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Conclusion of the Iraqi–Turkish Training Program on Combating Terrorism Crimes in Ankara

The international training program on combating terrorism crimes concluded at the headquarters of the Justice Academy of Turkey in the capital of Turkey, Ankara, on Thursday, 2025/11/13, based on the memorandum of understanding signed between the Iraqi Judicial Institute and the Justice Academy of Turkey.

Twenty Iraqi judges and four employees of the Judicial Institute participated in the program. The first day witnessed a meeting between the Director General of the Judicial Institute, Judge Jalil Adnan Khalaf, and the President of the Justice Academy of Turkey, Bekir Altun, during which mechanisms of mutual cooperation were discussed, as well as the development of judicial training programs in accordance with the agreement signed between the two sides.

On the sidelines of the visit, the Iraqi delegation also met with the Turkish Deputy Minister of Justice, Mr. Khurshid Yildirim, and the Head of the Department of Foreign Relations at the Turkish Cooperation and Coordination Agency (TIKA), Mr. Ugur Tan Yeli, who welcomed the Iraqi judicial delegation and expressed their appreciation for the launch of the joint training program, stressing the importance of activating the memorandum of understanding and strengthening cooperation in the fields of judicial skill development and combating transnational crimes.

Director General of the Judicial Institute Discusses Strengthening Cooperation in the Field of Sustainable Development with the Representative of the United Nations Development Programme

The Director General of the Judicial Institute, Judge Jalil Adnan Khalaf, received in his office the representative of the United Nations Development Programme in Iraq, Ms. Sophie Tkemaladze, where prospects of mutual cooperation between the two sides were discussed within the framework of supporting sustainable development programs and strengthening judicial capacities in Iraq.

The meeting included discussion of incorporating the subject of commercial arbitration into the approved curriculum of the Judicial Institute, with the aim of shedding light on the importance of the role of the Commercial Court in Iraq and supporting the direction towards activating modern means of dispute resolution, particularly as the subject is taught by one of the judges participating in the UNDP program.

The two parties also discussed the components of the commercial law syllabus (arbitration and commercial mediation) designated for students of the first year of the 48th cohort, emphasizing the importance of developing it in a manner that keeps pace with international legal developments and the needs of the commercial market.

The meeting also witnessed discussion of the settlement agreement arising from mediation in accordance with the Commercial Mediation Law, considering it one of the most important alternative tools for resolving commercial disputes and creating a more efficient and stable legal environment.

This meeting comes within the Judicial Institute's approach to strengthening its international partnerships and benefiting from the expertise of UN organizations in developing its curricula and training programs, in a manner that contributes to elevating judicial work in Iraq.

Opening of the Specialized Training Course on Public Service Affairs

The Judicial Institute inaugurated, on Sunday, 16 November 2025, the activities of the specialized training course on public service affairs, organized by the Institute as part of its training plan aimed at raising the skills of government personnel. The course will continue for two weeks with the participation of 30 employees from various state departments and institutions.

For his part, the Director General of the Judicial Institute, Judge Jalil Adnan Khalaf, welcomed the participants, affirming the Institute's commitment to providing rigorous training programs that contribute to enhancing employee competence and strengthening their ability to understand the legislation related to public service. He also expressed his hope that the participants would fully benefit from the course material in a way that contributes to developing their professional performance and advancing the administrative work system across state institutions.

A group of specialized professors and academics will lecture in this course, with the aim of enhancing the participants' capacities and providing them with the necessary knowledge to handle administrative and financial matters within sound legal frameworks.

IN THIS VOLUME

The Opening Article (The Lead)

The Iraqi Elections
The Popular Will Under the Judiciary's Eyes and Guarantee

On the eleventh of the current month, Iraq witnessed one of the most important constitutional milestones, as citizens headed to the ballot boxes to engage in the sixth electoral experience, in an atmosphere marked by strict judicial oversight and international monitoring that praised the level of organization and the performance of the Independent High Electoral Commission.

The experience reaffirmed that the will of the people is the source of legitimacy of public authorities, and that free expression of this will can only be achieved through a stable and fair electoral process that is accepted by all. The recent elections were administered in accordance with clear legal procedures subjected to precise supervision exercised by the judiciary, whose judges constitute the majority of the Board of Commissioners, thereby reinforcing professionalism and neutrality and creating a sense of reassurance among voters and candidates alike.

The presence of judges supervising key aspects of the electoral process — from within the Commission itself and through judicial bodies competent to hear appeals — established the foundations of transparency and provided candidates and voters with a fair mechanism for challenge and review, as everyone was able to resort to the judiciary to contest results or any electoral procedure, which constitutes the cornerstone of the integrity of any contemporary elections.

Judicial oversight was not merely a formal presence, but a real and effective practice that ensured the auditing of procedures, the sorting of results, and the confirmation of their conformity with the law, which granted the electoral process in Iraq increased credibility and greater confidence from the international community.

The recent elections further revealed that guaranteeing free expression of voters' will is closely linked to the structure of the adopted electoral system, which converts votes into seats according to clear mathematical rules. The Commission managed this system professionally and skillfully, resulting in outcomes that truly reflected what the ballot boxes produced, away from influence or interference.

Embedding the principle that the people are the source of authority represents the foundation of democratic practice, and collective acceptance of the election results — by voters and candidates alike — reinforces security, stability, and confidence in the functioning of the state. Acceptance of the results constitutes a necessary step toward building trust, entrenches the sense of citizenship, and leads to the regular continuity of the democratic process.

The democratic experience cannot mature without broad participation, for participation is the realistic path toward change, and elections are the only peaceful tool capable of reshaping the political landscape according to the will of the people.

Voting is not merely a right, but a national responsibility and an effective instrument of pressure that enables the citizen to hold candidates accountable and compels political forces to adhere to their programs and performance.

Reviewing electoral legislation after each electoral cycle is natural; however, it does not mean replacing the law entirely, but rather developing it when necessary, in a manner that contributes to entrenching the principles of electoral justice and enhancing the citizen's trust. And when the legislator and political forces commit to these principles, they establish a phase of good governance founded on oversight by the people, leading to a state grounded in law and the interests of society.

Editor-in-Chief

Judicial Institute Holds an Expanded Workshop on Human Trafficking Crimes

Under the patronage of the President of the Supreme Judicial Council, Judge Dr. Faeq Zaidan, the Judicial Institute held on Saturday, 2025/11/22, a specialized training workshop on human trafficking crimes, with the attendance of a distinguished group of judges and members of the public prosecution from various Courts of Appeal in Iraq.

The lecturers addressed the most prominent forms of the crime and the methods used by criminal networks in exploitation, including organized begging, trafficking in human organs, sexual exploitation, sorcery and witchcraft, and migrant smuggling.

For his part, the Director General of the Judicial Institute, Judge Jalil Adnan Khalaf, affirmed in a statement that the workshop comes within the judiciary's efforts to enhance the capabilities of judges in dealing with such sensitive crimes, stressing that human trafficking is "a serious violation that touches human dignity and threatens the security of society," and that the Iraqi judiciary has succeeded in recent years in achieving notable progress in this field and moving beyond the stage of international monitoring.

The workshop concluded with recommendations to strengthen coordination between the judiciary and the Ministry of Interior and to update the adopted procedures for investigating human trafficking cases, in a manner that contributes to protecting victims and limiting the activity of criminal networks.

Details — p.5

Abortion in the eyes of the Law

Protection of the Fetus Between Statute and Penalty

Abortion is a highly dangerous and complex social phenomenon, the causes of which intersect among social, economic, legal, moral, and medical factors, in addition to its negative impact on both the individual and society.

Throughout history, debates have arisen regarding the criminalization of abortion and the circumstances under which abortion may be permitted, shaped by conflicting values and religious, moral, intellectual, and philosophical beliefs. Regardless of how opinions diverge on this subject, abortion constitutes a threat to human societies and their moral foundation. This has drawn the attention of thinkers, physicians, and religious scholars, who have addressed it as a vital and significant topic. Given its seriousness, it is appropriate for legal scholars to research this issue as well.

By Judge: Dhiya Badr Masha'an Nasser

Ancient legislation in Mesopotamia—represented by the Code of Hammurabi—paid exceptional attention to pregnant women and punished anyone who caused a miscarriage, with the penalty varying according to the social status of the woman. The Code also prescribed the death penalty for anyone whose act caused a miscarriage resulting in the woman's death. Assyrian law likewise punished any woman who attempted to abort herself and anyone who assisted her.

Islam prohibited the taking of life except where justified, and prohibited abortion as it constitutes the killing of an innocent soul. Modern criminal legislation, however, varies greatly in its stance on criminalizing or permitting abortion. Some states criminalize abortion whether it is performed with or without the consent of the pregnant woman, and whether the pregnancy results from a lawful relationship or from adultery, rape, or any unlawful relationship. Others permit abortion partially, or apply mitigating or aggravating circumstances depending on the details of each case.

The right to life is protected by the constitution, and any infringement upon it is criminalized under homicide statutes. However, from the perspective of criminal law, life does not begin legally until birth. The fetus is not considered a living human being under the law because it cannot directly receive external effects; it does not possess an independent existence or independent life, but lives mediately through its mother. It is not affected by external acts unless the mother's body is affected first. Its safety is therefore tied to the safety of its mother.

Accordingly, ending the life of a fetus is not considered homicide, nor does it fall under the provisions related to homicide. It is instead punished as a distinct offense termed the crime of abortion, governed by Articles ,417 418, and 419 of the Iraqi Penal Code and classified among crimes against persons.

Abortion is defined as deliberately expelling the fetus from the womb before the natural time of birth, or deliberately killing it in the womb. It may occur through positive means such as medication or physical assault, or through negative means such as the pregnant woman intentionally refraining from eating. Motivations may be social—for example, preventing the birth of a child with deformities—or medical, such as saving the mother's life.

Forms of abortion include:

- consensual abortion,
- non-consensual abortion,
- natural abortion,
- medical abortion.

The crime of abortion consists of three elements:

1. The specific element: the existence of pregnancy.
2. The material element: the criminal act, the resulting harm, and the causal link between them.
3. The moral element: criminal intent.

