation of judges must proceed in two phases:

1. Basic training before entering the profession (during university studies), and
2. Professional training after entry into the profession, through advanced training

courses and practical experience gained by progressing through judicial positions.

Judicial institutions worldwide strive to ensure a continuous flow of modern resources and knowledge to judges—from the beginning of their service until retirement—through annual programs. Throughout this training, the judge acquires both theoretical and practical legal knowledge, sufficient to develop his technical capacity and refine his legal judgment, guided by the principle of linking theory with practice.

1 - The Stage of Basic Formation

For the success of the basic training and preparatory program for judges, the first step must begin with introducing a new curriculum into the study plan of the Judicial Institute. This curriculum should be carefully structured and organized, with subjects chosen in line with the rapid developments in forensic sciences and criminal methods, ensuring that every Judicial Institute student acquires the essential foundations needed for their future role as a judge or public prosecutor, within a well-studied scientific framework.

The preparation of the basic formation stage should not be confined to theoretical aspects only, but must be harmonized with practical training in a systematic effort that guarantees the integration of theoretical lectures with hands-on practice, particularly concerning modern scientific evidence.

Through this training step, students will acquire the necessary knowledge and skills, which will reflect positively on their future professional performance—enhancing judicial efficiency, ensuring consistency in judgments and reasoning, and equipping judges with information suited to the evolving demands of judicial work.

2 - The Stage of Continuous (Professional) Formation

Continuous formation refers to improving

personal abilities, maximizing efficiency, and enabling the judge to perform his duties in a way that allows for individualized sentencing, the application of social defense theories, and the study of cases and their parties in line with the requirements of modern judicial policy. From the foregoing, the central question emerges: How can we prepare judicial cadres capable of evaluating scientific evidence and technical experts inside the courtroom?

To answer this question, it is necessary to establish a scientific curriculum based on essential standards that ensure the following: •Assisting judges in making informed decisions about accepting or rejecting scientific evidence at various stages of the trial.

•Understanding the judge's role as the "expert of experts" when faced with scientific evidence—not as a scientist, but as someone who comprehends the limits and reliability of such evidence sufficiently to render fair judgment.

•Distinguishing between genuine scientific reports and "pseudo-reports." •Providing a framework that allows for rational handling of scientific evidence without being overwhelmed by technical complexities.

•Enhancing judges' ability to evaluate the credibility of experts.

Workshop Recommendations

In conclusion, the lecturer presented key recommendations for developing judicial institutes in line with modern sciences, summarized as follows:

- Updating educational resources and curricula.
- Preparing specialized training programs in modern sciences targeting senior judges, new judges, and judicial investigators.
- Introducing simplified practical applications alongside theoretical lectures, without delving too deeply into procedural details.
- Publishing simplified scientific booklets containing the fundamentals and principles of forensic sciences, to be updated annually.

Specialized Workshop on Forensic Statistics and Evidence Evaluation

■ Baghdad / Judicial Institute

On Tuesday, 2025/8/19, the Judicial Institute organized a specialized scientific workshop entitled (Forensic Statistics in Evidence Evaluation), delivered by Dr. Hossam Kazem Rasn, with the participation of an elite group of judges from several Arab countries.

The workshop focused on three main themes: evaluating evidence using the qualitative method (Qualitative Way), the mathematical basis for shifting from the qualitative method to the quantitative method, and evaluating evidence using the quantitative method (Quantitative Way). During the lecture, it was noted that most topics in statistics and probability can be widely applied across various sciences and engineering fields. However, what distinguishes the work of a forensic expert is that his results are presented before a court, where they are examined in the context of a case and evaluated for their significance in the course of justice.

The lecturer emphasized that the past twenty years have witnessed remarkable development in this field due to the increasing volume of forensic evidence, advancements in scientific methods, and the emergence of high-profile cases that highlighted the need for retrials as a result of differing interpretations of evidence. He explained that modern probabilistic methods have contributed to interpreting



the presence or absence of evidence on the basis of Mutually Exclusive Propositions (e.g., proving guilt or innocence of a specific person). It has also become possible to measure the relative significance of different pieces of evidence and communicate the results to the court in an objective manner, providing the judge with a balanced perspective that aids in rendering a fair judgment.

