

JUDICIAL INSTITUTE



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Effective Participation of the Judicial Institute in the International Conference on Judicial Training
Director General of the Judicial Institute: Our participation in the conference represents an important opportunity to enhance Iraq's presence in international judicial forums



Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, expressed his pride in the Institute's participation in the Second International Conference on Judicial Training, organized by the Ministry of Justice in the Kingdom of Saudi Arabia - Riyadh, with the participation of representatives from (16 countries), under the slogan "Excellence in Judicial Training... Innovation in Tools and Methodologies." The conference was held over two days,

14 and 15 September 2025. Judge Jalil Adnan Khalaf stated: "Our participation in this conference represents an important opportunity to enhance Iraq's presence in international judicial forums, and to exchange expertise with judicial training institutions worldwide, particularly in light of the rapid development the justice sector is witnessing in the tools and methods of training." He added:

"The conference focused on fundamental themes, most notably the use of modern technologies and artificial intelligence in judicial training, which opens wide horizons for the development of our training programs in line with global advancements, and enhances the competence of judges and public prosecutors."

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The Opening Article (The Lead)

International Openness and Pioneering Steps Toward a Promising Future

With confident steps and a renewed vision, the Judicial Institute continues to strengthen its international presence through active participation in judicial conferences and workshops, following the signing of several agreements with renowned judicial bodies in various countries. This year has marked an important milestone in the path of openness, particularly on the Arab stage, through distinguished participation in specialized international events concerned with developing the tools of judicial work and refining professional expertise. The role of the Institute is not limited to responding to invitations to participate in such events but also extends to organizing specialized workshops that focus on issues of judicial training and modern management methods. This step reflects its status as a solid institution committed to preparing judges with a contemporary vision capable of keeping pace with global transformations in the field of justice.

At this stage, the importance of the Institute's presence in international forums is multiplied, as these participations represent an important window to highlight the voice of the Iraqi judiciary and its pioneering experience, in addition to being an opportunity to learn about the latest judicial developments and benefit from international experiences in developing judicial and administrative performance.

Among the most prominent milestones of this openness was what the Institute achieved for the first time in its history, under the patronage of His Excellency the President of the Supreme Judicial Council, through organizing remote training workshops for Arab judges and academics. These workshops addressed diverse topics in the fields of law and judiciary, with the participation of a select group of specialized professors. This initiative constituted a qualitative leap and a pioneering step that strengthened the Institute's presence on the international stage.

The achievements and participations realized thus far affirm the determination to move forward in enhancing the international role of the Institute, in a manner befitting the stature of the Iraqi judiciary, and reflecting its mission of openness and cooperation with Arab and international judicial institutions, in the service of justice and in keeping with the requirements of the age, toward a brighter and more effective future.

Editor-in-Chief

Director General of the Judicial Institute Meets with Director General of the Notary Directorate

Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, met with Mr. Youssef Hawiz Khurshid, Director General of the Notary Directorate, at the headquarters of the Judicial Institute. During the meeting, the two sides exchanged views on strengthening frameworks of cooperation between the Judicial Institute and the Notary Directorate with regard to the Institute's organization of annual courses for preparing notaries to supply judicial departments with them. It is noteworthy that the visit

of the Director General of the Notary Directorate to the Judicial Institute was to review the progress of the notary training course, which the Institute inaugurated on 13 July 2025. The course will continue for a period of three months, comprising (two months of theoretical study) and (one month of practical training) in the notary offices affiliated with the Ministry of Justice, with the participation of (35) employees from the staff of the Ministry of Justice across all provinces of Iraq.

Inauguration of a Preparatory Course for Police Officers to Grant Them the Authority of Investigator

On Sunday, 14 September 2025, the Judicial Institute inaugurated a preparatory course to grant the authority of investigator to officers of the Ministry of Interior. The inauguration was attended by the Director General of the Presidency of the Public Prosecution in the Ministry of Interior and the Director of the Training Department at the Institute. The course will last for three months, with the participation of (41) officers. Its curriculum includes eight subjects: Criminal Investigation, Penal Code, Administrative Skills, Law of Discipline of State and Public Sector Employees No. 14 of 1991, Penal Code of the Internal Security Forces, Forensic Medicine, Code of Criminal Procedure, Human Rights, and Forensic Evidence. The course is taught by a distinguished group of judges and specialists.

Announcement of the Names Eligible for the Legal Proficiency Written Exam for Courses (52) and (53)

The Judicial Institute announced the names of those eligible for the legal proficiency written exam for Course (52) - Judges, and Course (53) - Public Prosecution.

The Institute revealed the names of the students included in Course (52) - Judges, whose legal proficiency written exam will be held on Friday, 3 October 2025, and those of Course (53) - Public Prosecution, whose exam will be held on Saturday, 4 October 2025, at the University of Baghdad / College of Law, at 9:00 AM.

It is noteworthy that the names of those eligible had been published on the official website of the Supreme Judicial Council earlier this month.

The Judicial Institute Organizes a Workshop to Evaluate Its Training Plan for Students



Under the patronage of His Excellency the President of the Supreme Judicial Council, Judge Dr. Faiq Zidan, the Judicial Institute organized on Sunday, 7 September 2025, a special workshop to evaluate the training plan for its students. The workshop was chaired by Judge Imad Al-Jaberi, President of the Al-Rusafa Court of Appeal; Ms. Sabiha Khudair Hassoun, Public Prosecutor at the headquarters of the Public Prosecution in the Al-Karkh Court of Appeal; Mr. Khalis Kazem Jabr, Public Prosecutor in the Al-Rusafa Court of Appeal; in addition to Judge Jalil Adnan Khalaf, Director General of the Judicial Institute; as well as the students of courses

(50, 49, and 51). The workshop addressed several topics, including the criteria for selecting trainers, the mechanism for preparing the training plan, time management, and task distribution, in addition to the essential role of the student's determination in ensuring the success of the training process. The judges also presented their observations on the mechanisms and foundations of training, stressing the importance for a judge to combine knowledge of the administrative aspect related to his work with his judicial specialization. During the workshop, a brief review was presented on the training

mechanism in the courts and what it entails in terms of plans, objectives, and pathways. This was regarded as a pioneering step toward developing the training curriculum in a way that opens broader horizons for achieving justice and consolidating its values.

The workshop concluded with the presentation of a filmed mock trial conducted by the Institute's students. The judges provided their remarks on it, while the students praised this initiative, through which the Institute's administration seeks to refine their practical skills and strengthen their judicial concepts.

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Students of Course (48 - Judges) Sit for First Semester Final Exams

On 9 September 2025, the Judicial Institute launched the first semester final exams for the students of Course (48 - Judges), which will continue until 25 September 2025.

It is noteworthy that the exams include (9 subjects) within the curriculum of the course: Civil Law, Juvenile Welfare Law, Constitutional Judiciary and Appeal of the Constitutionality of Law, Forensic Medicine, Criminal Psychology, International Law / Conflict of Laws, Criminal Investigation, Principles of Scientific Research, and Computer Science.



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The Offense of Omission to Report a Crime

Reporting a crime is informing the competent authorities of the occurrence of a crime, whether the crime was committed against the person, property, or honor of the informant, or against the person, property, or honor of another. It is also defined as an act undertaken by a person who is not among the victims of the crime, to inform the judicial authority of the committed crime based on his personal knowledge, whether such knowledge was obtained through observation or hearing.

Accordingly, we consider it a condition that the informant not be one of the victims of the crime, since reporting differs from filing a complaint. The latter is the act of bringing a grievance before the Investigative Court by a person who claims to be harmed by the crime.

■ **By Deputy Public Prosecutor :
Aya Abbas Fadel**

The Iraqi legislator clarified the parties entitled to initiate criminal proceedings in Article (1/a) of the Code of Criminal Procedure, which enumerated several parties: the victim of the crime, his legal representative, the informant, and the Public Prosecution. The provision defined the informant as any person who has knowledge of the occurrence of the crime, without restricting the manner in which such knowledge is obtained. Therefore, any means by which knowledge of the crime is acquired may constitute grounds for reporting its occurrence. The importance of reporting a crime lies not only in being one of the means of initiating criminal proceedings but also in being a ground for judgment. If the informant provides eyewitness testimony about the incident being reported, the legal value of the information he provides is considered equivalent to the legal value of a witness's statement. This is regarded as a ground for judgment. However, such information alone is not deemed sufficient evidence for conviction unless corroborated by other evidence, similar in this regard to witness testimony.

The Iraqi legislator has regulated the subject of reporting under the Penal Code within the scope of criminalization in two forms: the offense of false reporting and the offense of failing to report a crime, which is the focus of our discussion.

The offense of failing to report a crime is defined

as a negative act consisting of abstaining from carrying out a duty imposed by law, provided that the abstainer is capable of performing it and refrains from doing so by his own will.

Thus, this offense, like other offenses, requires the fulfillment of its constituent elements. Its material element consists of a negative act represented by the failure to inform the public authorities of the occurrence of a crime. This constitutes abstaining from carrying out the legal obligation to report the committed crime within the specified time and without a legitimate excuse.

As for the mental element, the offense of failing to report a crime is an intentional crime. Its mental element consists of the two components of knowledge and will. Thus, when it is established that the accused had knowledge of the crime and willfully refrained from reporting it, he becomes subject to criminal liability regardless of his motives for doing so.

One of the legal models of the offense of failing to report a crime is what is provided in Article (247) of the Penal Code, which states:

"Whoever is legally obligated to inform a public official of a certain matter, or to inform him of matters known to him, and deliberately abstains from reporting in the required manner and within the time legally prescribed, shall be punished by imprisonment or fine. Likewise, any public official entrusted with the task of investigating or detecting crimes who neglects to report a crime of which he has knowledge shall be punished accordingly, unless the initiation of the case is dependent on a complaint, or the perpetrator is the spouse of the public official, or one of his ascendants, descendants, sisters, brothers, or relatives of similar standing by marriage."

From the above provision, it becomes clear that the offense of failing to report a crime applies to two categories:

Those who are legally obligated to report crimes.

2. Public officials entrusted with the duty of investigating or detecting crimes. This leads us to examine the persons legally obligated to report crimes, as defined in the Code of Criminal Procedure No. 23 of 1971 (as amended), in Articles (47) and (48). Article (47) defines permissive reporting, opening with the preposition "I am" which indicates discretion in reporting. It provides that:

"Whoever has been subjected to a crime, and anyone who has knowledge of the occurrence of a crime for which proceedings may be initiated without a complaint, or knowledge of a suspicious death, may inform the investigating

judge, investigator, public prosecutor, or one of the police stations."

Thus, if the categories mentioned above abstain from reporting a crime, their conduct does not constitute an offense under Article 247 of the Penal Code.