The Iraqi legislator imposes penalties for abortion under Articles 419–417. Article 417 punishes a pregnant woman who aborts herself, or enables another to abort her with her consent, with imprisonment, a fine, or one of the two penalties. The same penalty applies to anyone who intentionally aborts her with her consent. If the abortion is performed without her consent, the penalty is imprisonment for up to ten years under Article 418.

There are aggravating and mitigating circumstances. Aggravating circumstances include:

- if the perpetrator is a physician, pharmacist, chemist, midwife, or one of their assistants,
- or if the abortion or the method used leads to the woman's death.

Mitigating circumstances include:

- when the woman aborts herself to avoid shame after illicit pregnancy,
- or when the abortion is performed by a relative up to the second degree under the same circumstances.

Article 419 punishes anyone who intentionally assaults a pregnant woman—knowing that she is pregnant—by beating, injuring, using violence, administering a harmful substance, or committing any unlawful act without intending abortion, if abortion results from the assault.

Participation in the crime of abortion is conceivable, but attempt is not, due to the nature of the offense.

Abortion, in essence, is the termination of pregnancy before its natural term, regardless of the method used. Just as abortion may occur intentionally, it may also occur by mistake, which currently carries no penalty. We therefore see the necessity of criminalizing accidental abortion to provide legal protection to the fetus against both intentional and unintentional harm, especially considering that many abortions occur due to medical errors committed by physicians and health professionals.

Abortion represents an infringement upon the rights of both the mother and the fetus.

It protects two interests: a present one (the mother's current life) and a future one (the fetus's life in the womb and after birth). Iraqi criminal legislation does not define the nature of the means used in committing abortion, which allows the crime to occur regardless of the method used. This broadness makes it possible for the crime to occur by mistake, consistent with the theory of causation. There is nothing preventing the establishment of the causal link—the psychological relationship—between the perpetrator's negligence and the resulting abortion, thereby fulfilling the moral element of unintentional abortion.

Judicial practice in cases of accidental abortion tends to hold the perpetrator liable only for unintentional harm to the mother, which undermines the fetus's right to life due to the absence of legal provisions addressing unintentional abortion. This legislative vacuum results in a protected right being violated without legal basis, stemming solely from the legislator's decision to restrict the crime of abortion to intentional cases.

As for the proposals, we recommend that the Iraqi legislator draft a legal provision within the chapter on abortion stating that there shall be no penalty for abortion performed out of necessity to save the mother's life, in cases where a specialized medical committee in a government maternity hospital determines that abortion is required for this reason. We also recommend amending Article 417, paragraph (2) of the Penal Code to increase the penalty for consensual abortion to imprisonment for up to one year, in order to reduce the disparity between this penalty and that of abortion without the woman's consent, which carries a ten-year sentence, since the protected interest in both cases is the fetus in the mother's womb. We further propose, in order to address the rising number of abortion cases, that the law penalize incitement to miscarriage and punish anyone who directs, encourages, or assists in such procedures, by reference to Articles 48 ,47, and 49 of the Penal Code. We also call upon the Iraqi legislator to increase the penalty for intentionally assaulting a pregnant woman by beating, violence, administering a harmful substance, or any act contrary to the law, with knowledge of her pregnancy and without intending to cause abortion, as the penalty prescribed in Article 419 is not appropriate for the seriousness of the offense. We likewise urge the legislator to establish a specific provision criminalizing negligent causation of abortion, by adding the following paragraph to the end of Article 419 of the Iraqi Penal Code: "The penalty shall be imprisonment for up to three years if the perpetrator, through negligence, recklessness, inattentiveness, lack of caution, or failure to observe laws, regulations, or instructions, causes her to miscarry."

Between the Hammer and the Whistle... Judgments Without Court

Article 28 of the Traffic Law as a Model

By Student: Mohammed Hussein Hashim Mousa – Course 49

The Iraqi legislator organized and regulated traffic flow as one of the fundamental aspects connected to the lives and safety of individuals and to the protection of public and private property. The Iraqi Traffic Law No. (8) of 2019 contains numerous provisions and regulations addressing violations and the penalties for them, including financial fines. However, Article (28) includes a provision that does not align with constitutional principles or democratic systems, as it grants traffic officers and traffic noncommissioned officers up to the fourth rank the authority to impose the fines stipulated in Articles (26 ,25, and 27) in the form of a judicial decision, effectively granting them the authority of a misdemeanor judge based on personal observation or surveillance through technical monitoring devices, according to a judgment form attached to the law.

By its legal nature and its effects, this measure exceeds the scope of executive and administrative work performed by traffic personnel, transforming it into an exercise of judicial authority through the issuance of a criminal ruling imposing a financial fine. Such a ruling violates the principle of separation of powers. Article (47) of the Iraqi Constitution states: "The federal authorities consist of the legislative, executive, and judicial branches, and they shall exercise their competencies and duties on the basis of the principle of separation of powers." Article (87) also states: "The judiciary is independent, and is undertaken by the courts of different types and degrees, which issue their judgments in accordance with the law." Accordingly, the issuance of judicial rulings — even those related to minor traffic violations — falls squarely within the core duties of the judicial authority, which alone possesses the exclusive power to resolve disputes, determine legal responsibility, and impose fines in accordance with law. Thus, granting an employee belonging to the executive authority the power to issue a decision in the form of a judgment — even if limited to imposing a fine — constitutes an encroachment upon constitutional competences and an unjustified intrusion into the work of the independent judiciary, which stands above and superior to the other branches of government.

Furthermore, this provision — the subject of our discussion — contradicts general principles of fair trial, given that it functions as a judicial ruling while lacking the three essential elements of any judicial process: notification, the right of defense, and the right to appeal before a competent authority.

A ruling cannot reasonably be issued without proper notification of the fine. The Iraqi legislator placed great emphasis on notifications: there is no trial, no judgment, and no enforcement of a judgment without notification and within the time limits set by the amended Criminal Procedure Code No. (23) of 1971. This is especially significant given that fines are doubled after 30 days if not paid, even though the convicted person may not know about it until visiting the traffic directorate to complete a vehicle-related procedure — which may occur long after the fine was imposed.

As for the right of defense, it is an essential, sacred right guaranteed by international human rights instruments, the Iraqi Constitution, and the Criminal Procedure Code. A criminal ruling cannot be imposed on a person without giving them a real opportunity to present their defenses and evidence, whether personally or through legal representation. This requirement is not fulfilled when a traffic officer imposes a fine without judicial proceedings, summons, or allowing the accused to defend themselves.

Moreover, the decision issued under Article (28) cannot be appealed before a competent judicial authority; instead, appeals are reviewed by a committee formed within the Traffic Directorate. Practical experience has shown that this committee is merely formal, its role essentially limited to approving decisions. It convenes infrequently due to the scarcity of appeals, rendering the process purely administrative despite the law labeling the decision as a "judgment." This places the provision in clear contradiction with the legal concept of a judgment, which can only be issued by a judicial authority and only within proceedings that meet all legal guarantees.

In addition, the experiences of other countries offer models more consistent with constitutional principles and human rights. Some states — including France and the United States — have established specialized courts dedicated to traffic violations. These courts feature expedited procedures and are considered part of the guarantees of fair trial. They operate within the judiciary, not within the executive branch, ensuring that judicial rulings remain within their proper constitutional framework.

Therefore, granting an executive employee the authority to impose a penalty in the form of a criminal judgment conflicts with constitutional concepts and procedural guarantees. It necessitates revising the legal provision in question by either repealing or amending it in a manner that ensures traffic violations are presented before specialized courts established for this purpose, operating under simplified judicial procedures and affirming respect for the principle of separation of powers and judicial independence.

Alternatively, the decision issued under Article (28) may be reclassified so that it is not treated as a judicial ruling but rather as an administrative decision — since it is issued by an executive official — subject in both form and substance to administrative rules. In this case, the affected individual would have access to the administrative grievance and appeal mechanisms provided by law, ensuring the application of legal oversight over administrative decisions and protecting individual rights.

Neural Rights as a New Right in Civil Law

By : Dr. Ali abduljabar Rahim
PhD in Private Law

Civil law doctrine has long maintained a division of rights into real rights connected to things, personal rights arising from obligations between parties, and moral rights that concern aspects of dignity and reputation. This theoretical structure, despite its development, has remained confined within the logic of traditional classifications tied to what is tangible or defined within the scope of classical legal relations. Yet, with neurological and digital advancements, the contours of a right have emerged that has not yet been classified or expressly defined: the neural right, which concerns the protection of human brain activity from direction, interference, or exploitation through technological means.

What distinguishes this study is that it represents — with scientific humility and intellectual conviction — the first explicit doctrinal formulation of this right outside the frameworks of medical or ethical scholarship, presenting it instead as a genuine civil right deserving inclusion within the system of non-pecuniary rights. Will, discernment, and awareness are no longer merely formal conditions for the validity of legal acts; they themselves have become subject to threat through artificial intelligence technologies, whether via implanted neural chips or through algorithmic steering of behavior. Thus, traditional models of protection are no longer sufficient; legal theory must be reconstructed on a foundation that encompasses the human right to preserve their brain, awareness, and will. The neural right does not fit within any traditional classification: it is not exercised over a material thing, does not create a reciprocal obligation, and does not fall under moral rights protected by special legislation. Nevertheless, it touches the deepest elements of human existence — awareness, will, and cognitive autonomy — making it a right beyond classification, one that admits no delay and cannot remain unaddressed legislatively, because it concerns the very source of legal existence: the human mind.

The essence of this right lies in protecting the brain's neural structure from any unlawful interference, whether direct or indirect. Direct interference consists of implanting electronic chips in the brain for non-therapeutic purposes, whether to control neural functions or enhance cognitive abilities based on guided algorithms — a clear infringement upon the independence of will and the integrity of human personality. The indirect form of interference occurs through the use of social media platforms employing artificial intelligence systems that track user behavior and direct content in ways that reshape their awareness, preferences, and social and intellectual positions. The danger here lies in subjecting collective consciousness to imperceptible influences that exert systematic digital indoctrination without explicit consent or genuine awareness on the part of individuals. All of this grounds the conclusion that protecting the brain is no longer merely a medical or technical issue, but a legal duty requiring urgent legislative intervention that recognizes the neural right as an independent right guaranteeing the safety of human cognition against external intrusion, whether biological or algorithmic.