The workshop concluded by stressing that the role of the forensic expert is to provide a scientifically balanced assessment of the evidence, while the final decision regarding conviction or acquittal remains

the prerogative of the court.

Focus on Small-Sample Statistics

The lecturer also highlighted key scientific content from the workshop, particularly regarding statistics based on small sets of measurements, summarized as follows:

•In forensic analysis, it is advisable—when possible—to conduct repeated measurements. However, the number of such measurements is usually very small. In many cases, no more than three can be made, and occasionally a few more, but exceeding six measurements is exceptional. The question arises: how should such limited data be treated from a forensic

statistics perspective?

•The first issue is that variation in values from a few measurements does not necessarily reflect what would be obtained from a larger dataset. Thus, both the mean and standard deviation of a small subsample may not accurately represent the full dataset.

•The second issue is the increased difficulty of dealing with potential outliers. Including such a value in the calculation has a relatively larger effect on the statistical parameters when working with a small sample.

•Consider the interpretation of repeated measurements when only two are available: if the two values are very close, either may be taken as the experimental result. If they differ significantly, no progress has been made, and a third measurement should be performed to resolve the discrepancy.

•For example, a forensic science student studying bloodstain formation under specific conditions obtained the following drop-diameter measurements: {13.7, 16.3, 16.5} mm. The third measurement supports the first, suggesting that the second may be an outlier. Yet, without an objective method to exclude it, keeping all three yields a mean of 15.5 mm.

•If doubt exists regarding the mean, the median may be used instead. Ordered in ascending sequence, the values give a median of 16.3 mm. With only three measurements, using the median is preferable to avoid distortion from a potential outlier, since the

outlier will always be the largest or smallest and is practically excluded from the analysis. This choice is better than simply discarding the suspect value and averaging the remaining two.

The Concept of Hypothesis Testing

The lecturer also provided a detailed explanation of hypothesis testing, stating: Hypothesis testing is simply the process of assessing the validity of a particular claim. •For instance, consider the claim: "Most people obtain their jobs through connections." This can be framed as a hypothesis: since "most" means more than 50%, then $p > 0.50$.

•Another example, based on the mean: "The average truck load in 1999 was 18,000 pounds." This can be formulated as: $\mu = 18,000$.

To better understand this, let us recall the rare event rule: if the probability of a certain hypothesis being true is very small, then that hypothesis is likely false.

In statistics, we cannot prove something to be absolutely true, but we can be confident enough to disprove a claim. This is similar to the courtroom: the court does not declare the defendant "innocent," but rather "not guilty." Either sufficient evidence exists to convict, or it does not.

Therefore, to test whether an original hypothesis is true, one must write the opposing hypothesis and prove that the opposing hypothesis is false.

Arab Judicial Jurisprudence in the Application of International Human Rights Conventions

The Jurisprudence of the Lebanese Constitutional Council as a Model

■ By Noor Salim menati \ Judicial Institute Emp.

Article 19 of the Lebanese Constitution referred to the necessity of establishing the Constitutional Council, and on 1993/7/15 the Lebanese Parliament enacted Law No. 93/250 establishing the Constitutional Council pursuant to Article 19 of the Constitution. This Council is specialized, pursuant to Article One of the Law on the Establishment of the Constitutional Council, in monitoring the constitutionality of laws and all texts having the force of law and in deciding disputes and appeals arising from presidential and parliamentary elections. Article 18 of Law No. 93/250 explicitly provided that the Constitutional Council undertakes monitoring the constitutionality of laws and all texts having the force of law. Contrary to any opposing provision, no judicial authority may exercise this oversight directly by way of appeal or indirectly by way of exception for violation of the Constitution or violation of the principle of hierarchy of norms and texts. The meaning of the phrase "all texts having the force of law" is all legislative acts that may be issued by the executive authority, such as a law implemented by decree pursuant to Article 58 of the Constitution, and the budget law implemented by decree pursuant to Article 86 of the Constitution. The course of jurisprudence of the Lebanese constitutional judge aimed at the protection of human rights has accelerated with the increase in the pace of appeals brought before it. And despite the scarcity of these appeals, the Lebanese Constitutional Council has taken up the protection of human rights and the