Article (48), however, defines mandatory reporting, stipulating that:

"Every public official who, during the performance of his work or because of it, learns of the occurrence of a crime, or suspects the occurrence of a crime for which proceedings may be initiated without a complaint; every person who provides assistance in his medical profession in circumstances that give rise to suspicion of a crime; and every person who was present at the commission of a felony – all must immediately inform one of those mentioned in Article 47."

Accordingly, we reach the conclusion that the provisions of Article 247 of the Penal Code apply to the following categories:

1. Those who are legally obligated to report crimes, namely members of the judicial police as referred to in Article (39) of the Code of Criminal Procedure.

2. Every public official who, during the performance of his work or because of it, learns of or suspects the occurrence of a crime for which proceedings may be initiated without a complaint (i.e., crimes other than those listed in Article 3 of the Code).

3. Every person who, by virtue of his medical profession, provides assistance in circumstances that give rise to suspicion of a crime.

4. Every person who was present at the commission of a felony.

This is with the exception that the perpetrator is the spouse of the public official, or one of his ascendants, descendants, sisters, brothers, or relatives of similar standing by marriage.

This detailed framework has been affirmed by several decisions of the esteemed Federal Court of Cassation, including Decision No. 21489/HJ/2024 and Decision No. 275/Expanded Criminal Panel/2024.

Thus, we find that the legislator has established a comprehensive legal framework for this offense: beginning with specifying the persons obligated to report crimes, then considering their abstention as constituting an offense under Article 247 of the Penal Code, while excluding certain crimes from the requirement of reporting, and finally determining cases in which the abstainer may be exempted from punishment if related to the perpetrator by close kinship.

Legal Presumptions in Criminal Evidence

By Judge: Ali Abdul-Yama Jaafar

Legal presumptions, and in particular conclusive legal presumptions, constitute an exception to the judge's freedom in evaluating evidence. The principle in criminal evidence is that the judge enjoys full freedom in assessing proof. However, this principle is subject to certain exceptions in which such freedom cannot be exercised in its intended scope.

A presumption is the inference of a fact that requires proof from another fact established by evidence. A legal presumption, therefore, is the legislator's deduction of an unproven matter from a proven one – that is, it is predetermined by the legislator, who obligates the judge to give it evidentiary value if it is conclusive. Examples include the presumption of lack of discernment in anyone who has not completed nine years of age, or the presumption that criminal intent and will exist in an offender who voluntarily and knowingly commits a crime under the influence of intoxicants or narcotics.

Non-conclusive legal presumptions, by contrast, may be rebutted. Examples include the presumption that a witness who fails to appear in court despite being duly summoned has abstained from giving testimony, or the presumption in Article (377/a) of the Penal Code that the offender had knowledge of the marital relationship unless he proves that it was impossible for him, under the circumstances, to have known of it.

The exception to the principle of freedom in criminal evidence lies in conclusive legal presumptions. These are based on what occurs in the vast majority of cases. The legislator observes that, as a general rule, a certain matter is usually realized and therefore presumes it without requiring proof, particularly where proving it directly would be extremely difficult, and imposing the burden of proof on one of the parties would be excessively onerous and likely insurmountable.

The conclusive legal presumption, as noted above, is grounded in the idea of probability and predominance. The legislator does not make the presumption conclusive because it necessarily reflects an absolute truth; its conclusiveness does not stem from perfect correspondence with reality but from its strong likelihood of occurrence. By preventing the judge from proving the contrary, the legislator acknowledges that in some cases the presumption will inevitably diverge from reality, but serious considerations – which fall within the legislator's discretion – require that the presumption stand in all circumstances.

When the legislator assigned binding evidentiary value to the conclusive presumption, he did so on the basis of practical experience. Judicial practice revealed that between certain causes and effects, there exists a highly probable relationship, even if not invariably certain. Such established references are numerous and cannot be exhaustively listed, which is why it is said that "the judge lives and moves in an atmosphere of presumptions."

In the face of conclusive presumptions, the judge's authority to evaluate evidence vanishes. For example, he cannot establish criminal intent in a child under nine years of age when committing an offense. These presumptions thus constitute a genuine exception to the judge's discretionary authority in evidence evaluation: in their presence, he cannot exercise that power.

In truth, such presumptions were not adopted by the legislator arbitrarily. Most of them originated as judicial presumptions that courts consistently applied, whose meaning did not vary from one case to another, rendering them worthy of codification into uniform rules. Hence it has been said that: "A legal presumption is, in fact, nothing but a judicial presumption that the law has generalized after regulating it."

In this context, it is worth noting that outputs of electronic devices – such as surveillance camera recordings, mobile phones, computers, images, audio clips, text messages, WhatsApp messages, emails, call records, and the like – are judicial presumptions. They cannot, by themselves, be relied upon as sufficient evidence unless corroborated by other proof, nor can they be disregarded entirely. Should they be formally adopted and codified, they may evolve into legal presumptions.

The Electronic Contract in Iraqi Civil Law

Legitimacy and Proof

By Student / Hussein Ali Salman Course (51)

In recent years, contracting methods have undergone significant transformation due to technological development and the information revolution. Contracts are now concluded electronically through the internet or smartphone applications without the parties meeting in person. Although the Iraqi Civil Code No. 40 of 1951 does not explicitly address electronic contracts, practical reality has necessitated dealing with them, raising legal questions regarding their legitimacy and the manner of proving them.

An electronic contract may be defined as an agreement between two or more parties concluded through electronic means (such as email, websites, or applications),

resulting in reciprocal obligations under the law. Like other contracts, the electronic contract is formed upon the presence of consent, subject matter, and lawful cause. However, it is distinguished by the fact that the means of negotiation and contracting are intangible, which renders the issue of proof more complex. Despite the absence of a direct provision in the Iraqi Civil Code concerning electronic contracts, the general rules of contracts permit their validity and enforceability, provided that the conditions of contracting are fulfilled. Article (73) of the Iraqi Civil Code requires concordance between offer and acceptance for a contract to be formed. Article (77) further clarifies that a contract is concluded when the offer coincides with the acceptance, even if achieved through non-traditional means. This indicates that Iraqi law does

not impose formality – such as written documents or handwritten signatures – as a requirement for the validity of contracts, thereby opening the door for electronic contracts to be legally valid once their essential elements are present. The Iraqi legislator issued the Electronic Transactions Law No. (78) of 2012, which regulates contracts and obligations concluded or executed by electronic means. This law represents a progressive step in keeping pace with technological advancement. It enshrined the principle of equality between paper contracts and electronic contracts in terms of binding force and evidentiary value, provided the legal requirements are met. One of the most significant mechanisms adopted by the Iraqi legislator to strengthen the evidentiary value of electronic contracts is the electronic signature, considered a

substitute for the traditional handwritten signature.

The Iraqi law organized electronic signatures in Articles (16, 5, 4, and 17), setting precise conditions for their recognition, including: that the signature must be uniquely linked to the signatory, created using a secure technical means, and capable of verifying the signatory's identity and the integrity of the associated data. The law further granted full evidentiary force to an electronic signature if created or authenticated by a certified certification authority licensed by official bodies.

Evidence is not limited to signatures alone, but has expanded to include other forms of electronic evidence, such as digital correspondence, server logs, and electronic registration files, provided these can be preserved in a manner that

allows retrieval when needed. Article (13) stipulates that electronic information shall constitute valid evidence if it can later be retrieved in the same form in which it was created, without alteration or distortion.

Article 13 provides:

1. Electronic documents, electronic writings, and electronic contracts shall have the same legal evidentiary force as their paper counterparts if the following conditions are met:

a. The information contained therein must be capable of being preserved and stored so that it can be retrieved at any time.

b. It must be possible to retain the information in the form in which it was created, sent, or received, or in a form that facilitates proof of the accuracy of the information as created, sent, or received, in a manner that does not allow modification by addition or deletion.

c. The information must indicate the person who created or received it, as well as the date and time of its sending or receipt.

2. The conditions set forth in item (1) of this Article shall not apply to information that accompanies documents intended solely to facilitate their sending or receipt.

Article (18) further provides that offer and acceptance in a contract may be effected by electronic means.

In conclusion, electronic contracts are a reality that cannot be ignored and have become a necessity in light of digital transformation. Although explicit regulation is absent in the Iraqi Civil Code, the general provisions suffice to recognize their validity and legitimacy. Nonetheless, the legislative gap continues to pose an obstacle, requiring urgent legislative intervention that keeps pace with technological development and ensures the protection of contracting parties.

Extinctive Prescription in Summary Proceedings

By Student / Haider Fakher Ahmed Course (51)

The Iraqi legislator did not define summary proceedings under the provisions of the amended Civil Procedure Code No. 83 of 1969. Jurists, however, have defined it as a judicial competence that grants the judge authority to examine matters at risk of being lost due to the passage of time, which require urgent measures without delay. In such cases, the trial judge issues a provisional decision in urgent matters to protect a right threatened with loss, without affecting the substance of the right itself. Summary proceedings are not a substitute for ordinary litigation but a means of taking urgent and temporary measures to ensure the protection of a right until it is adjudicated by the ordinary judiciary.

The Iraqi legislator addressed summary proceedings in Articles (150–141) of the

Civil Procedure Code in various forms, including: prohibiting a debtor from traveling; restoring public utility services if arbitrarily suspended; recording a situation at risk of disappearing which may become the subject of future litigation; requiring a person attributed to a document to acknowledge his handwriting, signature, seal, or fingerprint even if the obligation is not yet due; taking testimony of a witness regarding a matter not yet before the court but potentially subject to future litigation; placing property under judicial custody; and obtaining permission from the summary judge to perform an obligation at the expense of the adversary.

Upon reviewing the provisions relating to summary proceedings, we note that Article (150) refers to the time frame for submitting an urgent petition, requiring that the adversary be notified at least twenty-four hours before the scheduled session. It also specifies the time within which the trial

court must issue its decision on the urgent request, which may not exceed seven days. However, the legislator did not address the time limit within which a case concerning the substance of the right must be filed before the ordinary judiciary following the issuance of a summary decision. This raises several questions about the fate of a summary decision if a long period passes without filing the substantive case before the ordinary judiciary. Does the summary decision lapse due to long-term prescription?

Upon returning to the aforementioned provisions, we find that the legislator did not address the issue of extinctive prescription in summary proceedings. From the foregoing, upon reflection and review, we conclude that extinctive prescription does not apply to evidence, as it is a matter of proof. The forms of summary proceedings mentioned above are a type of evidence that allow the

trial court to adopt them as a ground for judgment. This is supported by Article (4/144) of the Civil Procedure Code, concerning urgent inspection.

Moreover, a substantive right is not extinguished by the mere passage of time; only the claim to enforce it may lapse. This is derived from the principles of Islamic Sharia, which holds: "No right of a person is extinguished, however old it may be." Nevertheless, the Iraqi Civil Code No. 40 of 1951 (as amended) restricted, in some of its provisions, the role of the judiciary in hearing claims after the lapse of a certain period of time – known as extinctive prescription. This does not mean the right itself is extinguished, but rather that the lapse of the specified period bars the court from hearing the claim. Thus, the right transforms from a legal obligation containing both debt and liability into a natural obligation containing only the element of debt.