The focus of this article is the indirect-influence AI systems used in search engines, social media platforms, and smart applications, which track user behavior and construct cognitive profiles, then direct content based on algorithmic recommendation. Although this process appears technical, it in fact penetrates the pathways of neural attention and gradually affects patterns of thought and preference. The user ceases to be free in their choices when they are constantly confronted with suggestions designed to reinforce their tendencies or exploit their cognitive vulnerabilities. This reintroduces the concept of digital neural control, as a form of indirect interference that requires legal protection, particularly when used for commercial, political, or ideological purposes that restrict human cognitive freedom.

It is noteworthy that the Republic of Chile is the first country to regulate this right by introducing a major shift in the field. In 2021, it amended its national constitution by adding a clear and explicit clause within Article (19), stating: "Every person has the right to the integrity of their brain and neural activity. The State shall guarantee that data derived from brain activity shall not be collected or processed except with the explicit, free, and informed consent of the individual." Incorporating this clause into Article 19 constitutes a qualitative shift toward recognizing neural health as an independent domain of legal protection. The Chilean constitutional legislator moved from the general concept of privacy to the specific protection of neural activity, which implicitly acknowledges that the brain is no longer merely a biological organ but a data domain susceptible to technological exploitation.

By requiring explicit, free, and informed consent, the Chilean legislator establishes a high threshold of legality and imposes a dual positive obligation on the state in terms of regulation and oversight. The provision also shuts the door on practices involving the collection or analysis of neural signals without clear legal authorization, creating a basis for legal liability for any intervention in this field. Through this amendment, Chile inaugurated a new right within the constitutional system — one that may become the benchmark for the future of neural-dignity protection worldwide, especially with the increasing reliance on artificial intelligence systems tied to human cognitive patterns.

Drawing from this model, one may say that the absence of explicit provisions in the Iraqi legal system does not mean the absence of protection; rather, it opens the door for legal interpretation of existing provisions. For example, Article (17) of the Constitution of the Republic of Iraq (2005) states: "Every individual has the right to personal privacy." This article constitutes a flexible principle that allows an expansive interpretation beyond the boundaries of the body and physical space. Privacy, in its philosophical essence, is not confined to what a person hides from others; it extends to what must not be penetrated — even as knowledge — such as thoughts, awareness, and the domain of free cognition. Thus, the neural right — as protection of neural activity from technological or algorithmic interference — naturally falls within this sphere of privacy, which must be interpreted in light of the purposes of human freedom and dignity. Merely tracking patterns of thought or influencing attention and choice through AI techniques constitutes, in essence, an intrusion upon neural privacy, even without physical contact or direct access, which necessitates constitutional protection through a progressive interpretation of the article.

Article 125 of the Civil Code also provides support, stating: "If one of the contracting parties exploited the other's need, recklessness, whim, lack of experience, or weak understanding, and this resulted in gross unfairness, the aggrieved party may, within one year of the contract, demand that the unfairness be reduced to a reasonable level; and if the act was a donation, they may rescind it within that period." This provision forms an effective legal entry point for structuring liability based on the exploitation of diminished cognitive understanding in digital environments. In light of this principle, companies that use AI algorithms to analyze neural and cognitive behavior and then steer users' consumer or legal choices are engaged in direct exploitation of their cognitive state. The user is often unaware that the content displayed to them has been tailored to their mental vulnerabilities or psychological condition, causing decisions to be driven by imperceptible influence. Such manipulation lowers the user to the legal position of a "discerning minor," resulting in a transaction affected by real unfairness, whether in contracting or in gratuitous acts. Thus, this situation may be legally framed under Article 125 as a modern form of exploiting neural awareness, justifying rescission or modification of the transaction according to principles of equity.

Additionally, Article (1), paragraph two of the Iraqi Civil Code — as a flexible residual rule — permits judges to resort to unwritten legal sources in the absence of a statutory provision. It states: "If no legislative text exists, judgment may be made in accordance with custom; if none exists, then according to the most suitable rules of Islamic jurisprudence; and if none, then according to principles of equity." Through this provision, the legislator opens the door for judicial reasoning to encompass emerging realities not expressly regulated by law, including matters related to the neural right as a non-codified right arising from the interaction between humans and neural or algorithmic technologies. The significance of this article lies in its ability to establish legal protection for neural activity not based on a specific statute, but through overarching principles of equity that extend general legal principles protecting will, preserving mental discernment, and safeguarding freedom of decision. Hidden influence on cognition — whether through implanted chips or algorithmic steering — constitutes an interference with the core of will, producing an intangible harm that demands legal protection even without express statutory mention. Thus, Article (2/1) becomes an effective tool for providing interim and practical protection for the neural right until explicit legislation is enacted.

Given the increasing reality of neurological-technology interventions, it is untenable for the legislative structure to remain silent toward threats targeting the core of human consciousness. Accordingly, it is proposed to draft a special law titled "Law on the Protection of Neural Rights and Brain Data," serving as the first legislative framework to recognize neural activity as an independent subject of legal protection. This law would include a precise definition of neural data as the signals or outputs generated by the brain — whether electrical, chemical, or cognitive. It would prohibit any form of collection, storage, or analysis of such data by individuals or institutions without prior, explicit, and free consent of the person concerned. The law should also expressly criminalize implanting neural chips or brain devices for non-therapeutic purposes without documented medical authorization and legally informed consent. Additionally, it must include provisions establishing liability for digital platforms, technical designers, and providers of neural services whenever they exploit such data to direct will or influence personal or legal decision-making. In this manner, the proposed law would constitute not merely a contextual response, but a genuine establishment of a new right reshaping the boundaries of legal protection for the human mind in the digital age.

Normativity in Criminal Law

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It is well established in comparative criminal legislation and doctrine that the system of criminal limitation—whether limitation of punishment or limitation of criminal proceedings—is governed by precise rules and conditions that differ from the rule on the extinction of the right to initiate criminal proceedings. In this article, we seek to lay down the scientific foundations for distinguishing between the limitation of criminal proceedings and the extinguishment of the right to initiate them, a distinction that has been the subject of considerable confusion in certain Iraqi criminal law texts and has had repercussions in Iraqi judicial rulings, as follows:

To begin with, it is necessary to clarify what is meant by limitation. Arabic language dictionaries define taqādum (limitation) as the opposite of occurrence; it is said "long ago such-and-such was the case (qidman kāna kadha wa kadha)," derived from qidam, one of the names of time—meaning that a long period has passed since its existence, so it has become old. A thing is said to have become subject to taqādum when it has grown old and a long time has passed over it. Thus, the linguistic meaning of limitation is the passage of time.

Upon examining criminal legislation, we find no statutory definition of limitation. Criminal law doctrine has therefore stepped in to fill this gap by defining its contours. It has been defined as: "The passage of a period of time from the commission of the criminal act, beginning on the day following the occurrence of the criminal result, or from the date of the last act interrupting or suspending the limitation period, resulting in preventing the competent authority from initiating criminal proceedings and prohibiting the judge from ruling on the merits, thereby requiring a decision that the criminal case has lapsed by limitation."

In addition, criminal law doctrine has set out the theoretical bases underlying the system of limitation of criminal proceedings, which we may summarize—without elaboration—as follows:

First: the theory of society's forgetting of the crime.
Second: the theory of neglect and waiver.
Third: the theory of legal stability.
Fourth: the theory of moral punishment.
Fifth: the theory of the loss of evidence.
Sixth: the theory of social-legal balance.
Seventh: the theory of reconciling reality and the law.
Eighth: the theory of the offender's reformation.

It is noteworthy that most comparative criminal legislations have justified adopting the system of limitation of criminal proceedings due to the importance it carries for the stability of both the judiciary and society. We observe that most comparative criminal codes have adopted the system of limitation of criminal proceedings. By way of example, the French Code of Criminal Procedure in force provides in Article (7) that: "In felony matters, public proceedings shall be time-barred after ten years from the day the offense was committed, unless an act of investigation or prosecution has been carried out within that period...". Article (8) provides that: "In misdemeanor matters, criminal proceedings shall be time-barred after three years, in the same manner set out in the previous article." Article (9) further provides that: "In contravention matters, public proceedings shall be time-barred after one year, under the conditions set out in Article (7)."

Similarly, Article (15) of the Egyptian Code of Criminal Procedure No. 150 of 1950 (as amended and in force) provides that: "Criminal proceedings shall be time-barred in felony matters after ten years from the day the offense was committed, in misdemeanor matters after three years, and in contravention matters after one year, unless the law provides otherwise." The Egyptian Court of Cassation has clarified the scope of this article in a ruling stating: "The time periods set out in Article 15 of the Code of Criminal Procedure apply to all types of crimes, whether provided for in the Penal Code or in special laws, since the limitation periods set out in this article constitute a general limitation regime applicable to all crimes, whether the victim knew of them or was unaware of them." (Court of Cassation, 24 April 1978, Collection of Cassation Rulings, Vol. 29, No. 85, p. 447).

As for the Iraqi legislator's position on the system of limitation of criminal proceedings in general, and on the gradation of limitation periods in particular, it appears—upon reviewing the provisions of the Code of Criminal Procedure, the Penal Code in general, and special criminal laws—that the Iraqi legislator is influenced by two divergent systems. On the one hand, he is influenced in principle by Anglo-Saxon legislation, which rejects the notion of limitation altogether; on the other hand, he is partially influenced by Latin systems, which accept the limitation regime.

As a rule, the Iraqi legislator rejects limitation in the Code of Criminal Procedure No. 23 of 1971 and in the Penal Code No. 111 of 1969. Nonetheless, the criminal legislator has enacted special criminal laws that incorporate the system of limitation of criminal proceedings. For example, the Juvenile Welfare Law No. 76 of 1983 provides in Article (70) that: "First: Criminal proceedings shall be time-barred after ten years in felony cases and five years in misdemeanor cases. Second: The corrective measure shall lapse if not enforced after fifteen years in felony cases, and after three years from the end of the measure in other cases." A review of this provision shows that it clearly incorporates the limitation system: paragraph one of the article refers to the extinction of criminal proceedings, while paragraph two refers to limitation of punishment.