application of international conventions regarding them in many of its rulings. The Lebanese constitutional judge has followed an approach based on the implicit application of international human rights conventions in its judgments, which we will present in the following applications: 1 - The Right to Political Participation The right to political participation emanates from the right to equality and non-discrimination, which was safeguarded by international covenants, especially Article 26 of the International Covenant on Civil and Political Rights, and this right overlaps with other rights, in particular the right to hold public office, the right to elections, candidacy, and others. The Lebanese Constitutional Council affirmed the protection of this right, as can be deduced from what was stated in Decision No. 96/4 issued on 1996/8/7 related to the annulment of some articles of the Election Law No. 530 dated 1996/7/12, through Article 12 of the Lebanese Constitution, as the decision stated: "Candidacy for elections is a civil and constitutional right, and any restriction by the legislator on the exercise of this right can only be interpreted narrowly." The Council concluded with a result whereby it annulled the text of Article 30 of the Election Law for violating Articles 12 and 7 of the Lebanese Constitution, since it affected a constitutional right guaranteed by the Constitution to the citizen. The Lebanese Constitutional Council saw in this ruling that if the legislator has the power to set regulations and restrictions on the exercise of the right to candidacy

for elections, such prohibition must be consistent with the objective intended by the legislator. It is noted here that the Lebanese Constitutional Council applied what is stated in Article 26 of the International Covenant on Civil and Political Rights, which reads: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." 2 - The Right to Privacy and Inviolability of Private Life International covenants and treaties in the field of human rights have agreed on the necessity of providing the right to privacy and protecting the inviolability of private life, including what was stated in Article 12 of the Universal Declaration of Human Rights when it indicated: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." The Lebanese Constitutional Council affirmed in its jurisprudence the citizen's right to privacy within the guarantees that ensure the inviolability of his private life. This is evident in Decision No. 99/2 regarding the protection of correspondence and the inviolability of

private life, when examining Articles 15 and 16 of Law No. 99/140 dated 1999/10/27 concerning safeguarding the right to the confidentiality of communications. The Council annulled Article 15 of the aforementioned law for unconstitutionality, since it was absolute and did not distinguish between wiretapping based on an administrative decision and that conducted based on a judicial decision. The Council considered that this infringes upon individual liberty as one of the fundamental rights protected by the Constitution, from which branch out the freedom of movement, freedom of expression, freedom of correspondence, inviolability of homes, and respect for private life—freedoms which the Constitution safeguarded and placed under the protection of the law. 3 - The Right to Freedom of Belief Freedom of belief has great importance in countries with multiple sects, especially since this right is linked to other closely related constitutional rights, such as the right to expression, the right to practice religious rituals, freedom of thought, and other related rights. International covenants and treaties related to human rights have enshrined freedom of belief, as stipulated in these covenants regarding the necessity of safeguarding this right, including what is stated in Article 18 of the International Covenant on Civil and Political Rights, especially paragraph 1, which affirmed that: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his

choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." The importance of the Lebanese constitutional judge is highlighted in understanding the specificity of the social composition in Lebanon, as he played a prominent role in protecting the continuity and unity of Lebanon. The Lebanese Constitutional Council endeavored to protect the independence of sects in managing their affairs related to their religious beliefs. This is a clear consecration of the right to belief and the practice of rituals by affirming the independence of sects in managing their affairs related to their beliefs, including what was expressed by the Lebanese Constitutional Council in Decision No. 99/1 dated 1999/11/24 concerning the establishment of the Board of Trustees of the Druze sect's endowments, whereby the decision annulled phrases from Articles 11 and 12 of the law for unconstitutionality. From what we have reviewed of the jurisprudence of the Lebanese Constitutional Council, it becomes clear that it has worked on applying international human rights conventions through its applications by following a broad interpretation of constitutional texts, such that these applications came in harmony with international human rights standards in an implicit manner, affirming the important role assigned to the oversight of constitutionality of laws in the application of international human rights conventions.

The Impact of Practical Training in Courts on Building the Judicial Character of Judicial Institute Students

Practical training in courts represents a pivotal stage in the qualification process of Judicial Institute students, given its essential role in shaping the legal and professional character of a member of the Public Prosecution. This stage is not merely a passing practical activity but rather a firm foundation for building a complete judicial personality—one that blends legal theoretical knowledge with practical skills which can only be acquired through direct field experience.