The Crime of Bribery through Bitcoin

Bitcoin is a cryptocurrency invented in 2008 by an unknown person or group of people under the name Satoshi Nakamoto. Its use began in 2009 when its application was released as open-source software.

Bitcoin is the first decentralized digital currency, without the existence of a central bank. It can be transferred from one person to another over the Bitcoin network on a peer-to-peer basis without the need for an intermediary (such as banks). Network transactions are verified using encryption and are recorded in a distributed ledger called the blockchain.

Bitcoin is created as a reward for a process known as mining. It can be exchanged for other currencies, products, and services. Research estimates produced by the University of Cambridge indicate that in 2017, between 2.9 and 5.8 million users had a digital currency wallet, most of them using Bitcoin.

By Student: Zaid Jaafar Muhammad
- Class 51

Bitcoin is criticized because of its ability to be used in illegal transactions, the high amount of electricity required for mining to produce new Bitcoin, exchange rate volatility, and breaches of Bitcoin trading exchanges. Some economists have described it as a speculative bubble. The Bitcoin network has been operating since 2009 and has not stopped since then. Because of the consensus system within the currency, no one has been able to hack the Bitcoin blockchain. Most breaches that occur are due to human errors in managing wallets, not flaws in the design itself.

The First Purchase with Bitcoin

The first transaction conducted with Bitcoin was the purchase of two pizzas, when a programmer named Laszlo Hanyecz posted on a Bitcoin forum offering to buy two large pizzas in exchange for 10,000 bitcoins on May 2010, 18. Eleven years later, the value of the 10,000 bitcoins paid for the pizzas exceeded 318,000,000\$.

Advantages of Transactions in Bitcoin

1. Transactions are carried out directly without the need for an intermediary, i.e., directly between the buyer and the seller.
2. Taxes imposed on transactions are minimal compared with other currencies.
3. Bitcoin can be used in any country worldwide.
4. You are the sole owner of your account, and no entity can freeze it.



5. There are no limits on transaction amounts.

Opening a Bitcoin (BTC) Account

To obtain all the aforementioned advantages, you must have an account in one of the electronic banks that specialize in these currencies. Among the most famous banks dealing with this currency is BlockChain Bank. Registration in BlockChain Bank and opening an account there is considered one of the easiest, and you can withdraw your balance from it through any company that deals with Bitcoin. You can also transact directly with electronic bank intermediaries available online.

How Bitcoin Works

Bitcoin (BTC) is a smart currency that you can convert into any other currency you want, whether the dollar, the euro, or any other currency. After collecting Bitcoin through grants or by selling a particular product, it is added to your electronic account, and you can access it and track its movement through your mobile phone. At any time you wish to exchange it, you will find many companies and exchanges operating in this field.

How to Purchase with Bitcoin (BTC)

Bitcoin is the currency of the future, and it is a convenient and enjoyable method available to anyone who has a Bitcoin account with their own unique code. You can enter your code into the application designated for the currency, then specify the amount to be paid. The amount is then sent to the intended website, allowing you to purchase what you need. This is, of course, the same method used for receiving money into your account.

Legal Conclusion

From the explanation above and the manner of dealing with Bitcoin, it

becomes clear that there is an important issue: ill-intentioned individuals can exploit the ease of transactions in this currency and the degree of security it provides to commit the offense of bribery through Bitcoin. Life is no longer simple in its former sense; rather, the world of technology and the internet has had a major impact on the present and will have even greater impact on the future. Therefore, investigative authorities must keep pace with the developments taking place in the world in general, and in crime in particular, in order to control such offenses and move away from the traditional and outdated methods of investigation, since crime is always characterized by intelligence and continuous, rapid development. Hence, investigative authorities must keep up with this evolution.

The offense of bribery through Bitcoin is marked by greater ease, secrecy, and higher security for the amount transferred into the account of the bribe-taker. The latter can now request that the bribe-giver transfer a number of Bitcoins to the electronic account of the bribe-taker while they are both at home, with no evidence whatsoever of the bribery transaction. The bribe-taker can then withdraw the bribe amount after converting the Bitcoin into any currency and from any country he chooses, as it is a global currency recognized worldwide. Thus, the bribery transaction takes place without any material or moral evidence. For this reason, regulatory and legislative authorities must work to develop methods to detect this form of electronic bribery, and bring in experts in internet and technology to uncover the evidence of this offense and address it legally.

The Correct Legal Characterization of Public Prosecution Reports on the Monitoring of Prisons and Detention Centers

By Student: Saadi Fadel Ouda - Class (51)

The public prosecution bodies in Iraq perform broad supervisory tasks imposed by the laws in force, including those related to monitoring the conditions of prisons and detention centers. The term "visit" has become commonly used to describe the tasks performed by members of the public prosecution when entering these facilities. However, this term does not accurately reflect the legal nature of the work of the public prosecution, nor does it align with its role as a supervisory and legal oversight authority. This necessitates a reconsideration of the terminology used in reports and official communications.

First: The Legal Framework of the Public Prosecution's Jurisdiction

The Iraqi Public Prosecution Law No. (49) of 2017 regulates the tasks entrusted to members of the public prosecution. Among the most prominent are what is stated in Article 5/Second: monitoring investigations of crimes and collecting the evidence necessary for investigating them and taking all that leads to uncovering the features of the crime.

And Article 5/Ninth: supervising and inspecting detention centers, the departments of the Iraqi Correctional Service, and the Juvenile Correction Directorate, and submitting monthly reports about them to the relevant authorities.

It is clear that the word visit does not accurately describe the supervisory function carried out by the public prosecution, which goes beyond the ordinary or touristic sense of the word. A member of the public prosecution does not enter the prison as a visitor, but rather as a judicial oversight authority vested with legal power.

Second: The Inaccuracy of the Term "Visit" in Describing the Work of the Public Prosecution

The term visit is characterized by generality and superficiality, and does not reflect:

1. The legal status of the public prosecutor as the representative of society working to ensure legality.
 2. The purely supervisory objective of his action, which includes monitoring the prison administration's compliance with the law, receiving complaints, and reviewing the conditions of detainees.
 3. The potential legal consequences that may result from the report, such as initiating a criminal case or submitting a recommendation to the competent authorities.
- Based on this, the use of alternative terms that are more precise and connected to the true role of the public prosecution has become a legal and professional necessity.

Third: Proposed Alternative Terms

The term visit can be replaced by the following terms, which better reflect the essence of the supervisory and oversight work:

The legal and precise description	The proposed terminology
directly reflects the supervisory tasks conducted in the field	On-site supervisory procedure
highlights the judicial and oversight status of the public prosecutor	Judicial and oversight inspection
conveys continuity and the official nature of oversight	Regular official monitoring
expresses the functions of investigation, verification, and evaluation	Supervisory and auditing task
in cases of violations or complaints requiring inquiry and examination	Investigative administrative procedure

Fourth: The Importance of Standardizing Legal Terminology

Standardizing terminology in official reports strengthens:

1. The status of the Public Prosecution as the body safeguarding the rule of law.
 2. The weight of reports in influencing the relevant authorities and enforcing recommendations.
 3. The protection of procedures from appeals or challenges of illegality or mischaracterization.
- Using the term "visit" in Public Prosecution reports concerning detention centers, the Iraqi Correctional Service, and the Juvenile Reform Directorate does not fulfill the legal purpose. Rather, it diminishes the real role of the public prosecutor as the supervisory authority entrusted with ensuring the legality of procedures. This necessitates the adoption of precise terminology that reflects this supervisory role, aligning with the spirit of the law, and preserves the Public Prosecution's authority and legal standing.

The Use of UVB Lamps as a Partial Substitute for Sun Exposure in Prisons and Detention Centers

Sun exposure, or exposing the body to sunlight, is a fundamental health necessity for humans. It is the primary natural source of producing Vitamin D, which plays an essential role in strengthening immunity, maintaining bone health, and improving mood. With regard to the sun exposure practices carried out by the Iraqi Correctional Service and detention facilities, inmates are routinely taken out into the prison yard or courtyard for limited periods of time. This is considered a basic right that reflects positively on the health and behavior of detainees and prisoners, contributing to the promotion of humanitarian standards of justice. The commitment of prison administrations to this practice reflects the state's respect for human rights and improves the detention environment, whose ultimate purpose is rehabilitation. Accordingly, international human rights standards—such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)—stipulate the right of prisoners to at least one hour daily in open air. Numerous international charters and domestic laws have also established this right.

By Student: Firas Zamil Ghadheeb - Class (49)

Official reports indicate that inmates in most Iraqi prisons are exposed to sunlight for short periods, often not exceeding half an hour per day. Such limited exposure leads to Vitamin D deficiency among prisoners, increasing the risk of bone diseases, immune disorders, and other physical and psychological health problems. Using UVB Lamps as an Alternative Solution

Given the difficulty of ensuring regular natural sun exposure in prisons and detention centers, the use of artificial UVB lamps (specifically, Narrowband UVB - 311 nm) can be adopted as a safe and studied substitute for natural

sunlight. These lamps stimulate Vitamin D production and are already used in many developed countries, such as the United States, Finland, Norway, and Canada. However, no reports indicate their use in Arab or neighboring countries. They can nonetheless be implemented safely in prisons if strict health guidelines are followed, including:

1. Direct medical supervision: exposure is not to be carried out except in the presence of trained medical or nursing staff.
2. Determining precise exposure times: the exposure period for each person must not exceed 10-5 minutes, or

follow a weekly schedule as prescribed by the physician.

3. Use of protective goggles to prevent eye injury.
4. Excluding sensitive groups: skin cancer patients, pregnant women, and individuals with sensitive skin conditions.
5. Documentation: recording the dates and duration of exposure for each inmate in an official health register.
6. Periodic follow-up: testing Vitamin D and calcium levels for inmates and detainees.

Expected Benefits

Health

- Stimulating Vitamin D production essential for bone strength and preventing osteoporosis.
- Strengthening the immune system and reducing risks related to lack of sunlight.
- Supporting better blood circulation.
- Reducing diseases linked to Vitamin D deficiency.

Psychological

- Improving mood and reducing depression linked to prolonged confinement indoors.
- Lowering stress and anxiety.

Legal

- Reinforcing respect for human rights in prisons, thereby strengthening Iraq's international standing in the field of human rights.

Financial



- Reducing long-term healthcare costs resulting from neglecting inmate health.

Duration

The medically recommended duration of UVB exposure is 15-5 minutes per session, three times per week.

Precautions

It is important to raise awareness of the risks of excessive UVB exposure, which may cause skin burns and other serious health issues if not properly managed. Strict medical monitoring programs must be established to ensure safety.