Another example is the Customs Law No. 23 of 1984 in force, which provides in Article (253) that: "The limitation periods extinguishing customs proceedings or penalties shall be as follows: First: ten years for smuggling offenses or offenses treated as such, from the date the offense is committed. Second: three years for other offenses, from the date they are committed. Third: ten years for enforcing judgments relating to smuggling or offenses treated as such, from the date they become final. Fourth: five years for the collection of fines and confiscations imposed in other offenses, from the date the decision imposing the fine or confiscation is issued."

We also note that although the Iraqi legislator specified limitation periods for criminal proceedings, he did not specify in these provisions when the limitation period begins, nor did he mention the most critical element of the limitation system: the acts interrupting limitation, or its suspension or postponement of its running in relation to certain offenses. This has compelled the judiciary to turn to doctrinal views and scholarly positions to decide the cases before it. By way of example, the Federal Court of Cassation stated in a ruling: "...Limitation is a new system in Iraqi legislation, and in the absence of judicial precedent, doctrine holds that limitation is interrupted upon the taking of an investigative measure...". (Judgment No. 122/General Panel/89, Majallat al-Qadā', Issues 2–1, Year 1991 ,46, p. 131).

Having clarified the concept of limitation of criminal proceedings, it becomes apparent that limitation of criminal proceedings is distinct from the expiry of the time limits set for offenses requiring a complaint, as provided in Article 3 of the Egyptian Code of Criminal Procedure No. 150 of 1950, and its counterpart, Article 6 of the Iraqi Code of Criminal Procedure No. 23 of 1971 (as amended and in force). We see the differences as follows:

1.Scope of application to offenses:
The rules on limitation of criminal proceedings in comparative legislation that adopt limitation apply, as a rule, to all offenses (felonies, misdemeanors, and contraventions) without restriction. By contrast, the expiry of the complaint period is confined, in an exhaustive manner, to the complaint-based offenses listed in Article 3 of the Iraqi Code of Criminal Procedure.

2.Commencement of the time period:
The law sets the limitation period as running from the day the offense is committed. In complaint-based offenses, however, the period begins on the day the victim becomes aware of the offense and the identity of the offender.

3.Length of the time period:
The law sets the limitation period for criminal proceedings according to the type of offense (felony, misdemeanor, or contravention). For complaint-based offenses, the period is fixed at three months for all such offenses in Article 3.

4.Interrupting acts:
Limitation of criminal proceedings is subject to specific interrupting acts enumerated exhaustively, including investigative measures and trial measures. Once any such act is undertaken, the limitation period is interrupted and begins to run anew. By contrast, in complaint-based offenses, the law does not specify interrupting acts; once the competent authority takes any action, the period ends and there is no new period to be calculated for the extinction of the right to initiate criminal proceedings.

5.Legislative purpose of the time limit:
The system of limitation of criminal proceedings is established in the public interest, whereas the complaint period is established in the interest of the victim.

6.Legal characterization:
The completion of the limitation period for criminal proceedings results in the extinction of the criminal case by limitation. In complaint-based offenses, the completion of the period results in the extinction of the right to file a complaint.

7.Suspension of limitation:
The limitation system recognizes the rule of suspension of limitation—for example, where the accused suffers from a mental disability or loss of discernment, in which case the running of the limitation period is suspended. No such rule exists in relation to the extinction of the right to initiate criminal proceedings.

In conclusion, the extinction of the right to initiate criminal proceedings is fundamentally different from the system of limitation of criminal proceedings. It is therefore essential to pause and correctly label each regime, given that each carries distinct consequences and rules, ultimately serving to preserve the fundamental rights and freedoms of individuals.

Iraqi–Turkish Judicial Cooperation Reaches a New Stage in Ankara

Counter-Terrorism Program Concludes with Broad Participation and Advanced Presentations

Judicial Institute / Ali Al-Badrawi

The Turkish Justice Academy in Ankara concluded, on 13 Thursday, November 2025, the activities of the International Counter-Terrorism Training Program, held pursuant to the memorandum of understanding signed between the Iraqi Judicial Institute and the Turkish Justice Academy. Twenty Iraqi judges participated in the program, alongside four officials from the Judicial Institute, in a five-day event that included specialized lectures, applied demonstrations, and interactive workshops in the fields of investigation, trial procedures, international criminal law, and mechanisms for combating terrorism and its financing

The Iraqi judicial delegation alongside the Director of Turkish Justice Academy.

Official Meetings to Strengthen Judicial Partnership

The first day featured an official meeting between the Director General of the Iraqi Judicial Institute, Judge Jalil Adnan Khalaf, and the President of the Turkish Justice Academy, Bekir Altun, during which means of enhancing cooperation and developing judicial training mechanisms between both sides were discussed.

The Iraqi delegation also met with:

- Deputy Minister of Justice of Turkey, Mr. Khurshid Yildirim
- Head of the External Relations Department at TIKA, Mr. Ugur Tan Yeli

Turkish officials emphasized the importance of activating the memorandum of understanding and elevating cooperation in areas related to counter-terrorism, organized crime, and the development of judicial skills. They praised the Iraqi delegation's presence and the vital role of the Iraqi judiciary in strengthening national capabilities.

Opening Session: Messages

Affirming Unity of Purpose The conference opened with a speech by Bekir Altun, President of the Turkish Justice Academy, who welcomed the Iraqi delegation and highlighted the significance of the training program as a model of regional cooperation in confronting the growing challenges of terrorism.

The Head of the External Relations Department at the Turkish Cooperation and Coordination Agency (TIKA), Mr. Oglo Yeli, delivered remarks affirming that both countries face a shared threat that necessitates the exchange of expertise and the development of unified counter-terrorism strategies.

Speech by Judge Jalil Adnan Khalaf

The Director General of the Iraqi Judicial Institute delivered an address underscoring that specialized judicial training is a fundamental pillar in combating terrorist crimes. He stressed that confronting terrorism cannot be achieved by force alone, but through knowledge, the development of judicial capacity, and the exchange of international experience.

In-Depth Presentations and Lectures on Counter-Terrorism

The conference featured a series of specialized presentations delivered by prominent Turkish judges, academics, and experts. The highlights were as follows:

Day One

– Judge Kazim Yigit – Turkish Department of Legal Affairs
Presented an introductory briefing on the mission of the Justice Academy and its programs, explaining the Turkish training model based on integrating theoretical and practical components.

– Judge Abdullah Durak Benici – Court of Cassation
Delivered an extensive study titled "The Concept of Terrorism and Terrorist Crimes in the Decisions of the Court of Cassation."
The presentation included:

- Analytical readings of landmark judicial rulings
- Evaluation of evidence in terrorism cases
- A -15minute case study on forming judicial conviction in crimes related to armed organizations

– Dr. Durmush Tezcan – Istanbul Kültür University
Gave a lecture on terrorism in the context of international law, discussing the international community's definition of terrorism and the impact of international conventions on national judicial practice.

– Chief Prosecutor of the Court of Cassation, Mujahid Erdogan
Presented a lecture titled "Turkey's Policies and Strategies in Combating Terrorism and Investigation Methods," addressing:

- Intelligence information systems
- Methods of tracking hierarchical networks
- Multi-agency investigative mechanisms
- The role of the Public Prosecution in coordinating security and judicial efforts

– Prof. Dr. Mohammed Sinan Altunc – Bahçeşehir University
Discussed the concept of terrorism in Turkish law, reviewing legislative developments from the 1980s to modern amendments concerning extremist organizations.

Round of negotiations between The Iraqi judicial delegation and the Turkish Court of Cassation

Day Two

The second day continued with additional judicial presentations, beginning with:

– Judge Kazim Anil Kahraman – General Directorate of Criminal Affairs
Delivered a presentation on regulations and practices related to preventing the financing of terrorism, covering:

- Mechanisms of financial freezing
- Tracking suspicious transfers
- Cooperation with banking oversight bodies

– Ankara Public Prosecutor, Mr. Mohammed Amin Erdogan
Presented a specialized lecture titled "Effective Methods for Investigating and Prosecuting Terrorism Crimes," illustrating models of complex cases and their management.

– Judge Sabahaddin Sari – President of the 16th High Criminal Court in Ankara
Explored the hierarchical structures of terrorist organizations and analyzed their cross-border dynamics.

– Judge Tayfur Duran – Ministry of Justice
Presented on the system of enforcing sentences in terrorism cases and the reintegration of convicted persons into society.

– Judge Murat Karagöz – Ministry of Justice, Department of External Relations
Discussed international judicial cooperation in pursuing terrorism-related crimes and mechanisms for exchanging information and evidence among states.

Field Visits to Turkish Judicial Institutions

As part of the visit, the Iraqi judicial delegation observed the work of several judicial institutions in Ankara, including:

- West Ankara Court
- The Constitutional Court
- The Court of Cassation
- The Council of Judges and Prosecutors

The visits aimed to gain insight into advanced experiences in judicial administration, litigation systems, judicial independence mechanisms, and the management of electronic case files.

Closing Ceremony and Certificate Distribution

The program concluded with an official ceremony during which certificates of appreciation were awarded to the participating Iraqi judges. Both sides expressed mutual appreciation for the outcomes achieved and the exchange of expertise and perspectives in combating terrorism-related crimes. Both parties affirmed the importance of continuing joint programs, expanding training fields, and deepening judicial cooperation between Iraq and Turkey in a manner that strengthens regional security and stability.

One of the Training Program lecture in the Turkish Justice Academy Headquarter.