During this stage, the student is equipped with a set of tools and capabilities that qualify him to assume the precise responsibilities entrusted to the Public Prosecution apparatus, foremost among them the protection of state security and its supreme interests, the application of the law, supervision over the enforcement of judgments, and the protection of the family and childhood—all of which consolidate the principle of the rule of law and ensure the respect of rights and freedoms.

The effects of this training appear in the following aspects:

By Student: Faisal Iyad Farajallah - Class (49)

First: The Legal Dimension

From a legal perspective, practical training provides a real environment in which the student tests the application of legal provisions, away from academic theorizing. Through attending investigation and trial sessions and accompanying members of the Public Prosecution, the student begins to understand: •The mechanism of initiating criminal proceedings in accordance with the law. •Methods of managing preliminary investigations and assessing evidence. •The craft of drafting legal opinions, cassation briefs, and how to submit motions. •The fine distinctions between legal provisions and their practical applications. Moreover, the student learns skills of analyzing legal texts and understanding judicial precedents—skills that can only be acquired through direct practice. This enriches his legal perception and helps him realize that the law is not a rigid text, but rather a flexible instrument for achieving justice.

Second: The Personal Impact

Direct exposure to cases and to the daily realities of citizens grants the student clear personal maturity. He is no longer just a student reading theoretical files, but becomes—albeit under supervision—responsible for evaluating real cases that affect people's lives. Thus:

- His self-confidence grows through making decisions under pressure.
- His sense of responsibility and ethical commitment is reinforced.
- He begins to shape his self-perception as an active member of the justice system. This kind of maturity is not achieved in classrooms, but in real fields of work, where the student faces challenges and simultaneously discovers both his capacities and limitations.

Third: The Behavioral and Professional Discipline Impact

Training in courts gradually reshapes the student's professional conduct, as the judicial work environment is governed by strict codes of courtesy, punctuality, discipline, confidentiality, and respect for administrative hierarchy. Alongside members of the Public Prosecution, the student learns to:

- Maintain discipline in attendance, attire, and behavior.
- Preserve the confidentiality of investigations.
- Interact respectfully with defendants, witnesses, and lawyers.
- Demonstrate calmness and wisdom when confronted with provocation.

This training transforms the student from a passive recipient into a committed element within a legal system that demands high professional conduct, forming the first building block in shaping a successful



deputy public prosecutor.

Fourth: The Social Impact

Training in courts brings about a qualitative shift in the way the student perceives society around him. Interacting with people from diverse classes and backgrounds—victims, defendants, witnesses, police officers, lawyers—makes the student more: •Understanding of the social and economic realities of citizens. •Aware of justice as a social value, not merely

a legal procedure.

- Capable of balanced judgment, free from all forms of bias.
- Steady in dealing with people, distinguishing between his role and his personal self. This experience also instills in him the feeling that he is part of a system concerned with protecting society, not dominating it—making him more humble and humane. In Conclusion Practical training in courts is not

merely a supplement to the theoretical curriculum; it is the essence of preparing a Judicial Institute student to shoulder great responsibilities. It constitutes the turning point between abstract knowledge and conscious, responsible application. Through it, the student is refined legally, matures personally, disciplines himself behaviorally, and integrates socially—ultimately becoming not just a man of law, but a man of justice.

Body Language and the Disclosure of Truth

By : Nihaya Dawood Salloum \ Judicial Institute Emp.



While attending a misdemeanor court session as part of his Public Prosecution training, one of the trainee students observed the course of an investigation in a defamation case before the judge. During the proceedings, he noticed that the defendant's body movements indicated dishonesty when answering the judge's questions: the defendant clenched his fists tightly, his fingers trembled, and he displayed constant restlessness while standing, accompanied by evident nervousness. After deliberating with the judge supervising the trainee, the judge pursued the investigation more deeply based on body language cues and confronted the defendant with the

available evidence—leading to the defendant's full confession to the crime. Body language is, in itself, a science that encapsulates everything a person wants to say without uttering a word. Facial expressions, in particular, are considered the mirror of the mind, as they reveal—intentionally or unintentionally—truths that words may not convey, exposing hidden feelings or emotions that an individual may wish to conceal but which his body involuntarily reveals.