Conclusion

Sun exposure in Iraqi prisons requires development and improvement to

safeguard the health and human rights of inmates. The current reality in many correctional facilities—given their design and overcrowding—may prevent optimal sun exposure. This situation necessitates exploring effective alternatives, foremost among them the use of certified medical lighting technologies. The use of UVB lamps under strict medical supervision offers a practical and effective solution to compensate for the lack of natural sunlight. It is hoped that the Supreme Judicial Council will study this proposal, which serves the well-being of inmates and achieves a balance between security procedures and human rights, in accordance with medical and preventive standards.

The Judicial Institute Reviews Its Training Plan to Qualify the Judges of the Future through a Workshop to Evaluate Training Programs

A Comprehensive Review of Applied Curricula



Baghdad / Judicial Institute: Under the patronage of His Excellency the President of the Supreme Judicial Council, Judge Dr. Faiq Zidan, the Judicial Institute organized on Sunday, 7 September 2025, a special workshop to evaluate the training plan for the students of the Judicial Institute. The workshop was chaired by Judge Imad Al-Jaberi, President of the Al-Rusafa Court of Appeal; Ms. Sabiha Khudair Hassoun, Public Prosecutor at the headquarters of the Public Prosecution in the Al-Karkh Court of Appeal; Mr. Khalis Kazem Jabr, Public Prosecutor in the Al-Rusafa Court of Appeal; in addition to Judge Jalil Adnan Khalaf, Director General of the Judicial Institute; as well as the students of courses (50, 49, and 51). The workshop addressed several topics, including the criteria for selecting trainers, the mechanism for preparing the training plan, time management, and task distribution, in addition to the essential role of the student's determination in ensuring the success of the training process. The judges also presented their observations regarding the mechanisms and foundations of training, stressing the importance for a judge to combine knowledge of the administrative aspect related to his work alongside his judicial specialization. During the workshop, a brief review was presented on the training mechanism in the courts and what it entails in terms of plans, objectives, and pathways. This was regarded as a pioneering step toward developing the training curriculum in a way that opens broader horizons for achieving justice and consolidating its values.

the Civil Procedure Code. The plan also contributed to developing the students' performance in the administrative aspect and in the role assigned to the judge or the public prosecutor in this regard. The students became acquainted with the administrative workflow in the court and in the Public Prosecution Office, as well as how to prepare official correspondence and maintain necessary records. The plan also positively influenced the students' behavior, as it was observed through follow-up with the trainers that the students displayed increased awareness of the role assigned to the judge or the public prosecutor, and of the conduct that must

New Horizons and Future Visions In light of the workshop's activities, the Judicial Institute gathered the views of several participating students. One student from Course (49) said: "Practical training represents an important step in our academic journey, as it allows us to move from the theoretical side to the applied side within the courts, which enhances our understanding of judicial procedures and case processes." Another student added: "The training program gave us the chance to engage directly with judges and judicial staff, which helped us refine our professional character and develop our skills in dealing with the parties to a case, as well as consolidating the concepts of proper judicial conduct."

**Judge Jalil Adnan Khalaf
Director General of the
Judicial Institute:**

Reviewing the training plan is a necessity to keep pace with the challenges of judicial reality.

Refinement of Judicial and Administrative Skills

Judge Imad Khudair Al-Jaberi, President of the Al-Rusafa Court of Appeal, opened the workshop by addressing the students present, emphasizing the importance of practical training in the courts and its pivotal role in refining the judicial and administrative skills of the student as the judge of the future. He explained that the student's reality today differs from that of the past, when experience was acquired through practicing law or working in legal employment. He pointed out that the primary goal at the current stage is the just application of the law and the issuance of sound judicial decisions.

Judge Al-Jaberi presented to the audience the stages of a judicial case, from its registration to its resolution, clarifying that the essence of a successful trial lies in the judge's leadership of the proceedings, not in being led by them. He also praised the constructive steps adopted by the Supreme Judicial Council to enhance the competence of the Judicial Institute's students through practical training programs within the courts, which enable them to gain direct field experience contributing to their professional qualifications.

Ongoing Efforts to Develop and Enhance the Training Curriculum For his part, Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, affirmed that the workshop held by the Institute to evaluate its training plan for students came as part of the Institute's

orientations aimed at developing and enhancing the efficiency of the training curriculum.

He noted that the workshop addressed multiple topics, including the criteria for selecting trainers, the mechanism for preparing the training plan, time management, and task distribution, in addition to highlighting the important role of the student's own determination in ensuring the success of the training process. He explained that the participating judges provided valuable observations regarding the mechanisms and foundations of training, stressing the necessity for a judge to combine familiarity with the administrative aspect related to his work with his judicial specialization.

Judge Imad Khudair Al-Jaberi, President of the Al-Rusafa Court of Appeal:

Practical training is a refinement of both judicial and administrative skills.

consolidating its values.

A Successful Plan

In the same context, Mr. Khalis Kazem Jabr, Public Prosecutor at the Al-Rusafa Court of Appeal, stated:

"Through the workshop held at the Judicial Institute to discuss the training plan prepared for its students, and the extent of its success and impact in raising the academic level, it has become clear to us that the plan has proven successful. This was clearly reflected in their participation in mock trials of real cases brought before

be observed and adhered to by them. The participants stressed the importance of continuing to implement and develop the plan in order to achieve maximum benefit and to contribute to preparing a capable generation of judges and public prosecutors."

A Pillar in Preparing the Judge of the Future During the workshop, Ms. Sabiha Khudair Hassoun, Public Prosecutor at the headquarters of the Public Prosecution in the Al-Karkh Court of Appeal, affirmed that practical training in the courts constitutes a fundamental pillar in preparing the future judge and shaping his professional character.

She pointed out that involving students in the real judicial environment equips them with practical skills that strengthen the theoretical knowledge they acquire in classrooms and provides them with field experience in handling cases, thereby contributing to the preparation of capable judges who can perform their duties with high efficiency.

She explained in her remarks that organizing workshops of this kind is an important step to evaluate training programs and develop them in line with the requirements of the evolving judicial work. She emphasized that these initiatives open the way to discuss challenges and find practical solutions that enhance the quality of the Judicial Institute's outcomes. She concluded her statement by stressing that the continuation of such workshops reflects the Institute's commitment to developing its students' capabilities and equipping them with the experience that guarantees their success in their judicial future.

A third student noted: "The training plan set by the Judicial Institute is characterized by a balance between theoretical and practical aspects, which contributes to preparing us comprehensively to practice our future work as judges capable of bearing responsibility."

Another student concluded by saying: "Workshops such as these open new horizons for us to exchange views on how to develop practical training and overcome obstacles, which positively reflects on the level of our academic and practical performance."

The workshop concluded with an evaluation of the training plan for the Institute's students, through the presentation of a filmed mock trial performed by the students of the Institute, aimed at simulating practical reality and enhancing their judicial and procedural skills.

The participating judges and public prosecutors presented their detailed observations on the performance, praising the efforts exerted by the students in demonstrating the theoretical knowledge they had acquired during the training period. They emphasized the importance of this type of activity in refining the personality of the future judge and developing his ability to manage judicial sessions and deal with the parties to a case. It is worth noting that this event comes within the framework of the Judicial Institute's endeavor to develop its educational programs and link theoretical knowledge with practical application, in a way that contributes to preparing judges with the competence and experience to perform their judicial duties with high efficiency.



Judge Jalil Adnan Khalaf added that reviewing the training mechanism in the courts, and what it entails in terms of plans, objectives, and pathways, represents a pioneering step toward developing the training curriculum in a way that opens broader horizons for achieving justice and

the criminal courts, misdemeanor courts, courts of first instance, and personal status courts.

Through these trials, the students practiced how to form a court and implement the specific legal procedures in accordance with the Code of Criminal Procedure and



With the participation of judges from various Arab countries:

The Judicial Institute organizes an academic workshop on “The Legal Regulation of International Treaties: From Signature to Termination”

Baghdad / Judicial Institute: On August 25, the Judicial Institute held an academic workshop (online), presented by Dr. Khansa Muhammad Jasim, Dean of the College of Law at the American University of Iraq – Baghdad. A select group of judges and academics from several Arab countries participated in the workshop.

The workshop began with the researcher providing a general definition of treaties. She explained that treaties are the most prominent and most widely used source of public international law (Article 38 of the Statute of the International Court of Justice). She then presented the doctrinal definition of treaties, which states that a treaty is “an agreement between two or more subjects of international law (States, Organizations) with the aim of producing certain legal effects.” She also referred to the conventional definition of treaties (Article 2 of the 1969 Vienna Convention), namely: “an international agreement concluded in written form between States and governed by international law, whether embodied in a single instrument or in two or more related instruments, and whatever its particular designation (charter, protocol, memorandum of understanding).”

The researcher discussed the differences between the three definitions presented at the beginning of the workshop. She pointed out that the doctrinal definition does not require the agreement to be in writing and encompasses all subjects of international law, whereas the conventional definition requires a written form and is generally limited to States. Article 3 of the Vienna Convention addressed this shortcoming and confirmed that unwritten agreements or agreements concluded between non-State actors do not lose their legal validity.

Classification of Treaties

International treaties do not all take the same form or nature; rather, they differ according to their parties, objectives, and legal effects. For this reason, international jurisprudence has classified them into main categories, distinguishing between treaties of a special nature whose effects are confined to specific parties, and treaties of a general nature that establish new rules extending beyond the parties to affect the international community as a whole. A third type has also emerged: simplified agreements, characterized by

speed and flexibility in their conclusion without going through traditional formal stages.

Normative Treaties

They include an unlimited number of States and may sometimes extend their effects even to non-parties.

Contractual Treaties

These are concluded between two or more States in a limited form. Their effects do not extend beyond the contracting parties.

Formal Stages of Concluding Treaties

The workshop briefly addressed the formal

stages of concluding treaties, summarized as follows:

- Negotiations

An exchange of views on the subject of the treaty. These do not entail any legal obligation and may take place through personal meetings, conferences, or even letters and communications.

- Full Powers

Documents issued by the competent authority to designate the person representing the State in negotiations and signing.

Exempted are: Head of State, Head of Government, Minister of Foreign Affairs, Ambassador, and Permanent Representative to an organization.

- Drafting

Formulating the text in the agreed languages. This may be in one language or more, with the reference text specified.

- Signature

* May be full signature or initialling (the latter is not binding except under conditions).

* Provides States with the opportunity to review the texts.

- Ratification

Approval by the competent constitutional authority (Parliament, President of the Republic).

The rationale for ratification: to provide an additional opportunity for reflection and ensure the participation of the legislative authority.

- Registration and Publication

Registration of the treaty with the United Nations (Article 102 of the Charter).

A treaty that is not registered remains valid but cannot be invoked before UN organs.