With the Participation of an Elite Group of Judges and Public Prosecutors

Judicial Institute Holds a National Expanded Workshop on Human Trafficking Crimes

Judicial Institute / Ali Al-Badrawi

Under the patronage of the President of the Supreme Judicial Council, Judge Dr. Faiq Zaidan, the Judicial Institute organized on Saturday, 22 November 2025, a specialized training workshop on human trafficking crimes, with the wide participation of distinguished judges and public prosecutors from all Courts of Appeal across Iraq, as part of national efforts to strengthen the judiciary's capacity to confront this cross-border crime.

The lectures were delivered by Judge Ahmed Mohammed Alwan, Judge of the Court of Integrity, Money Laundering, and Organized Crime; Major General (Legal) Mustafa Redha Al-Yasiri, Director of the Anti–Human Trafficking Directorate at the Ministry of Interior; and Senior Judicial Assistant Ahmed Khalifa, representative of the Supreme Judicial Council on the Higher Committee to Combat Human Trafficking.

Judge Jalil Adnan Khalaf: A workshop with profound human dimensions confronting one of the world's most dangerous crimes

In a detailed statement given on the occasion, the Director General of the Judicial Institute, Judge Jalil Adnan Khalaf, affirmed that holding such workshops falls within the vision of the Supreme Judicial Council to "enhance judicial professionalism" and raise the preparedness of judges to address the most sensitive and complex cases — foremost among them the crime of human trafficking, which is one of the gravest offenses threatening human dignity and undermining the stability of society.

He added:

"Human trafficking is not merely a crime; it is a direct violation of the values of humanity and of the right to life, freedom, and dignity. The Judicial Institute places advanced training at the forefront of its priorities to enable judges to understand its legal, social, and psychological dimensions and to keep pace with international developments."

He noted that Iraq, through its judiciary, has achieved clear progress in this field and succeeded in exiting international monitoring, an accomplishment that reflects the judiciary's commitment to implementing international standards.

He continued:

"We are working to build an integrated system of combating human trafficking based on cooperation between the judiciary, the Ministry of Interior, and relevant international agencies. A key judicial challenge is the ability to distinguish between offender and victim, and to understand that many of the accused — especially in cases involving prostitution, begging, and migrant smuggling — are victims exploited by criminal networks."

He emphasized that the Judicial Institute is preparing advanced training programs that will include investigative judges, felony judges, judicial investigators, and specialized officers, with the aim of establishing a unified vision among judicial and security bodies regarding this crime.

Dimensions of the Crime: Multiple Forms and Evolving Strategies

The workshop featured an in-depth discussion of several crimes associated with human trafficking, including:

organized begging, trafficking in human organs, sexual exploitation, witchcraft and sorcery as a cover for exploitation, and cross-border migrant smuggling.

Real-world case examples from transcontinental networks

operating through complex methods were presented. The sessions also examined mechanisms for identifying victims and offenders and addressed gaps that may obscure victims within files that outwardly appear criminal.

Participants reviewed the latest international reports issued by the United Nations and specialized organizations, Iraq's standing in those classifications, and national efforts to curb the activities of these networks.

Judge Ahmed Mohammed Alwan: Iraq has surpassed the stage of international monitoring thanks to the vigilance of the judiciary

Judge Ahmed Mohammed Alwan stated that human trafficking carries:

"A grave human dimension that affects the family, society, and reaches into the structure of the state."

He noted that global concern with this issue is not new but rather as old as history itself.

He added:

"The judiciary, under the direct supervision of the President of the Supreme Judicial Council, has made exceptional efforts that enabled Iraq to exit the category of international monitoring. We continue to update our procedures and adapt to emerging criminal methods."

He further pointed out that Article 1 of the Anti–Human Trafficking Law is among the "broadest legislative provisions" in definition and scope, allowing the judiciary flexibility in handling new and complex cases.

He said:

"We believe solutions exist, but the challenge lies in rapid detection, identifying victims, and bringing perpetrators to justice — all while observing the humanitarian dimensions and avoiding the criminalization of victims."

Major General Mustafa Redha Al-Yasiri: The first of many workshops to follow at the national level

Major General Mustafa Redha Al-Yasiri presented the Ministry of Interior's perspective, noting that the Higher Committee to Combat Human Trafficking operates under a comprehensive framework that brings together all relevant ministries and institutions, foremost among them the Supreme Judicial Council.

He stated:

"We are committed to the directives of the committee's chairman, the Minister of Interior, and to full cooperation with the judiciary in holding specialized workshops involving judges, prosecutors, investigators, and officers, to build a shared understanding of managing these complex cases."

He explained that this workshop is the first in a broader series that will cover all governorates, focusing on recent developments, laws, and international agreements.

Senior Judicial Assistant Ahmed Khalifa: Deeper understanding ensures victim protection and elevates Iraq's international standing

Senior Judicial Assistant Ahmed Khalifa stated that the workshop was held in response to recommendations from the Higher Committee to Combat Human Trafficking and that its aim is to raise judges' legal and technical awareness regarding these crimes.

He said:

"This workshop enabled judges to learn from specialized experiences and to understand how to identify victims who may outwardly appear to be defendants — a critically important humanitarian aspect that reflects the judiciary's role in protecting rights and freedoms."

He added that Iraq seeks, through such activities, to enhance its international standing in human rights protection and that future workshops will target investigative and felony judges to ensure a unified approach across all judicial sectors handling these cases.

Expanded Recommendations

The workshop concluded with expanded recommendations aimed at:

- strengthening cooperation between the judiciary, the Ministry of Interior, and international institutions;
- establishing an updated database on crime patterns and criminal networks;
- developing advanced training curricula for investigative and felony judges;
- intensifying community awareness campaigns on the dangers of human exploitation.

Through these efforts, the Iraqi judiciary continues to work toward upholding justice, preserving human dignity, and confronting one of the most complex and dangerous crimes worldwide.

Deepfake Technology Through Artificial Intelligence and Its Impact on Criminal Liability

Cases of deepfake technology generated through artificial intelligence have recently witnessed significant expansion, leaving dangerous effects at both the individual and societal levels. Their impact has become especially visible in intruding upon the private lives of public figures or harming the reputation of others for specific agendas.

Deepfake has been defined as:

"Digital forgery or the creation of visual and audio content with a high degree of deception, involving the replacement of a person in an existing image or video with another person who appears similar."

The main machine-learning techniques used to create deepfakes rely on deep learning, which involves training generative neural network architectures, such as autoencoders or Generative Adversarial Networks (GANs)

Judge : Awad Hussein Yassin Al-Ubaidi
Deputy President of the Federal Kirkuk Court of Appeal

Deepfake technologies vary depending on their purpose and continue to evolve as technology advances day by day. The most important types include:

1. Shallow Fake

(Shallow Fake / Cheap Fake)

Shallow fake refers to content consisting of parody, satire, or videos that are edited to delete or rearrange words. In this type of forgery, the individual creating the altered content does not use artificial intelligence techniques such as image-generating neural networks.

Instead, they depend on simple tools intended to distort or invert facts.

2. Deep Fake

Deepfake — or deep fabrication — refers to the technology used to create various forms of manipulated media, including videos, audio recordings, or fabricated images produced through AI-powered software.

This technique merges multiple images and video clips of a particular individual or manipulates existing content to produce a new video that may appear real, although it is in fact fabricated. Deepfake uses machine learning — a branch of artificial intelligence — to generate such content.

This technology has been used in several contexts, such as creating fabricated pornographic videos of celebrities, generating false news, deceiving viewers, revenge pornography, and creating fraudulent content to defame individuals, impersonate identities, extort elected officials, or facilitate numerous cybercrimes enabled by such methods.

Deepfake can produce entirely new videos or alter existing ones to depict events that never occurred. The term originated from the social media platform Reddit, where a user account named "Deepfakes" used AI and deep learning to manipulate celebrity faces and insert them into unrelated videos. The term thus merges deep learning with fake content.

Challenges of Proving Deepfake Fabrication

Proving deepfake manipulation is often difficult because determining authenticity requires advanced expertise in mobile forensics, computer analysis, and internet activity. It also requires high-level skill in practical digital forensic investigation.

For this reason, judges must rely on scientific technical expertise as a tool for examining digital evidence, especially with the growing use of AI in fabricating videos used for defamation in modern digital environments. These complexities increase the difficulty of electronic defamation cases, particularly when intersecting with public life or political positions.

A relevant decision by the Administrative Supreme Court illustrates this point, stating: "The court did not consider the appellant's denial of the charge made against her during administrative investigation, nor her argument that the video clip was fabricated. She asserted that she has distinctive physical features and identified them to the investigative committee, pointing out that these marks did not appear on the woman in the video. Yet the committee failed to verify this claim."

The decision further notes that the appellant submitted to the Court of Employees' Discipline a judgment from Ras Al-Khaimah Primary Court (Criminal Division) sentencing the defendant (A.F.H.) to imprisonment on three counts, along with compensation and deportation, for publishing the video — the subject of the disciplinary penalty — on Facebook using his mobile phone in order to obstruct the appellant's candidacy for Parliament and defame her.

The appellant also presented to the court a forensic report prepared by a volunteer American team from The New York Times in cooperation with the University of California. The report, after subjecting the video to highly advanced scientific analysis, concluded that it was fabricated at a %96 manipulation rate, produced using artificial-intelligence software similar to deepfake technologies.

The report, consisting of four pages, provided a technical explanation of the forged elements, identifying and marking indicators of manipulation.

Deepfake Under Iraqi Criminal Law

Article 433 of the Iraqi Penal Code No. 111 of 1969 (as amended) provides in paragraph (1):

"...If the libel occurs through publication in newspapers, printed materials, or any other means of media..."

One of the key elements of libel is publicity, which includes mechanical means of transmission:

"...or if it is conveyed by mechanical means..."

Among these mechanical forms is electronic writing, defined in paragraph (Fifth) of Article (1) of the Iraqi Electronic Signature and Electronic Transactions Law No. 78 of 2012 as:

"Electronic writing is any letter, number, symbol, or any other similar means that provides a perceptible and understandable indication."

Accordingly, deepfake can be considered one of the modern digital means used in committing offenses, and its perpetrator may be held criminally liable once the act attributed to them is established through precise technical expertise.

Conclusion

Deepfake constitutes one of the newly emerging crimes born from the technological and informational revolution.