It is noteworthy that the Holy Qur'an, in several verses, refers to the role of body language in interpreting circumstances and reactions. For example, in Surat Abasa (39-80:38): "Faces that Day will be radiant, laughing, rejoicing," signifying triumph and joy. Likewise, in Surat Al-Anbiya (21:97): "And the true promise draws near; then behold, the eyes of those who disbelieved will be fixed in horror," signifying that their eyes are transfixed in fear and terror at the horrors of the Day of Judgment.

Among the characteristics of body language is that it conveys emotional information such as love, hate, sadness, and joy, and it is distinguished by its honesty, since it manifests spontaneously. Research has shown that the impact of nonverbal signals is five times stronger than that of verbal language—particularly when there is inconsistency between the two. In such cases, people tend to rely more on nonverbal messages than on spoken content, because nonverbal cues are more powerful and elicit immediate responses.

In the field of investigation, body language plays a major role in uncovering the truth. It is a reliable and genuine means of transmitting information. The face, in particular, is one of the most scrutinized areas by an investigator when questioning a suspect, as it automatically reflects inner states—whether joy, sadness, fear, surprise, lying, truthfulness, and so on. Similarly, lip movements can provide investigators with further insights: trembling lips or nail-biting may signal anxiety, deceit, or fear—all indicators of inconsistencies in a suspect's statements.

Furthermore, reading the eyes offers numerous meanings and clues that assist investigators when posing questions. Hand, finger, and leg movements are also capable of disclosing many truths that the lips do not utter.

Mastering an understanding of body language is one of the essential skills needed by investigators within the judiciary and police apparatus. We hope that specialized workshops on this subject will be organized for the students of the Judicial Institute.

The Federal Court of Cassation ... A School of Established Principles

The judiciary is regarded as the primary source of guidance pursuant to Article (1) of the Civil Code, and as one of the indirect sources shaping criminalization through substantive criminal rules. This occurs by means of judicial principles, which represent the distilled efforts, research, thought, and insights of judges. These principles are formed on the basis of studies, research, and analysis of facts and realities, necessitating their codification, study, and commentary. They form an inherited school for both present and future, from which legislators, judges, and jurists can benefit, creating a judicial-philosophical current that reflects the visions and orientations of the judiciary during a given period of time. This foundation can then serve as a basis for enacting, amending, or reforming legislation. In the words of the French professor Henri Capitant: "Judicial principles and rulings gradually constructed a unique body of legal rules whose jurisprudence complements and enriches legislative work. Without this enduring wealth created by court judges, laws would age and wither."

■ By student: Marwa Hassan Luaibi - Class (51)

These principles are issued by the Federal Court of Cassation, which is the supreme judicial authority exercising judicial oversight over all courts unless otherwise provided by law. It is composed of a president, five vice-presidents, and no fewer than thirty judges in total, with its seat in Baghdad (Article 12 of the Judicial Organization Law No. 160 of 1979). According to Article (13) of the same law, the Court consists of: the General Panel, the Expanded Panel, and the Criminal Panel. A criticism of the legislator in the Judicial Organization Law is that it confined the Court's competencies to judicial oversight and did not provide for the establishment of a Technical Bureau, unlike what was stipulated in the Egyptian Judicial Authority Law No. 46 of 1972, as amended in 2006. Article (5) provides: "At the Court of Cassation there shall be a Technical Bureau for legal principles, composed of a president chosen from among the Court's judges, and a sufficient number of members of the rank of court president or judge or their equivalent. Appointment of the president and members shall be by decision of the Minister of Justice for one renewable

year, with the approval of the Supreme Judicial Council and upon the nomination of the President of the Court of Cassation. The Bureau shall also be staffed with a sufficient number of employees."

A Technical Bureau was established at the Jordanian Court of Cassation under Regulation No. (7) of 2010, effective from 2010/4/18. Following its entry into force, a judge from the Court of Cassation was seconded to serve as Director General of the Bureau, and four judges were seconded to serve within it. The Bureau began its duties in March 2011, equipped with the necessary staff of legal researchers and reviewers and provided with the required facilities. The Jordanian Judicial Council continued to strengthen the Bureau's capacities to enable it to provide legal and administrative support to the panels of the Court of Cassation, as well as to other courts and judicial authorities. In implementing its mandate, the number of seconded judges to the Bureau was increased to ten, with sixteen legal researchers and twelve Arabic-language reviewers added.