Purpose: to prevent secret treaties such as the Sykes-Picot Agreement.

The Formal Stages of Concluding International Treaties.

International treaties pass through a series of successive formal stages designed to ensure the validity of their conclusion and their legitimacy. These stages are:

1 - Negotiation Stage

This means the exchange of views between the parties regarding the subject of the treaty. It does not, in itself, create legal obligations, but serves as a means to prepare texts and formulate understandings.

It may take place through personal meetings, international conferences, closed sessions, or through correspondence and modern communication devices.

2 - Drafting Stage (Formulation of the Text)

The agreements reached during the negotiations are reduced to a written text. The text may be drafted in a single language, in two languages with one prevailing, or in all the languages of the participating parties, each of which has equal binding force.

The text is divided into:

• Preamble: includes the reasons, objectives, and list of negotiators.

• Body: contains the substantive articles of the treaty.

• Conclusion: deals with procedural matters such as entry into force, amendment, and termination.

• Annexes: such as maps or technical tables, which are attached to the treaty and have the same binding force.

3 - Signature Stage

The treaty is signed by duly authorized representatives, and the signature may be full or initialled only.

An initialling is not considered binding unless the parties agree to grant it such effect or subsequently approve it (Article 12 of the Vienna Convention).

Persons exempt from full powers (Head of State, Head of Government, Minister of Foreign Affairs) have the authority to sign directly.

4 - Ratification Stage

This means the approval of the treaty by the competent authority of the State (Parliament or President of the Republic).

Its purpose is to provide an additional opportunity for deliberation and reflection before the final commitment.

Ratification becomes mandatory in specific cases (Article 14 of the Vienna Convention), such as where the treaty expressly requires it or where the parties have agreed upon it. The issue of “defective ratification” is

sometimes raised if the President signs without consulting Parliament. Certain international systems have recognized its validity under specific conditions.

5 - Registration and Publication Stage
Once the procedures for conclusion are completed, the treaty is registered with the Secretariat of the United Nations (Article 102 of the Charter).

Purpose: transparency and the prevention of secret treaties.

Unregistered treaties remain valid and binding, but they cannot be invoked before UN organs.

Publication may take place either at the request of the parties or automatically by the Secretariat.

Substantive Conditions for the Validity of a Treaty

• Capacity (Competence):

Refers to the ability of an international person to conclude treaties.

- States with full sovereignty enjoy capacity to conclude all types of treaties.

- States with limited sovereignty (such as those under permanent neutrality) are restricted from concluding treaties that contradict their status.

- The Vatican concludes treaties in the name of the Holy See.

- International organizations possess “functional capacity” limited to the purposes for which they were established.

• Consent:

A State's expression of consent must be free from defects.

Defects of consent according to the Vienna Convention:

- Error (Article 48): if it relates to a fundamental fact that led to the consent.

- Fraud (Article 49): the use of deception or provision of false information during negotiations.

- Corruption of a State's representative (Article 50): such as bribery to influence his will.

Interpretation of Treaties

The interpretation of treaties means determining the intended meaning of their provisions and clarifying the scope of their application. Interpretation is a fundamental step to avoid disputes between States and to ensure a unified understanding.

First: The Authority Competent to Interpret
At the international level, interpretation is carried out in two ways:

• Agreement of the Parties: through an interpretative protocol or annex clarifying the meaning of provisions.

• International Judiciary: if the parties fail to reach agreement, the International Court of Justice or arbitral bodies have jurisdiction to interpret the text.

Second: General Principles of Interpretation (Article 31 of the Vienna Convention)

1. Interpretation in good faith: to be carried out sincerely and objectively, without arbitrariness.

2. Ordinary meaning of terms: words should be given their usual and ordinary meaning, without attributing to them meanings they cannot bear.

3. The specific context of the treaty: includes the preamble, annexes, and any agreements or documents related to the treaty.

4. Subsequent practice of the parties: the actual conduct of the parties in implementing the treaty may serve as evidence of their original intent.

5. Consideration of other relevant international rules: provisions should be interpreted in a manner consistent with general international law.



A Specialized Academic Workshop on Chemistry and Its Role in Forensic Sciences

Baghdad / Judicial Institute: As part of its commitment to enhancing the knowledge of judges and legal professionals in modern sciences and their role in serving justice, the Judicial Institute organized on August 2025 ,21, a specialized academic workshop entitled “A Journey into the World of Chemistry and Forensic Life Sciences.” The workshop was delivered by Dr. Diaa Shamikh Zgair, Dean of the Higher Institute for Forensic Sciences, with the participation of a distinguished group of judges from several Arab countries. This workshop sought to shed light on the importance of forensic sciences, both criminal and civil, and the role of forensic chemistry in supporting judicial processes. It included an introduction to their foundations, principles, and the modern techniques employed, in addition to reviewing historical case studies such as the famous Marie Lafarge case in France (1840), which represented a landmark moment in the reliance on scientific evidence before the courts.

Highlights from the Workshop

The session began with an introduction to forensic sciences (criminal and civil). Forensic sciences were defined as the application of scientific principles and techniques in a legal context to analyze physical evidence and present it before courts in the pursuit of justice.

The main branches were then outlined:

• Forensic Chemistry: the analysis of chemical substances such as narcotics, poisons, explosives, and gunshot residues.

• Forensic Life Sciences: the analysis of biological evidence such as blood, hair, semen, and DNA.

The importance of forensic sciences in the justice system was summarized in three key points:

1. Providing objective and reliable scientific evidence.

2. Assisting in convicting the guilty and exonerating the innocent.

3. Reconstructing crime events with accuracy and strengthening trust in the judicial system.

Forensic Chemistry (Criminal and Civil)

In the lecture, forensic chemistry was defined as a branch of chemistry focusing on the application of chemical principles and techniques to analyze physical evidence related to both criminal and civil cases. The workshop also addressed the characteristics of materials in civil disputes brought before the judiciary. Relevance of Forensic Sciences to Legal Professionals



The speaker emphasized the significance of forensic sciences for professionals and jurists, categorizing them as follows:

• For Judges:

- Understanding complex scientific evidence and assessing its credibility.

- Making informed decisions grounded in scientific foundations.

- Ensuring justice and minimizing judicial errors.

• For the Public Prosecution:

- Building strong and convincing criminal cases.

- Proving charges in a precise and scientific manner.

- Guiding investigations and collecting appropriate evidence.

• For Lawyers:

- Constructing a strong defense or challenging the opponent's evidence.

- Examining evidence and identifying weaknesses.

- Calling upon appropriate experts and contesting the credibility of evidence.

- Providing well-informed legal advice to clients.

Challenges of Using Forensic Sciences in Courts

The workshop also summarized the challenges faced in applying forensic sciences in judicial practice, including:

• Understanding complex scientific terminology: legal professionals often find it difficult to grasp highly technical terms and techniques, affecting their ability to evaluate evidence accurately.

• Interpretation of results and admissibility of evidence: scientific analyses may produce ambiguous results requiring precise interpretation; misinterpretation could lead to wrongful judgments.

• Chain of custody and contamination

of evidence: ensuring the integrity of evidence from collection to court presentation is critical. Any lapse may undermine its credibility.

• Bias and lack of expertise: forensic experts may face pressures or biases that affect their analyses, and in some areas, there may be a shortage of qualified specialists.

• Costs and rapid technological advancement: forensic analyses can be expensive, posing barriers to their use. Moreover, the fast pace of scientific progress makes it difficult to keep up.

• Fabricated digital evidence: with the advancement of artificial intelligence, the risk of falsified digital evidence is increasing, creating a new challenge for courts in verifying authenticity.

Workshop Recommendations
The session concluded with several recommendations from the speaker, including:

• The importance of cooperation between scientific experts and legal professionals.

• Clear and reciprocal communication.

• Ongoing professional training.

• Mutual respect for expertise.

Recommendations to Enhance the Use of Forensic Sciences:

• Specialized training programs for judges, prosecutors, and lawyers.

• Standardization of procedures for evidence collection and analysis.

• Investment in forensic laboratories and modern equipment.

• Strengthening scientific research in the field of forensic sciences.

• Establishment of advisory bodies comprising both scientific and legal experts.

• Increasing public awareness of the importance of forensic sciences.

Arab Judicial Jurisprudence in the Application of International Human Rights Conventions

The Jurisprudence of the Algerian Constitutional Council as a Model

■ By Noor Salim menati \ Judicial Institute Emp.

The promulgation of the Algerian Constitution of 1989 represented a qualitative shift in Algeria's constitutional order, laying the foundations of the rule of law by adopting the principle of separation of powers and enshrining constitutional protection of human rights through the establishment of a Constitutional Council entrusted with constitutional review under Article 155 (later Article 165 in the 1996 Constitution). This article defined the competences conferred in this field, stating: "The Constitutional Council shall rule, in addition to the competences expressly conferred upon it by other provisions of the Constitution, on the constitutionality of treaties, laws, and regulations, either by opinion before they become enforceable, or by decision otherwise."

A close reading of this article allows for two essential observations: first, the Algerian Constitution granted the Constitutional Council the authority to review three types of legal instruments—treaties, laws, and regulations—making it the only Arab constitution to explicitly provide for constitutional review of treaties. Second, the Algerian Constitutional Council adopted both prior and subsequent constitutional review, a system not embraced by other Arab constitutions.

An examination of the jurisprudence of the Algerian Constitutional Council reveals that since its inception it has played a fundamental and active role in applying international human rights conventions. It has not merely confined itself to examining provisions challenged for unconstitutionality, but has expanded

the scope of its review by ensuring the principle of treaty conformity, insisting that the legislature, as a public authority, respect individual rights and freedoms enshrined in the Constitution. It has gone beyond striking down provisions infringing upon these rights to reminding the legislature of its role in upholding and implementing them. An example is Opinion No. 1 of March 1997, 6, concerning the review of the organic law on elections, where the Council stated: "The work of the legislature, especially in the field of rights and freedoms—individual or collective—must guarantee the effective exercise of the right or freedom recognized constitutionally."

Some applications of the Algerian Constitutional Council in this regard can be highlighted under the following themes: 1 - The Right to Equality and Non-Discrimination

The Algerian Constitutional Council affirmed the right of citizens to equality and the prohibition of discrimination in all its forms. This was reflected in its decision of August 1989, 20, concerning the electoral law. Notably, the Council underscored the principle of the supremacy of international treaties over national legislation, expressly stating in its decision that: "Any treaty, once ratified and published, becomes part of national law and, pursuant to Article 123 of the Algerian Constitution, has authority superior to that of laws. It entitles any Algerian citizen to invoke it before the courts. This applies in particular to the 1966 United Nations Covenant, ratified by Law No. 89-08 of 19

Ramadan 1409 (April 1989, 25), to which Algeria acceded by Presidential Decree No. 89-67 of 11 Shawwal 1409 (May 1989, 16), and to the African Charter on Human and Peoples' Rights, ratified by Decree No. -37 87 of 4 Jumada II 1407 (February 1987, 3). These instruments expressly prohibit all forms of discrimination."