A serious and comprehensive legal effort is necessary to confront this phenomenon and regulate it in a sound legislative manner.

Trafficking in Human Organs: A Crime Against Human Dignity

By Student : Murtadha Jabbar Lazim (Class 49)

Trafficking in human organs is among the most dangerous crimes that threaten human dignity and infringe upon a person's right to life and bodily integrity. It is a crime that extends beyond the criminal dimension into social, health, and ethical dimensions, making it a complex and multifaceted phenomenon that requires an integrated legal response. This crime emerged alongside the development of modern medicine and the increasing need for human organs, especially with the spread of chronic diseases and organ failure, and with the absence of social justice, where organized criminal networks began exploiting the needs of the poor and the desperate. As a result, the human body began to be cut apart and sold like any other commodity. Trafficking in human organs encompasses any conduct involving the purchase, sale, transfer, storage, or transplantation of a human organ through unlawful means and in violation of laws and international agreements. This crime is classified as organized, transnational crime and is considered one of the forms of human trafficking, though it is uniquely dangerous because it directly harms bodily integrity and the right to life. This crime involves multiple parties: the perpetrator (the trafficker), the victim (the donor or the harmed individual), and the intermediary (medical or non-medical). Many operations are wrapped in a seemingly legal appearance, such as "consent" documents or fabricated medical papers, which makes them difficult to detect. Given this nature, the law does not limit punishment to the principal offenders; rather, it extends to anyone who assists, facilitates, or mediates the crime, whether doctors, administrators, brokers, or even organizations hiding behind humanitarian work. This crime is characterized by intentionality, requiring both general and specific criminal intent—knowledge and willfulness that the act is unlawful.

Countries vary in their approaches to addressing the crime of organ trafficking. Some have enacted strict laws criminalizing all unlawful dealings in organs, while others still suffer from legislative gaps or weak oversight. In some states, organ transfer from living donors to non-relatives is entirely prohibited, while others allow it on the condition of voluntary donation and strict medical supervision. Conversely, lax legal environments are exploited to create black markets for organs, sometimes with collusion or negligence from some medical parties. As for Arab legislation, there is wide variation: countries such as Iraq, Egypt, and Syria have enacted laws regulating organ transplantation, prohibiting trafficking, and imposing severe penalties on violators, while other states still lack effective oversight.

As for international legal regulation, international efforts to combat trafficking in human organs began early, especially after the rise of unlawful operations. Among the most notable efforts are the United Nations Convention against Transnational Organized Crime (the Palermo Convention, 2000), which included trafficking in human organs; the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which emphasized rejecting all forms of commercial exploitation of the human body; and the Council of Europe Convention against Trafficking in Human Organs (2015), one of the strictest conventions, criminalizing organ transfer outside the legal framework even with the donor's "consent." These agreements reflect the international community's recognition of the seriousness of the phenomenon, but they require activation through integration into national legislation and the development of judicial and security cooperation between states. Combatting organ trafficking still faces many challenges, most notably the difficulty of proof—operations often take place in secrecy under medical cover and with the collusion of multiple parties. Victims rarely file complaints out of fear or ignorance of their rights. Distinguishing between lawful donation and unlawful trafficking may also be difficult, especially when unofficial financial compensation exists. There is also a disparity among national laws; some states do not clearly criminalize organ trafficking, creating loopholes exploited by traffickers. In addition, public awareness is lacking—many people do not realize that "selling an organ" for money, even willingly, is a crime.

Finally, there is a need for a comprehensive criminal policy addressing the legal, medical, and social aspects of this crime. National legislation must also be updated to align with international standards related to this offense. Confronting this complex crime requires an integrated approach encompassing legal, medical, social, and preventive dimensions, and requires updating national laws to meet international standards and close the gaps in legislation regulating this crime.

Why Did I Choose the Public Prosecution?

When I was accepted to study at the Judicial Institute, the question that followed me most from friends and acquaintances was: "Why did you choose the Public Prosecution track? Why didn't you join the Judges' track?" And in the eyes of those asking, there was always a hint of surprise, as if they expected my answer to be tied to circumstances or necessity—something like: "I wasn't accepted into the judiciary," or "I had no other options." But my answer was always clear and direct: "I chose the Public Prosecution out of conviction and genuine desire."

By Student: Hayan Ibrahim Al-Khayyat – Class (51)

And although the answer is simple, many were not convinced by it. The reason was not that the choice lacked logic, but because people rarely understand the true nature of the role the Public Prosecution performs, compared to the widespread perception of the judge's role. The entrenched stereotype in people's minds is that the judge is the one with the word, the one who rules and decides and orders, while the public prosecutor is viewed as a secondary legal official whose role ends upon entering the courtroom and presenting requests and statements.

This perception — with time — I realized lacks information, not logic. For the Public Prosecution, under Iraqi law, is not subordinate to the judiciary; rather, it is an essential part of it, and its members enjoy the same rights and privileges as judges. The only difference lies in the nature of the role, not its rank or impact.

The public prosecutor does not issue the judgment, but ensures that the judgment is issued through proper procedures free of invalidity. He does not litigate, but he is the party that protects balance in cases and prevents the scales of justice from tipping — whether in favor of the victim or the accused. The public prosecutor is not a litigant; he represents the public right and the public interest. He is not merely a voice in the courtroom but an unsleeping eye that observes what happens within it and beyond it.

Imagine a minor on whose behalf a lawsuit is filed — who legally protects his rights? Who ensures the procedures of the case are sound? Imagine a judgment issued without the accused being notified legally — who challenges it? Imagine a convicted person fleeing the country — who follows up on the extradition request? In all these questions — and more — you find the same answer: the Public Prosecution.

I chose this path because I felt it suited me more. In the personality of the public prosecutor, qualities of analysis, precision, and the ability to absorb details and connect them to legal contexts are embodied — skills no less important than those a judge possesses, such as dignity and firmness. In fact, the role of the public prosecutor sometimes requires reviewing the judge's own decisions and challenging them whenever justice is threatened.

The Public Prosecution is not inferior to the judiciary, nor superior to it; rather, it complements it. The judiciary pronounces the judgment, whereas the Public Prosecution oversees the legality of the path leading to it. And if the judge is the scale of justice, then the public prosecutor is the one who recalibrates that scale whenever it tilts.

What drew me most to this specialty is the nobility of the duties it undertakes. It represents those who have no voice: minors, abused women, the mentally ill, missing persons, and others who lack the means to defend themselves; the public funds when they are squandered; and societal values when they are violated. In all these duties, the public prosecutor is not a party against a party — he is the voice of the state, the right, and the law.

Today, after experiencing it up close and engaging with its details, I am certain that I was right when I chose the Public Prosecution. I do not know how I might appear as a judge, but I know very well who I am as a future member of the Public Prosecution. Justice is not found only in the final word spoken by the judge, but in everything that precedes it — in ensuring that the correct word is spoken at the correct time, based on fair and impartial procedures.

This is why I chose the Public Prosecution.

Media and Consumer Protection

By Nihaya Dawood Salloum – Department of Instructions – Judicial Institute

Commercial activity represents the main artery of countries' economies, and the consumer is the fundamental pillar of any economic system. After Iraq's major shift to a market economy following 2003, goods and products from all kinds of origins flooded into the markets, many of them counterfeit or of poor quality, causing harm to consumers. This drove the government to recognize the importance of enacting legislation to protect consumers. Protecting them is not merely a matter of legal concern, but a guarantee of the country's social, economic, and health stability.

However, implementing these guarantees still requires tools to publicize them—among them the media, which serves as a bridge that carries knowledge and awareness to citizens. The media here must not be limited to reporting news; it should perform an educational and oversight function at the same time. Various media outlets, both traditional (newspapers, television, radio) and modern (digital platforms and social media), play a pivotal role in promoting the goods and services offered to consumers through advertisements on the one hand, and through spreading consumer culture and familiarizing the consumer with his legally protected rights on the other, in addition to exposing counterfeit goods or misleading advertisements and warning the public of their risks.

This is done by offering awareness programs on how to choose products, read the information on labels, and understand warranty conditions. In this way, the media becomes a "complementary guardian" of the law: it monitors the market on behalf of consumers and gives them a voice in the face of commercial exploitation and consumer fraud.

At the same time, however, we find that the media does not give sufficient attention to consumer protection and the exposure of commercial fraud and misleading advertising, which weakens the role of the media as a tool for consumer protection, despite its considerable and influential role.

Through conducting a survey on the extent of media influence on consumers in promoting services and consumer goods, the results were as follows:

- Most consumers are moderately to highly influenced by the media when making purchasing decisions.
- Digital media (social media and the Internet) has become as influential as television.
- Offers and discounts are among the most influential types of content.

These results indicate that the media plays an important and influential role in shaping individuals' opinions and consumption behaviors in light of the digital revolution and the multiplicity of media channels. To strengthen the role of the media, we propose the following based on what has been mentioned above:

1. Enhancing media literacy among citizens by introducing awareness programs into school and university curricula.
2. Strengthening legislation that guarantees legal protection and provides support for media work.
3. Having media outlets clarify their oversight role to the public through awareness campaigns and diverse media programs, in order to increase consumer awareness of their rights and protect their interests.
4. Engaging civil society organizations in spreading awareness of the importance of the media as an oversight tool to protect the public interest and to strengthen the consumer's role in monitoring markets.
5. Creating specialized websites for consumer protection, through which real consumer experiences with poor-quality goods are shared, along with practical advice on avoiding commercial fraud.
6. Continuously updating news bulletins to include incidents of commercial fraud and misleading advertisements targeting consumers, supported by expert and specialist opinions to ensure accuracy and effectiveness of information.
7. Allocating media pages that contain information and guidance to help consumers protect themselves from fraud and commercial deception.