Italy has adopted this system by attaching to the Court of Cassation an office called the Office of Appeal Lists which, upon the commencement of a case, provides each panel with a file containing a summary of all judgments issued by any other panel of the court related to the legal issue under review, so as to ensure that the judges are fully informed. Likewise, France has a similar system pursuant to Article (10) of Law (23) of 1947.

According to Article (13/Fourth/A) of the Judicial Organization Law, which provides that: "Panels may be multiplied or other panels formed by decision of the Presidency Board," and drawing upon the Technical Bureau Administration Regulation No. 32 of 1966, it is possible to form a panel named the Technical Panel for Cassation Principles, to be one of the panels of the Court of Cassation. This panel would be composed of a president chosen from among the judges of the Court or designated by the President of the Supreme Judicial Council, a vice-president, and a sufficient number of judges and advisers from retired judges, as well as holders of advanced degrees in law, Arabic language, or other relevant specializations.

Its objectives would be: (to extract, unify, establish, and entrench judicial legal principles; to address the divergence of judgments among courts regarding the application and interpretation of legal rules; to contribute to the completion

of the legal structure of legislation; and to guide the legislator concerning deficiencies or shortcomings in existing laws).

Its competences would include:

- Extracting judicial principles from the judgments issued by the Court, classifying them, commenting on them, and monitoring their publication after being reviewed by the issuing cassation panel.
 - Preparing legal, judicial, and technical studies to enrich the legal library and contribute to solving legislative, doctrinal, and judicial problems.
 - Issuing collections and bulletins of cassation judgments with commentary in line with prevailing legal, judicial, and doctrinal philosophy.
 - Preferring one judicial principle over another, annulling, or overruling it.
 - Unifying the interpretation and application of the law in light of legislative purposes.
 - Proposing draft laws as required by judicial and social necessity.
 - Addressing any other matters requested by the President of the Supreme Judicial Council.
- The establishment of the Technical Panel for Cassation Principles would mark the beginning of a historical strategy of the Supreme Judicial Council to create an enduring judicial heritage and a judicial-philosophical school whose importance would rival that of doctrinal and philosophical schools. Members of the panel would combine practical, real-world judicial expertise (the art of adjudication) with theoretical, academic expertise (legal science) to extract principles and establish schools and trends enriching legal research and offering genuine solutions to social and legal problems.
- This stems from the weight of responsibility borne by the judiciary compared to that of the legislator: while the latter is responsible for legal justice, the judge is responsible for achieving justice itself, which is the very aim of law. The judge, as the expert acquainted with reality and versed in legal texts, considers each case individually in order to render a fair judicial ruling. This unique and distinguished effort in the creation of judicial rulings must be codified and documented into general and specific principles and published, so that:
- The legislator may benefit from them when assessing legislative necessity to enact, amend, or repeal a law.
 - Jurists may utilize them in study, research, or analysis of a particular subject.
 - Society may benefit from its right to access judicial information, thereby strengthening legal culture.

Glimpses from the History of the Iraqi Judiciary

Prepared by: Ali Al-Badrawi

Urukagina was one of the kings of the First Dynasty of Lagash and the author of the greatest economic and social reforms recorded to date. These reforms date back to 2355 B.C. They were discovered in the city of Lagash in 1878 A.D. and were first translated by the French scholar Thureau-Dangin.

It was revealed that this great king eliminated the injustices prevalent at that time, restored justice and liberty to the citizens, and removed oppression and exploitation. Urukagina led the first social uprising in world history, where for the first time the word freedom (Amargi) appeared in a written document. He reduced the taxes imposed on the people, prevented tax collectors and thieves from exploiting the weak, and pledged: "He will not allow orphans to fall prey to the oppression of the strong." He worked to eliminate injustice, spread justice across social classes, and put an end to senior officials' extortion of public funds. This document is considered the first humanitarian law that called for human rights and freedom for the first time in human history. It is also noted that Urukagina codified laws which provided the people with freedom and justice. These laws have not yet been discovered, but Hammurabi is believed to have drawn upon them when drafting his well-known code.