There are those who argue that the Algerian Constitutional Council has taken a broad and positive approach in applying international human rights conventions, as clearly demonstrated in this decision. As a result, the frame of reference was no longer the Constitution alone but also international treaties, leading the Council to annul a provision in the law on the basis that it contravened the human rights treaties ratified by Algeria, particularly the International Covenant on Civil and Political Rights of 1966 and the African Charter on Human and Peoples' Rights of 1981, both of which enshrine the principle of non-discrimination in all its forms. The Algerian Constitutional Council has consistently emphasized the right to equality and non-discrimination in other jurisprudence as well. For example, in an opinion issued in 1998, it stated: "The principle of equality of citizens before the law, as set out in Article 29 of the Constitution, obliges the legislature to subject citizens in similar situations to the same rules, and to subject those in different situations to different rules."

This demonstrates that the Algerian Constitutional Council has given primacy to international treaties over national legislation, thereby significantly

reinforcing the expanding role of constitutional review in the practical application of international human rights conventions.

2 - The Right to Political Participation and the Formation of Parties

The right to political participation derives from the right to equality and non-discrimination, as enshrined in international instruments, particularly Article 26 of the International Covenant on Civil and Political Rights. This right intersects with other rights, most notably the right to hold public office, the right to vote and to stand for election, and the right to establish political parties, among other related rights.

The Algerian Constitutional Council has sought to affirm the right to political participation and the formation of parties. This is clearly reflected in its jurisprudence on the political parties law in 1997. Three of the challenged provisions required that political parties refrain from using the fundamental components of national identity—its three dimensions being Islam, Arabism, and Amazigh identity—for political purposes. Article 13 further stipulated that founding members must possess Algerian nationality either by origin or by naturalization for at least ten years, and must reside regularly within national territory.

The Algerian Constitutional Council ruled these provisions unconstitutional, since they imposed conditions that effectively restricted the right to establish political parties, a right recognized and guaranteed by Article 1(42) of the Algerian

Constitution, which provides: "The right to establish political parties is recognized and guaranteed."

In its reasoning, the Council clarified that "the role of the law is to implement the constitutional principle by specifying procedures and modalities for its exercise, not to restrict or empty it of substance by imposing constraints. It is not permissible for the law to add new conditions."

This highlights the importance of judicial jurisprudence as a mechanism for interpreting constitutional provisions from a perspective that safeguards fundamental rights and freedoms, and contributes to harmonizing national legislation with international human rights standards and conventions.

In the same vein, the Algerian Constitutional Council affirmed the right to political participation in its review of the 1989 electoral law, which required that a candidate's spouse hold original Algerian nationality. The Council deemed this requirement unconstitutional.

It also issued Opinion No. 1 on March, 6 1997, in which it held that Article 13 of the organic law on political parties—requiring that a founding member possess Algerian nationality either by origin or for at least ten years if acquired—was unconstitutional. The provision was annulled on the grounds that it contravened Article 29 of the Algerian Constitution.

Source: Arab Judicial Jurisprudence in the Application of International Human Rights Conventions

General Amnesty

A Legal, Economic, and Humanitarian Perspective

Crime is a fundamental pillar in all countries of the world, and it is impossible to imagine a society free of crime. The general amnesty law is considered one of the most important legislative laws resorted to by the Iraqi state, as it is in other countries. In Jordan, from 2003 to 2025, two amnesty laws were issued. The first was No. 19 of 2008 and the second was No. 27 of 2016. The latter law has undergone two amendments: the first was No. 80 of 2017 and the second was No. A of 2025.

By Student / Ahmed Salah Khalil - Course (50)

The General Amnesty Law is a statute enacted by the legislative authority, providing for the pardon of accused or convicted individuals with respect to certain crimes or all crimes, whether before or after judgment. Its effect is to erase the crime and its legal consequences, unless the law itself provides otherwise.

The Iraqi legislator has approached this law with caution, treating it as a mechanism to address exceptional social, economic, and humanitarian circumstances. The time gap between the enactment of the law and its amendments has been considerable, reflecting the legislator's legal view that society changes with generations, time, place, and human criminal conduct.

In recent years, crimes such as drug trafficking, human trafficking, and money laundering have emerged. The legislator excluded these from the General Amnesty Law, considering their harmful impact on the continuity of society. To this end, he drafted legal provisions not subject to interpretation or discretion, ensuring that dangerous offenders could not escape punishment.

The legislator also restricted certain crimes covered by the law, leaving the implementation of amnesty to the discretion of the victims or their families. Article 3, Paragraph 1(a) of the law requires as an essential condition that the com-

plainant or the heirs of the victim waive their complaint before the investigating judge or competent court, and that the person covered by amnesty settle any financial obligations owed to the civil plaintiffs. This restriction preserves the victim's right, leaving it voluntary rather than compulsory.

It is inconceivable for a convicted person to be released without the victim's waiver or the settlement of private rights.

The legislator also took into account tribal customs, recognizing the tribal nature of Iraqi society. Article 3, Paragraph 1(b) provides that a tribal settlement, documented in a signed instrument by tribal sheikhs and endorsed by the Directorate of Tribal Affairs in the governorate, shall be considered equivalent to a waiver by the complainant or the heirs of the victim. This served as an additional safeguard for the rights of victims.

The law was enacted on precise legal foundations and after a comprehensive review of each provision. According to the latest amendment, since its entry into force and publication in the Official Gazette, the General Amnesty Law has generated approximately (27,808,576,458) twenty-seven billion, eight hundred and eight million, five hundred and seventy-six thousand, four hundred and fifty-eight Iraqi dinars, according

to statistics from the Supreme Judicial Council. These sums have flowed into the Iraqi state treasury, thereby realizing the legislator's economic vision in enacting the law.

Equally, the legislator embodied an important humanitarian dimension in the General Amnesty Law, viewed by many as a source of hope for convicts who have served years of punishment or have repented and resolved to return to normal life by closing the chapter of the past. The legislator considers restorative justice and the reintegration of convicts into society as a central objective.

The General Amnesty Law is not merely a legal measure or a set of legislative provisions, but an expression of a delicate balance between justice and clemency, between punishing the offender and recognizing his aspiration for reform, and between society's right to security and the individual's right to repentance and a dignified life.

When applied in the spirit of justice, general amnesty becomes a step toward a more tolerant, just, and humane society.

According to the latest statistics of the Supreme Judicial Council, dated August 6, 2025, the number of released persons amounted to approximately (31,452) thirty-one thousand, four hundred and fifty-two individuals, including convicts and detainees.

A further (128,936) one hundred and twenty-eight thousand, nine hundred and thirty-six individuals were covered, including those subject to arrest or summons warrants, those released on bail, and those convicted in absentia. Through these figures, the legislator, by means of the General Amnesty Law, achieved its humanitarian purpose of reintegrating these individuals into society.

The Public Prosecution: Between Independence and Oversight of the Judiciary

■ By Deputy Public Prosecutor : Ahmed Razzaq Ghani

Justice is not merely rigid provisions inscribed in the books of law; it is a living spirit that beats in the conscience of society, embodied in the enforcement and protection of the law against any deviation or abuse. At the heart of this system stands the Public Prosecution, a faithful guardian holding the scales of justice between the State and society, armed with its independence, which guarantees its integrity, and with its supervisory authority, which safeguards the judiciary from possible deviations. Yet this independence does not mean separation from the judiciary; rather, it is independence in performance and a guarantee in application, making the relationship between the Public Prosecution and the judiciary a delicate interaction of oversight and complementarity.

The Nature of the Public Prosecution and Its Role in Achieving Justice

The Public Prosecution is a well-established legal institution whose primary mission is to represent the public interest before the courts, ensure the sound application of laws, and prevent injustice or violations of rights and freedoms. Its role is manifested in several aspects, the most important being initiating criminal proceedings, supervising the enforcement of judgments, contributing to the protection of public funds, and exercising oversight over judicial authorities to ensure the proper course of justice.

The Public Prosecution Law No. 49 of 2017 affirmed in Article 2 that the Public Prosecution enjoys independence in performing its duties and is affiliated with the Supreme Judicial Council, thereby strengthening its role in ensuring justice free from external interference. Article 5 stipulates: "The duties of the Public Prosecution include monitoring the enforcement of laws and filing appeals when necessary to ensure their proper application." This enshrines its supervisory role in protecting rights and preventing abuse of power.

Independence of the Public Prosecution: The Greatest Guarantee of Impartial Justice

Independence means that the Public Prosecution remains immune from any influence that might hinder the fulfillment of its duties, whether such influence comes from the executive authority or even from within the judiciary itself. The law grants members of the Public Prosecution legal immunity to protect them from interference that could affect their decisions.

However, this independence, though necessary, does not mean isolation from the other pillars of justice. On the contrary, it places upon the Prosecution a greater responsibility to interact with the judiciary on one hand, and with society on the other, maintaining a balanced role between safeguarding public order and preventing encroachment by the executive authority.

Oversight of the Judiciary: Necessity or Interference?

One of the essential roles of the Public Prosecution is oversight of the judiciary. This raises a question: is such oversight necessary to ensure the integrity of judicial rulings, or does it constitute interference in the judge's work? The answer depends on how this oversight is exercised.

The Public Prosecution does not have the authority to direct or dictate to judges, but it does have the right to appeal decisions it deems contrary to the law, as well as the authority to review judgments and demand the correction of errors. This role acts as a safeguard preventing the judiciary from becoming a static instrument and ensures that rulings align more closely with the spirit of justice.

In this regard, Article 7 of the Public Prosecution Law No. 49 of 2017 provides: "The Public Prosecution has the right to appeal judgments and decisions issued by courts if they involve a violation of the law or a deviation in the application of justice." This affirms its supervisory role without infringing upon judicial independence.

Complementarity Between the Public Prosecution and the Judiciary: A Balanced Relationship, Not Domination Despite its independence, the Public Prosecution remains an integral part of the judicial system, requiring ongoing coordination with judges. Their complementarity is the foundation of justice: the Public Prosecution as the vigilant guardian of society, and the judge as the legal conscience who issues rulings based on evidence and proof.

Such complementarity cannot be achieved unless the Public Prosecution remains free from political rivalries and personal interests, committed solely to its function as a neutral body operating strictly under the law.

Conclusion

The Public Prosecution is the shield of justice and the sword of law protecting society from deviations and abuses. Its independence ensures its integrity, while its oversight of the judiciary makes rulings more disciplined and just. Yet such oversight must be exercised wisely, so that it achieves justice without becoming a restriction on judicial work. Ultimately, the balance between independence and oversight constitutes the foremost guarantee of effective and equitable justice, placing the law above all, without exception or discrimination.