Glimpses from the History of the Iraqi Judiciary

A Historical Reflection on the Public Prosecution Service in Iraq

From the Ministry of Justice to an Independent Judicial Body

Prepared by: Ali Al-Badrawi

PART -1-

The Public Prosecution Service in Iraq is considered one of the main pillars of criminal justice, and a fundamental cornerstone in the structure of the judiciary since the establishment of the modern state. This institution emerged to express society's will in pursuing crime, safeguarding public order, and ensuring the proper application of the law, after this role had previously been divided among multiple authorities during the Ottoman and Mandate periods. With the establishment of the modern Iraqi state in 1921 and the formation of its judicial institutions, the Public Prosecution began to take shape as an independent body with defined tasks related to overseeing the course of justice and defending the public interest. Its name became linked to the legal and judicial developments the country experienced over more than a century.

This institution was not born overnight; rather, it is the product of legislative and institutional accumulation that accompanied the path of the Iraqi judiciary, from the issuance of the Criminal Procedure Code and the establishment of the Ministry of Justice and the Court of Cassation, until it became today a solid body that performs its role under the Constitution and the applicable laws, representing society before the courts and safeguarding the rule of law.

After the formation of the first provisional government in Iraq on 25 October 1920, a decree was issued two days later establishing this government, consisting of:

Abdul Rahman Al-Kilani, Naqib of the Ashraf of Baghdad, as Prime Minister;
Talib Al-Naqib, Minister of Interior;
Sasson Heskell, Minister of Finance;
Mustafa Al-Alusi, Minister of religious endowments;
Jaafar Al-Askari, Minister of National Defense;
Abdul Latif Al-Mandil, Minister of Commerce;
Izzat Pasha Al-Kirkuki, Minister of Education and Health;
and Mohammed Ali Fadel, Minister of Public Works.

The only ministry in which a change occurred was the Ministry of Justice, which was initially assigned to Hassan Al-Bajaji, who declined to assume any responsibility, leading Mustafa Al-Alusi to take over the ministry instead. Accordingly, among its components was the Public Prosecution. Historical records document that the first Public Prosecutor in Iraq was Mr. Ahmed Nash'at Al-Sanawi, with Yusuf Wahbi as his assistant.

However, the Public Prosecution Office was officially established under Article 6 (its appendix) of the Criminal Procedure Code No. 42 of 1931, chaired by the Public Prosecutor, an employee of the Ministry of Justice, with deputies appointed as needed. They performed their duties under his supervision and directives. The Public Prosecutor oversaw criminal prosecutions and defended the public right on behalf of the government in criminal cases, investigated crimes, attended crime scenes with the investigating judge, and had the authority to request conviction, acquittal, or release of the accused. He could use legal means to appeal or challenge decisions and judgments issued by courts, and was responsible for initiating prosecution before the Criminal Court or the High Criminal Court. He also had the authority, with authorization from the Minister of Justice, to request permanent or temporary suspension of proceedings before any court before judgment was issued. He could also request search warrants under the Criminal Procedure Code before the start of investigations, and was granted the authority to request retrial whenever he deemed it necessary. This is a summary and a general view of the development of the Public Prosecutor's functions; for further clarification, we will detail these functions according to their precedence and the developments that occurred in them.

The development of the Public Prosecution in Iraq began with a very simple structure and limited duties, and those performing its tasks were initially called the Attorney General. In 1931, the title changed to Public Prosecutor. Although Article 6 of the appendix of the 1931 Code granted the Minister of Justice the authority to appoint deputies to the Public Prosecutor, no one was appointed at that time. Those who performed the duties of Deputy Public Prosecutor were police officers, especially in locations where no deputy existed. The Ministry of Justice issued an order appointing deputies to the Public Prosecutor, but this order was later cancelled, and the duties of Deputy Public Prosecutor were assigned to police officers and commissioners.

Paragraph (6) granted the Public Prosecutor the authority to oversee the investigations conducted by the police, and this oversight extended to the case even after judgment, concerning the enforcement of the penalty or the request for a harsher penalty or reclassification of the legal provision through appeal or cassation.

Powers of the Public Prosecutor

In 1933, an annex to the Criminal Procedure Code was issued, and its first chapter—which contained five articles—set out the powers of the Public Prosecution in various matters, including investigating crimes, pursuing offenders, and initiating proceedings in the name of the public interest. It authorizes the Public Prosecutor to request measures that lead to uncovering the truth, and obligates him to present his observations and submissions before the Investigating Judge. He is permitted to attend hearings in felony and misdemeanor cases, to request conviction, acquittal, or release, and to utilize legal avenues such as appealing or cassation of decisions and judgments rendered by courts.

Functions of the Public Prosecutor

The functions of the Public Prosecutor, according to the Criminal Procedure Code and its annexes, are as follows:

1.Attending criminal proceedings as a representative of the public interest and conducting prosecutions.
2.The right to appeal court judgments.
3.Requesting cassation review before the Court of Felonies and the Court of Cassation.
4.Initiating proceedings arising from violations of the Publications Law, including crimes involving insult to the King and members of the royal family, friendly states, the army, the government, either chamber of Parliament, or any court, as well as crimes involving insult, defamation, or slander directed at ambassadors or representatives of foreign states in Iraq.
5.Representing the prosecution before disciplinary committees for judges and magistrates.
6.Supervising criminal pursuits.

From this, it becomes clear that the functions of the Public Prosecutor in criminal cases fall into two categories: The first category includes his duties during the course of investigation and before the case is referred to court; in this stage he may appear before the Investigating Judge, present requests, and appeal decisions.

The second category includes his functions after the investigation is completed, which may be summarized as follows:

1.Bringing in witnesses, defendants, and relevant parties, and protecting them from influence or coaching.
2.Preparing incriminating objects.
3.Attending hearings and questioning witnesses for the prosecution and defense.
4.Executing the court's directives during proceedings, such as summoning witnesses and completing deficiencies.
5.Serving as intermediary in communications between the police and criminal courts and handling notification procedures.

He also reviews requests for extradition and return of offenders, as head of the department responsible for examining such matters in the Ministry of Justice. Furthermore, the first chapter of the 1933 annex concerning the Public Prosecution granted the Public Prosecutor the authority to guide investigators on methods of investigation and to provide legal notes and requests, as they act as deputies of the Public Prosecutor.

The Public Prosecution emerged as a result of society's evolution and the expansion of state responsibilities, which required distributing these responsibilities among several bodies. Thus, judges adjudicated disputes among people, while the Public Prosecution oversaw the enforcement of the law. This is the foundational idea of the Public Prosecution and the reason for its establishment as an independent institution. It evolved into its modern form after society came to understand that crime is not merely a private wrong but an assault on public security, and that punishing offenders is among the fundamental rights of society.

Therefore, the Public Prosecution is a social function undertaken on behalf of society. It protects the state's order, security, and institutions. Its mission carries a significant social responsibility: safeguarding the legal and social order threatened by the commission of crime. Thus, the Public Prosecutor must perform his duties objectively and impartially, with attention to protecting human rights and rehabilitating offenders.

followa on next issue.

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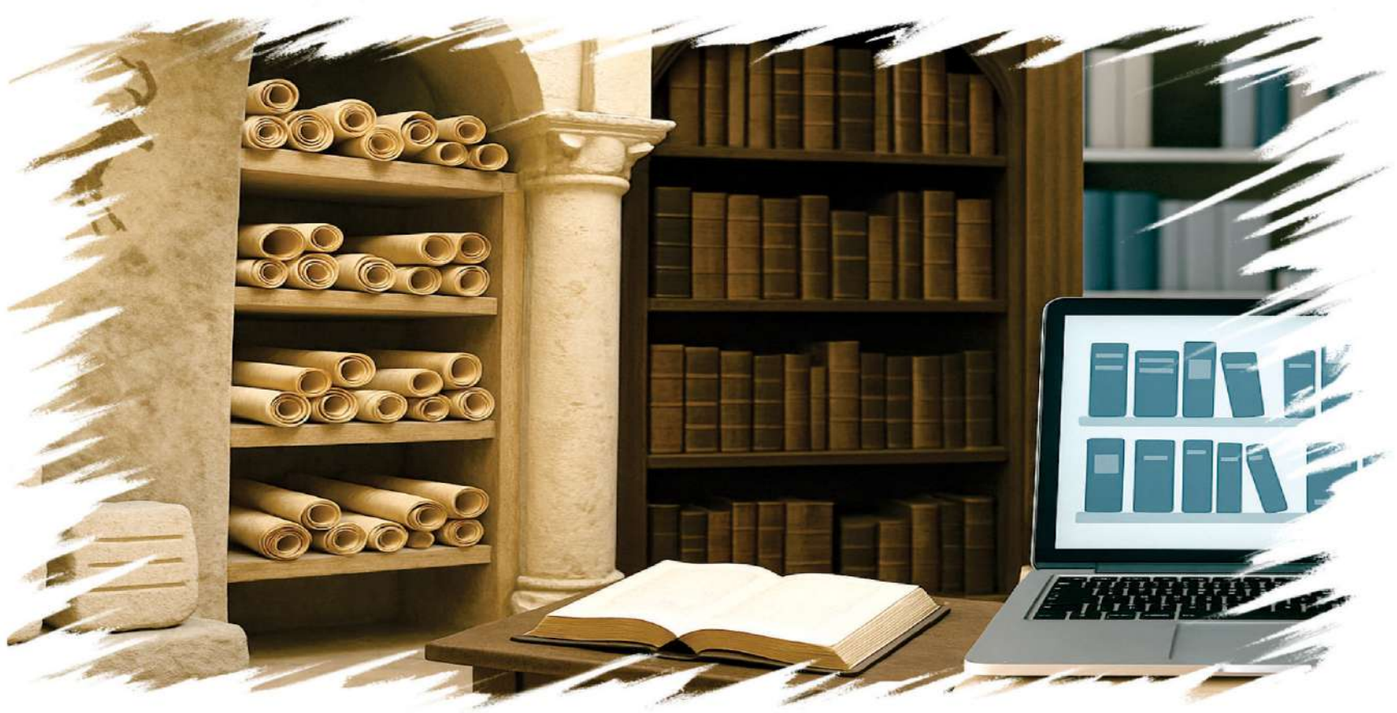
The Evolution of Libraries... Humanity's Journey in Preserving Knowledge from the Cave to the Digital Age



Ever since humans first drew symbols on cave walls, the journey began in search of a way to preserve knowledge from being lost and to transmit it from one generation to the next. From those simple carvings, a long story of libraries began—a story that represents the living memory of humanity and stands as a witness to the course of its intellectual and civilizational development.