This document holds primacy in human history for its antiquity and precedence. These reforms and legislations were introduced after the ruler who preceded him, Lugaland, and his wife had gone too far in enriching themselves and oppressing

The Reforms of Urukagina

the people of Lagash. It appears that the people's council decided to depose him and appoint Urukagina, who began his reign with these reforms, marking the first law to demand human rights and freedom in history. For the first time, the word freedom in Sumerian (Amargi) appeared in writing.

One of the key principles underpinning Urukagina's reforms was the idea of "freedom within the bounds of law" and that holding a high governmental or administrative office does not exempt its holder from legal limits. Thus, Urukagina declared war against officials and tax collectors who violated traditions and encroached upon citizens' rights and property.

The reforms were inscribed in cuneiform on two cones:

•The first cone: describes the prevailing circumstances at the time and the revolution he led against corruption after apparently being elected king of Lagash by the city council.

•The second cone: contains the texts of Urukagina's reforms.

Dr. Khazal Al-Majidi published in his personal blog a translation of the reform texts from the second cone of Urukagina's Code, which included the following:

•People shall not be forced to sell anything to their subordinates.

•People may set their own prices and are protected against retaliation.

•A foreman has no right to protest if a wealthy man, alongside a royal dependent, seeks to buy something from him, provided he pays in silver or supplies barley.

•A wealthy man has no right to protest even in anger.

•All these matters are orders for all citizens of Lagash.

•For the debtor, for the one who cheats with weights or reduces barley measures.

•For the thief and the killer, prison is designated to purify them upon release.

•It appears that forgiveness or amnesty was granted to all, even thieves and murderers.

•The widow and the orphan shall not be subjected to the strong or forced.

This was considered a binding covenant under the law of Ningirsu and Urukagina. Two centuries later, Gudea enacted the same laws to protect the orphan and widow from the domination of the wealthy in that era.

It seems that the ruling dynasty of Lagash, founded by Ur-Nanshe, had reached a high degree of administrative corruption and social injustice, which led this great reformer (Urukagina—now read as



Uru-Inim-gina) to restore justice and fairness.

Urukagina restored the freedom of citizens who had suffered many injustices. He abolished the overseer of boatmen from supervising ships, removed the overseer of livestock from supervising cattle and sheep, annulled the office of fish inspector, and eliminated the tax collector of silver levied on shearing white sheep. If a man divorced his wife, neither the ishakku (the governor) nor his minister could claim a fee. If a perfumer prepared an ointment, neither the governor, his minister, nor the palace overseer could demand payment. If someone wanted to bury a dead person in the cemetery, the fees collected by officials from the family of the deceased were reduced to less than half of what they had been previously. Temple properties became protected and held in great respect. There was no longer a tax collector from one end of the land to the other.

In conclusion, these reforms represent the first indication we have of the dawn of humanitarian legislation. We still do not know whether these reforms were codified as a full code or not. Urukagina had pledged a covenant before the god Ningirsu, the deity of Lagash, that he

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Iraqi Hands Revive Judicial Heritage Treasures

Completion of Restoring Heritage Books and Manuscripts Preserved at the Judicial Institute
In a Scientific Manner that Safeguards Their Historical Value

In a strenuous and inspiring journey spanning three months – and set to continue for another similar period – the team at the Iraqi Manuscripts House succeeded in restoring a collection of old manuscripts and Qur'ans belonging to the Judicial Institute, some of which date back more than two centuries. The work was not merely about repairing old papers, but rather about reviving an Iraqi legal and spiritual memory embodied on pages damaged by time and poor storage. The restoration covered a carefully selected group of legal and jurisprudential manuscripts, some dating back centuries. The process employed modern techniques and scientific methods designed to preserve the authenticity of the manuscripts and their physical components, while also providing protection against deterioration and decay.

For his part, the Director General of the Judicial Institute, Judge Jalil Adnan Khalaf, praised the efforts of the specialized staff at the Manuscripts House, affirming that this achievement represents an important step in safeguarding Iraq's legal memory and protecting its documentary heritage. He emphasized that such efforts enrich the identity of the judicial institution and provide invaluable support to the academic environment for researchers and Judicial Institute students.