Money Laundering Crimes : A Drain on National Economies

By Nihaya Dawood Saloom
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Money laundering crimes consist essentially of attempts to transform illicit funds obtained through the commission of a crime into funds that appear legitimate. For this reason, money laundering is considered one of the most dangerous modern economic crimes, given its profound impact on the stability of both local and global economies. It is also classified among the most difficult cases adjudicated by courts worldwide, as it is premised on the concealment and obfuscation of truth. Suspicious funds are circulated through numerous financial operations to conceal their true source, cut off trails leading back to their owners, and shield them from liability. Moreover, methods of laundering continue to evolve, making its prevention and suppression increasingly complex.

These crimes are characterized by two main elements. The first is the material element, meaning the acquisition of funds through unlawful means such as drug trafficking, embezzlement of state funds, bribery, and similar crimes, or the exploitation of lawful funds to finance unlawful activities such as importing prohibited goods or drugs, committing acts of terrorism, or even using them in crimes of murder and kidnapping. The second is the moral element, which refers to the fact that the individual in possession of illicit funds is fully aware that their source is unlawful or that they are being used for unlawful activities. Accordingly, he seeks to conceal the true origin of the funds or disguise the avenues of their expenditure. For



example, a drug trafficker or a person who has received a large bribe may open a luxury perfume shop in a prestigious commercial district, import goods, and deliberately sell them at a loss, while recording fictitious profits in the books that represent the illicit funds acquired from unlawful activity. In this way, a seemingly legitimate source is created for money whose true origin is illicit. The danger of money laundering lies in its capacity to drain a country's economy. Criminals often channel illicit funds abroad or invest them in fictitious or non-productive projects, which leads to a weakening and decline of commercial activity in local markets. To curb this crime, it is essential to raise awareness among financial institutions and society as a whole regarding the risks of money laundering and the methods to

combat it. Financial institutions play a vital role in detecting laundering crimes by thoroughly analyzing financial data, tracing suspicious sources of funds, reporting them, and obtaining detailed information about clients through the "Know Your Customer (KYC)" program applied in banks. At the same time, it is necessary to strengthen financial oversight systems by developing mechanisms for early detection of suspicious transactions and employing modern technology to analyze financial data and trace illicit funds. It is equally important to highlight the role of international cooperation. The exchange of information and expertise among states is indispensable for effectively combating this transnational crime and safeguarding the global financial system.

A Saying Whose Inner Meaning is Mercy and Outer Meaning is Hardship

By Student : Student: Zaman Adel Jum'a al-Tha'alibi \ Course 50

The noble prophetic tradition often heard is: "Whoever assumes the office of judge has been slaughtered without a knife." At first hearing, minds immediately tend to interpret this hadith as a warning from the Prophet (peace be upon him) to those who take up this honorable position. Yet upon deeper reflection and contemplation of its substance, we realize that we often take the hadiths only by their outward wording. If we were to look into their inner meanings, much would appear differently before us, but as it has been said: "People are enemies of what they are ignorant of."

If we examine the interpretation of the hadith, we find that it actually contains words of encouragement rather than intimidation. The meaning of the hadith points to the dignity of the judiciary and the greatness of its rank, for whoever assumes it struggles against his own self and desires. It is thus a mark of virtue to judge with justice, for the slaughter in truth is a test that magnifies the reward granted by divine grace.

The judge, when he submits to Allah's judgment and is compelled to rule against relatives or strangers in their disputes, not letting reproach deter him in Allah's cause, guides them to truth and justice, restraining them from obstinacy and desire. In doing so, he is considered as one sacrificed for Allah, attaining the rank of martyrs to whom Paradise is promised. The Messenger of Allah (peace and blessings be upon him and his family and companions) appointed as judges 'Ali ibn Abi Talib (peace be upon him), Mu'adh ibn Jabal, and Ma'qil ibn Yasar (may Allah be pleased with them). How excellent are both the slaughterer and the slaughtered. Thus, the warning in the Sharia concerns injustice, not the judiciary itself, as Allah Almighty says: "And if you judge, judge between them with justice. Indeed, Allah loves those who act justly."

What could be more exalted than Allah's love? The Prophet (peace be upon him) also said: "Indeed, Allah is with the judge so long as he does not commit injustice; if he does, he is left to himself."

From another perspective, the meaning of this hadith also points to the seriousness and lofty standing of the judicial office, as much as it reflects the heavy burden it entails and the conscience that accompanies it. The judge is the ultimate restraint and highest authority seated upon the elevated bench of judgment. To him the wronged turns against the wrongdoer, and the oppressed against the oppressor. Before him the mighty and the lowly, rulers and the destitute, stand on equal ground, humbly attentive to the word of judgment as it leaves his lips, receiving it as if it were final decree or revealed command. None in the land disobeys his ruling or contravenes his order. That is an honor beyond aspiration. It is therefore incumbent on whoever assumes this office to value its worth, to recognize the noble rank bestowed upon him by the nation, and to uphold the trust placed in his upright person and sound conscience. He must respond with noble character and sincere integrity. For the Prophet (peace be upon him) also said: "There is no envy except in two cases: a man whom Allah has given wealth and enabled him to spend it in truth, and a man whom Allah has given wisdom, by which he judges and acts." In another hadith, he said: "Do you know who will be the foremost to Allah's shade on the Day of Resurrection? They said: Allah and His Messenger know best. He said: Those who, when given the truth, accept it; when asked, give it; and when they judge among Muslims, they judge as they would for themselves." Blessed indeed are the judges of justice, wherever they may be.

Glimpses from the History of the Iraqi Judiciary

RE The Laws of Eshnunna, also known as the Laws of Bilalama, dating to around 1930 B.C., precede the Code of Hammurabi by approximately half a century. Bilalama was the king of the kingdom of Eshnunna. These laws were discovered on two clay tablets during archaeological excavations at Tell Harmal by the archaeologist Taha Baqir. Archaeologists unearthed only sixty-one provisions from this code. From the study of these articles, it appears that the legislator had addressed certain social issues, such as setting a minimum wage for workers, fixing the prices of some goods, and dividing society into classes. These laws contain the earliest references to the division of ancient Iraqi society into three classes: the free, the mushkenum, and the slaves. The clay tablets containing the laws were discovered in 1945 in the Tell Harmal area, near Baghdad Al-Jadida neighborhood.

Prepared by: Ali Al-Badrawi

The legal provisions inscribed on them include rules relating to theft, assault, debts, personal status, wages, prices, sale, and purchase, among other legal matters. According to the historian and archaeologist Taha Baqir in his research on the Laws of Eshnunna uncovered at Tell Harmal: "The Laws of Eshnunna found at Tell Harmal are among the oldest codified laws to come down to us from ancient Iraq. For a long time, the Code of Hammurabi was thought to be the earliest recorded law in human history, but this opinion changed after the discovery of fragments of a Sumerian code attributed to King Lipit-Ishtar. Since the laws found at Tell Harmal predate Hammurabi by nearly two centuries, they are thus considered the earliest code of law discovered so far."

From the sixty-one provisions of the Laws of Eshnunna, many articles emerged describing crimes and prescribing punishments. It became evident that concepts such as ownership were already taking shape in society. Like most ancient codes, the Laws of Eshnunna dealt with crimes by describing specific offenses under particular circumstances and then attaching a penalty. This approach made the texts narrow in application, as the laws had not yet developed general definitions of crime that could be universally tied to punishment. The Laws of Eshnunna also distinguished between social classes and reinforced the

The Laws of Eshnunna

concept of class stratification into three groups: the free, or upper class, referred to in the laws as the awilum or mar awilum; the slaves; and a middle class called the mushkenum. Slaves were regarded as the property of their masters, with compensation for their loss equated to compensation for animals or other possessions. The Content of the Laws of Eshnunna

The introduction to the Laws of Eshnunna, found by excavators, was fragmentary and partially damaged due to the poor condition of the clay tablet on which it was written. One of the missing portions included the name of the king who promulgated the law.

The prologue is distinguished by its brevity and concise phrasing. Despite the loss of much of the text, it provides important clues. It states: "In the month ... on the twenty-first day thereof, in the year when the god Tishpak, the firstborn of the god Enlil, granted kingship over Eshnunna when he entered between his father, and when the city of Subur-Shamash was destroyed and its inhabitants crossed the Tigris River. It was in that same year that Subur-Shamash was conquered by the might of great weaponry."

Historians believe that the prologue refers to a single subject, namely the historical record of the codification of the laws. Composed of seven lines of cuneiform script, written in Sumerian, the prologue, though incomplete, is regarded as distinct from the prologues of other ancient legal codes.

General Crimes Against Society in the Laws of Eshnunna

Specialists analyzing the Laws of Eshnunna found that they described crimes and prescribed punishments according to what was seen as a threat to the state, such as treason, or as a disruption of social relations, such as disputes between individuals or spouses. The punishments in Eshnunna ranged from fines and compensation to the death penalty. Some articles also recognized the concept of aggravating circumstances. The punishments differentiated between civil and criminal liability, alternating between compensation for harm and monetary fines. The provisions addressed crimes broadly, dividing them into general crimes that affected society and its security, and other crimes with a narrower impact, affecting individuals and their property. Treason Against the State

Article 30 of the Laws of Eshnunna provides: "If a man hated his city and his sovereign and

fled, and then another man took his wife, if the man returns, he shall have no claim to his wife." Historians note that the legislator did not impose punishment on the free man who hated or abandoned his city or king. No penalty was prescribed simply for hatred or flight. Rather, the law allowed the man to return if he chose, with the only penalty being that he would lose his wife if she had married another man. Thus, the legislator seems to have left the door open for return. For example, this penalty would not apply to an unmarried man or to a man whose wife had not remarried.

By contrast, Hammurabi's Code greatly expanded the scope of treason and the state's authority over individuals. It imposed strict penalties on those who betrayed the state. For instance, Article 109 of the Code of Hammurabi stipulates punishment for a tavern keeper who failed to arrest conspirators present in her tavern and deliver them to the palace. Anyone who concealed or sheltered a conspirator against the state and failed to apprehend him was to be executed. Likewise, Articles 33, 26, and 34 of Hammurabi's Code dealt with treason in military service and falsification therein, reflecting the development of the concept of state security and the seriousness with which the leadership sought to enforce loyalty, underscoring the importance of punishing acts of treason.

Breach of Trust

Article 36 of the Laws of Eshnunna enshrines the principle of safeguarding deposits. It states: "If a man entrusts his property as a deposit for safekeeping, and the house in which the property was kept was neither robbed nor its door broken nor its windows shattered, yet the deposited property was lost, then the custodian shall compensate him for the missing property."

This article explicitly establishes the principle of compensation. The legislator assumed that the custodian bore liability unless he could prove theft from his home by material evidence such as broken windows. Eshnunna's concern with protecting deposits reflects its broader focus on stabilizing commercial transactions—particularly evident in its regulation of prices and wages. Through such provisions, Eshnunna sought to achieve a form of social stability.