By: Ali Al-Badrawi



He further expressed his deep gratitude and appreciation for the tremendous efforts undertaken by the specialized team at the Iraqi Manuscripts House in carrying out precise restoration and conservation work on a collection of the Judicial Institute Library's old manuscripts and heritage books.

Describing the initiative as a shining milestone in the course of cooperation between cultural and judicial state institutions, he noted that it has breathed new life into precious manuscripts that had been at risk of damage and extinction—manuscripts of immeasurable historical and intellectual value.

Cultural and Intellectual Cooperation Yields a Major Achievement

Dr. Ahmed Al-Ulyawi, Director General of the Iraqi Manuscripts House, stated that the House has recently completed specialized restoration and preservation work on a collection of precious heritage books and manuscripts preserved in the library of the Judicial Institute, as part of ongoing cultural and intellectual cooperation between state institutions.

Al-Ulyawi explained that the restoration team at the Manuscripts House, highly experienced in the conservation of documents and manuscripts, worked on rehabilitating a number of important manuscripts from various historical periods. The team employed advanced materials and techniques that carefully respected the historical and artistic uniqueness of these heritage treasures. He affirmed that this achievement comes within the framework of a national plan to safeguard Iraq's documentary heritage and ensure its continuity for future generations. He also noted that the Iraqi Manuscripts House continues to provide technical and scientific support to various institutions that preserve significant heritage collections.

Dr. Al-Ulyawi concluded by emphasizing

the importance of strengthening cooperation between academic and cultural institutions in order to protect Iraq's memory and commending the efforts dedicated to preserving this rich civilizational legacy.

A Meticulous Plan... and Completion Ahead of Schedule

Rana Abdul-Haseeb, Head of the Laboratory Division at the Manuscripts House, explained that the work on these priceless heritage items was carried out within a carefully designed timeframe. She stated:

"When we received the valuable heritage holdings of the Judicial Institute (manuscripts and Qur'ans), we set a maximum deadline of six months for their restoration. Yet, thanks to God, the two Qur'ans agreed upon for return to the Institute were completed in a shorter period."

She noted that the work began with an essential scientific step: examining each manuscript and Qur'an under a microscope to determine the endurance of the original materials for restoration. She added:

"We start by photographing the material to diagnose the damage, then catalog it through what is known as the 'tablah,' which serves as an information card identifying the type of damage, number of pages, and type of restoration needed, after which we assign it an archival number."

Precision Restoration... History Breathes Again

Suhair Zaki, Head of the Conservation and Restoration Division, described the state of the received materials as "deteriorated," saying:

"The restoration team, led by Ms. Mayasa, met to determine the restoration plan and timeline. We began by arranging the gatherings of pages one by one, manually. The most difficult stage was stitching the Qur'an pages together by hand with thread, then completing the new spine of the Qur'an."



She stressed that the work was carried out with high precision and fully by hand, despite the fragility of the papers, which required patience and exceptional craftsmanship.

Daily Supervision... and Confronting Storage Challenges

Mayasa Salman Shihab, Head of the Conservation and Restoration Department, said that she personally supervised the work on a daily basis, closely monitoring each stage of restoration. She highlighted the major challenge the team faced—paper deterioration caused by poor storage: "The paper was wood-based, which is highly susceptible to humidity and long-term storage. Despite this, we managed to save what could be saved, and after completing the restoration,

Specialized scientific maintenance in a record time, bringing rare manuscripts back to life and preserving their authenticity.

The project included the restoration of 12 manuscripts, the oldest dating back over 250 years, in addition to two Qur'ans returned to the Judicial Institute after restoration. The remaining manuscripts were donated to the Manuscripts House, in recognition of their historical value, to remain under the care of the House as a national custodian of heritage. At the close of the project, a special exhibition is planned to showcase these treasures, displaying the restored

manuscripts and Qur'ans, with clear acknowledgment that the Judicial Institute was the donor.

Conclusion

Another success story has been written by the Iraqi Manuscripts House, affirming that Iraq's heritage, though once neglected, never dies so long as there are skilled minds and hands striving to preserve it. This mission is not only a technical undertaking but a civilizational duty owed to future generations.



we placed the Qur'ans in specially designed, Italian-made preservation boxes for safekeeping."

Restored Qur'ans... and Manuscripts Preserved for Generations

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