However, Article 37 of the Laws of Eshnunna provides relief for the custodian in the event of unforeseen circumstances. It states: "If the



house of the man entrusted with the deposit collapsed, and the deposit perished together with his own property, then the householder shall swear an oath in the temple of the god Tishpak, declaring: 'My property has perished together with yours, and this did not result from intent or negligence on my part.' After swearing the oath, he shall bear no liability." From this article, it is clear that Eshnunna recognized the oath as a valid means of proof and adopted an early version of the doctrine of force majeure. These were foundational legal principles that later evolved into fixed features of subsequent legal systems. It is also noteworthy that Hammurabi's Code did not address the issue of breach of trust; rather, it dealt only with theft, which differs from the provisions of Eshnunna.

Adultery

The Laws of Eshnunna also regulated marital relations, stipulating the form and conditions of marriage, as well as the consequences of adultery and of a husband's absence. Articles 29-25 set out these provisions.

For example, Article 27 states: "If a man takes the daughter of another man without the consent of her father or her mother, or without a formal marriage contract, she shall not be considered his wife."

Historians concluded from this that extralegal unions were deemed invalid. For a marriage to be lawful, a written contract with the bride's parents, a dowry, and a wedding feast were required. Without these, even cohabitation for a full year did not make a woman a legal wife. Article 28 stipulates: "If a man contracts

marriage with her father and mother and consummates the union, then she is his legal wife. If she is caught lying with another man, she shall be put to death."

Thus, Eshnunna imposed the severest penalty—death—on a wife guilty of adultery. Hammurabi's Code, by contrast, granted the husband the right either to pardon his adulterous wife or to enforce the prescribed penalty of casting her and her partner into the river. In this respect, Hammurabi introduced a discretionary element absent from Eshnunna. Unlawful Seizure of Another's Property

Among the crimes addressed by Eshnunna is the unlawful appropriation of another's property. The law defined such property as a boat belonging to another man and prescribed a monetary penalty. Article 6 states: "If a man seizes a boat that does not belong to him in its mooring place, he shall pay ten shekels of silver." It remains unclear whether this payment was intended as compensation for the owner's loss or as a punitive fine.

Articles 12 and 13 deal with encroachment on another's field or house, particularly the property of a member of the middle class. The law distinguished between offenses committed by day and those committed by night: by day, the penalty was ten shekels of silver; by night, the penalty was death. The legislator thus recognized nighttime commission as an aggravating circumstance, reflecting a concern for public security.

The doctrine of aggravating circumstances appears in other ancient laws as well. Hammurabi's Code, for instance, also applied it in various provisions. Article 21 of Hammurabi's Code states: "If a man commits robbery and is caught, he shall be put to death." In other cases, the penalties varied depending on the victim. For example, if a man stole an ox, sheep, donkey, pig, or boat belonging to the temple or palace, he had to repay thirtyfold; if it belonged to a commoner, he repaid tenfold.

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Active Participation of the Judicial Institute in the International Conference on Judicial Training

Director General of the Judicial Institute: Employing Modern Technologies and Artificial Intelligence in Judicial Training Opens Vast Horizons for Advancing Our Training Programs in Line with Global Developments

Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, expressed his pride in the Institute's participation in the Second International Conference on Judicial Training, organized by the Ministry of Justice of the Kingdom of Saudi Arabia in Riyadh, with the participation of representatives from 16 countries, under the theme "Excellence in Judicial Training... Innovation in Tools and Methodologies." The conference was held over two days, September 14 and 15.

Prepared by: Ali Al-Badrawi

workshops per day, for a total of ten workshops. These presented the essence of judicial training and qualification developments in ten different countries. From these, we concluded the following: The evaluation of judicial development in any country does not rest solely on standards of justice, litigation, judicial conduct, or judicial organization. Rather, it hinges on the level of training received by the judge in his professional field—how he is qualified, which institution trains him, what materials and standards the training institution adopts. This is what is referred to as initial training, followed by continuous training throughout a judge's service, and then specialized training in a particular branch of the judiciary. This training—primary, continuous, and specialized—accompanies the judge under systems and standards prepared by states from the beginning of his judicial service until retirement. Accordingly, the extent to which a state or relevant body monitors the level of training provided to this group determines the assessment of whether its judiciary has

Judge Jalil Adnan Khalaf stated: "Our participation in this conference represents an important opportunity to strengthen Iraq's presence in international judicial forums and to exchange expertise



to benefiting from the international experiences presented at this conference and to working on developing training strategies and assessing their impact. This will contribute to elevating the scientific and professional level of Iraqi judges, in line with the objectives of the judiciary to build a sound and modern justice system."

judicial training, the technologies used, and the future of training through artificial intelligence tools. For his part, Dr. Mohammed al-Shalfan, Director General of the Judicial Training Center in the Kingdom of Saudi Arabia, explained the Center's annual plans for training judges, as well as continuous and intensive training for judicial assistants and technical staff working in specialized centers attached to the courts. He noted that the Center now offers three advanced diplomas in law: the first designed for newly appointed judges under the title High Diploma in Judicial Studies, the second in Criminal Law, and the third in Advocacy for recent graduates aspiring to enter the legal profession. The aim of the conference was to exchange international expertise and to explore ways of advancing judicial training by presenting

global best practices and innovating in the tools and methodologies that contribute to improving the quality of judicial performance. The conference also featured distinguished international participation from judicial institutes and training institutions worldwide, enhancing the exchange of expertise and the building of partnerships in the field of judicial training. It addressed several key themes, most notably: new methods and techniques for excellence in judicial training, leveraging artificial intelligence in judicial training, the challenges, opportunities, and future horizons of such tools, as well as developing specialized training programs for judges and new lawyers, and the modern trends for measuring the impact of training programs on the judicial system.

It is worth noting that the conference included three dialogue sessions addressing: "Excellence in Judicial Training: Innovation in Tools and Methodologies," "Developing Training Programs for New Judges and Lawyers," and "Employing Artificial Intelligence in Judicial Training: Challenges, Opportunities, and Future Horizons." The proceedings also featured ten workshops that centered on the latest innovations and modern scientific developments in

with judicial training institutions worldwide, especially in light of the rapid developments the justice sector is witnessing in training tools and methods."

reached a certain level of advancement. Judicial institutions, through their adoption of artificial intelligence, smart examinations, and electronic monitoring and oversight, now employ tools for post-training evaluation. Training therefore encompasses not only educational programs but also their assessment, one method of which is remote examinations.

He added: "The conference focused on core themes, foremost among them the employment of modern technologies and artificial intelligence in judicial training, which opens wide horizons for developing our training programs to keep pace with global advancements and to enhance the competence of judges and members of the public prosecution." Speaking about his impressions from the conference, Judge Jalil Adnan Khalaf further remarked:

In some countries' experiences, specific applications are used to push questions to judges, requiring them to dedicate a fixed number of hours and lectures in preparation for examinations determined by the judicial institution. In this way, artificial intelligence is employed as a tool of evaluation through testing.

The conference proceedings were structured into two sessions, each comprising five

The Director General added: "At the Judicial Institute, we are committed



From the Judicial Institute Library

Al-Wafi fi Sharh al-Mukhalafat al-Maliyya

(The Comprehensive Explanation of Financial Infractions)



tal and fundamental subject has not been taught as an independent course in undergraduate or postgraduate studies at faculties of law or colleges of administration and economics. The book Al-Wafi fi Sharh al-Mukhalafat al-Maliyya, authored by Dr. Faisal Iyad Farajallah, is an analytical comparative study of the Iraqi Federal Board of Supreme Audit Law No. 31 of 2011 (as amended) and the legislation of supreme audit bodies in France, Lebanon, and Egypt. It is supported by the latest judicial rulings, audit reports, and a draft law proposed by the author. The author presented his book to the library of the Judicial Institute, describing it as a comprehensive reference on "financial infractions." The book delves into their provisions and structure, serving as a tool to assist the Iraqi legislator in reconsidering the current Federal Board of Supreme Audit Law. It can also be regarded as a theoretical and practical guide for all those interested in oversight and disciplinary matters. The concepts it contains are not only relevant to members of supreme audit institutions but also to specialists in auditing, accounting, and law—judges, lawyers, and researchers alike—particularly given that this subject has not yet been thoroughly studied in depth. The book begins with an introductory preface that offers a definition of supreme audit insti-

tutions concerned with protecting state funds, with detailed explanations divided into two parts with sub-sections. The first part provides an overview of comparative audit institutions, while the second is entitled Description of State Funds Subject to Audit in Comparative Systems. The book also contains four chapters with their various topics and sub-sections. The first chapter is entitled The Link Between the Board's Jurisdiction over Financial Infractions and Disciplinary Offenses. The second chapter is entitled The Implications of Classifying Financial Infractions as Financial Disciplinary Offenses on the Board's Powers. The third chapter focuses on the role of the Board's oversight in detecting financial infractions. The fourth chapter addresses the role of the Board in establishing and attributing financial infractions. The book concludes with a detailed conclusion summarizing its contents, through which the author directs a message to the Council of Representatives, calling for greater weight and importance to be given to the annual reports issued by the Federal Board of Supreme Audit. He recommends that special sessions be dedicated to discussing these reports in order to correct the course of government or to hold it accountable whenever the financial infractions indicated in these reports reach a level that reveals grave negligence.

The Judicial Institute Issues the Fifth Edition of Its Quarterly Scientific Journal

The Judicial Institute has released the fifth edition of its quarterly journal, Al-Ma'had al-Qada'i (The Judicial Institute).

The issue begins with an introduction by His Excellency Judge Dr. Faiq Zidan, President of the Supreme Judicial Council and Editor-in-Chief, entitled The Judge's Responsibility in Respecting the Constitution and the Law. This is followed by a foreword from Judge Jalil Adnan Khalaf, Director General of the Judicial Institute, entitled The Impact of Scientific Research on Judicial Training. The issue also contains a number of legal and judicial research papers and studies presented by a distinguished group of judges and researchers, in addition to its regular sections: Decisions of the Federal Court of Cassation, Decisions of the Judicial Election Commission, along with the columns Judicial Heritage and Legal Insights.



Conclusion of the Training Course on Combating Corruption and Money Laundering

On 4 September 2025, the Judicial Institute concluded the training course on combating corruption and money laundering, which had commenced on 17 August. The course witnessed the participation of employees from all ministries and government institutions. Its training program sought to improve the legal skills and capacities of legal employees in detecting crimes of financial and administrative corruption and the methods used in money laundering. It is noteworthy that the course was delivered by a number of competent judges specialized in integrity cases, money laundering, and organized crime. Its training program included a series of lectures focusing on various aspects of the Anti-Money Laundering Law, in addition to relevant international legislation. The course also featured practical applications in parallel financial investigation.

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