Across the ages, libraries have been a mirror reflecting human awareness and the desire to understand and document. They have safeguarded the legacy of civilizations from oblivion and protected their achievements from being scattered. Over time, they evolved from repositories of books and manuscripts into vibrant intellectual institutions that combine preserving heritage with shaping the future. They are not merely places that store paper, but spaces for research and inspiration, where minds meet and ideas are formed—ideas that drive human progress.

Prepared by: Librarian
Faiza Salman Amin - Judicial institute

The earliest beginnings... clay tablets and papyri

Ancient civilizations witnessed the earliest attempts to write and preserve knowledge. Mesopotamia and Pharaonic Egypt were at the forefront of those who laid the foundations of the library concept. In temples and palaces, rooms were dedicated to keeping official and religious records. The Sumerians and Babylonians used clay tablets inscribed in cuneiform to document laws, myths, and transactions, while the Egyptians relied on papyri stored in the "House of Life" and the "House of Books" to preserve documents, rituals, and medical and scientific texts.

The Library of Nineveh... the first organized library in history

In the 7th century BCE, King Ashurbanipal established in Nineveh one of the greatest libraries of the ancient world. It contained more than thirty thousand clay tablets classified by subject, forming the nucleus of organized library work.

In Greece and Rome, libraries reached an advanced stage with the emergence of the famous Library of Alexandria in the 3rd century BCE, which gathered thousands of manuscripts in various languages and became a center for research, translation, and education. The "Celsus Library" in Ephesus was also known as a model combining architectural and cultural beauty.

From scrolls to bound books

At the end of the classical period, the "codex"—the early form of the bound book—appeared and gradually replaced scrolls, making reading, storage, and organization easier and paving the way for a new phase in the preservation of knowledge.

The age of manuscripts... Islamic flourishing and European isolation

During the Middle Ages, the world was divided into two contrasting paths. In the East, especially during the Islamic Golden Age, writing and translation flourished with the introduction of papermaking in Baghdad in the 8th century CE. Huge libraries were established, such as the House of Wisdom and the libraries of al-Andalus in Cordoba and Granada, where catalogues were organized and new roles such as the "copyist" and "librarian" were defined.

In Europe, meanwhile, libraries remained confined to monasteries and churches, limited to preserving religious and philosophical texts, until the dawn of the Renaissance.

Printing... the revolution of modern knowledge

With the German Johannes Gutenberg's invention of movable-type printing in the mid15-th century, the great revolution that changed the face of the world began. Books were no longer reserved for kings and monks; they became accessible to the general public. The number of libraries and their holdings multiplied, and the era of major national and academic libraries in Europe began.

Libraries of the Enlightenment... knowledge for all

In the 18th and 19th centuries, libraries became part of the European Enlightenment project. Public, free libraries emerged with the aim of spreading education and culture, such as the Carnegie libraries in the United States, which embodied the concept of "the library for everyone" as a democratic institution supporting education and social development.

The digital age... the library without walls

With the 20th century and the beginning of the new millennium, libraries entered the stage of technological transformation. Automation and digitization began; paper catalogues were replaced with electronic search systems, and the electronic library emerged, storing books and periodicals in digital databases.

The library transformed from a physical place into a global knowledge space that allows access to information at the click of a button and from anywhere. Its role was no longer limited to keeping books; it became a center for lifelong learning, training in digital skills, and providing innovation labs, in addition to protecting digital heritage and electronic archives from loss.

From tablets to the cloud

Thus, the journey of libraries stretches from clay tablets to cloud servers—a journey that tells of humanity's determination to preserve its memory and develop its tools of knowledge. Within their walls—whether made of clay or light—the library remains the beating heart of civilization and one of the greatest symbols of humanity's continuous quest for understanding and progress.

Global experiences in digitization

In the last two decades, the world has witnessed a surge in library digitization projects, most notably in the United States, Europe, and Asia.

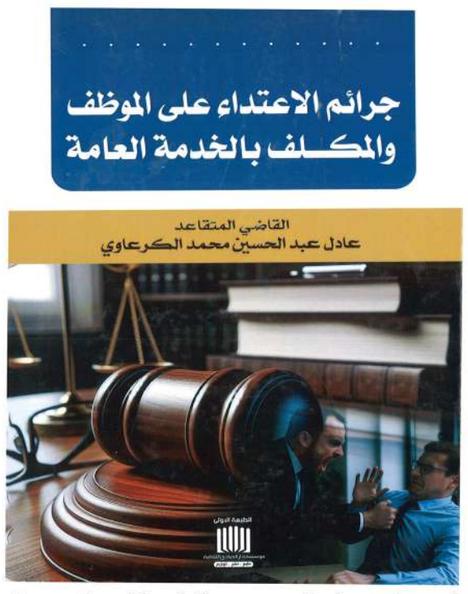
The Library of Congress in the United States launched the "American Memory" project, which digitized millions of documents and rare images to make them available to researchers and the public online. The British Library created the "World Digital Heritage" project, which includes manuscripts from various continents, including rare Arabic and Islamic manuscripts.

Qatar Digital Library has become a leading model in digitizing the historical heritage of the Arab region and the Gulf, as it provides hundreds of thousands of British and Ottoman documents related to the history of the Middle East. In Japan and South Korea, national libraries have turned into integrated digital laboratories that combine artificial intelligence, machine translation, and intelligent indexing to serve researchers in multiple languages.

These experiences have not only changed how knowledge is preserved; they have redefined the relationship between humans and information. Today, the library is no longer walls stacked with books, but a global network that preserves humanity's memory in a renewed digital form, giving future generations the opportunity to access, create, and innovate on foundations drawn from the past.

From the Library

A New Legal Publication Examining the Protection of Public Officials from Assault Crimes



A new legal book has recently been issued by Dar al-Sadiq Cultural House under the title "Crimes of Assault against the Public Official and the Person Charged with a Public Service" by retired judge 'Adil 'Abd al-Husayn al-Kar'awi. It is an extensive study addressing one of the most important topics related to the safety and prestige of the public service in the Iraqi state.

Through five main chapters, the author presents an in-depth analytical vision that examines the historical and criminal framework of the crime of assaulting an official, starting from ancient legislation to current laws and what they require in terms of review and complementary legislation.

First chapter... historical roots and the definition of the public official

Al-Kar'awi opens his book with a foundational study in which he discusses the historical development of the crime of killing or assaulting a public official during, or because of, the performance of his duty. He reviews the positions of ancient legislation and clarifies the differences between the administrative and criminal definitions of the "public official," and the legal consequences that follow.

Second chapter... criminal and procedural protection

The second chapter, titled "Criminal Protection of the Public Official," is devoted to examining the criminal and procedural guarantees with which the law has surrounded the official during the performance of his duties. The author also discusses the justifications for criminalizing assault or killing from legal, social, and security perspectives, and compares different penal philosophies in modern legislation.

Third chapter... elements of the crime and its legal nature

In this chapter, the author addresses the elements of the crime of killing a public official or a person charged with a public service, first identifying the legal subject of the crime (the killing of a living human being), then the material and moral elements of the deadly assault. He explains the importance of the victim's status and its effect on aggravating the penalty, and pauses to distinguish between the crime of killing and the offense of insulting a public official within the same legal context.

Fourth and fifth chapters... insult and resistance

Al-Kar'awi devotes the fourth chapter to analyzing the crime of insulting a public official or a person charged with a public service while performing his duty or because of it. The fifth chapter is devoted to crimes of assault and resistance committed against officials during the performance of their functions.

The book concludes with a bold critical summary directed at the Iraqi legislator, supported by practical recommendations calling for strengthening the protection of public officials and increasing the effectiveness of the legislative framework that guarantees the safety and prestige of the public service.

Key recommendations... a call to reinforce protection and reconsider penalties

At the end of the book, the author reaches several recommendations, the most prominent of which are:

- The need for the state to protect its officials and surround them with a strong legal deterrent, as they represent the state's prestige and standing before society.
- Reconsidering the drafting of Article 406 of the Penal Code, especially in cases where more than one aggravating circumstance is combined in a single crime, since the law has treated all aggravating circumstances equally—among them premeditation and lying in wait—assigning them a single penalty, namely death.
- Excluding those convicted under Articles 231–230–229 of the Penal Code from eligibility for conditional release under Article 144 of the Penal Code, in recognition of the seriousness of these crimes and their direct impact on the public service.

Through this treatment, the book becomes an important reference for researchers, legal practitioners, and graduate students—a knowledge resource that sheds light on an aspect that has rarely received thorough scholarly attention, at a time when concern for protecting public officials and safeguarding the prestige of the state and its institutions is on the rise.

Biographies and Memories

Jamal al-Din al-'Aqooli: A Judge Who Stood among the Ruins of Baghdad to Restore the Voice of Justice

In the pages of Iraqi history, the names of men shine who left indelible marks and worked in the darkest of times, standing as witnesses to their era and symbols of their age. Among those figures who faced the times with rare steadfastness stands Judge Jamal al-Din 'Abd Allah ibn Muhammad ibn 'Ali ibn Thabit al-'Aqooli—the man who took up the helm of the judiciary in Baghdad just one year after the greatest catastrophe to befall it: the Mongol invasion of 1258 CE.

A judge above the ruins... as Baghdad tries to heal its wounds

When Baghdad fell to Mongol hordes, thousands were killed, cities were destroyed, and the Abbasid state—five centuries old—collapsed. At a time when the nation surrendered to the bitterness of the shock, a man of learning stepped forward to restore the prestige of the judiciary and to return to society something of its lost order. In 1259 CE, al-'Aqooli assumed the position of Judge of Baghdad, becoming the first to breathe life back into the judicial council after the fall of the capital of the caliphate.

Six decades in the sanctuary of scholarship and fatwa

Al-'Aqooli remained in his judicial position until his death in 728 AH / 1327 CE, meaning he sat issuing fatwas in Baghdad for more than sixty years. He studied at the Mustansiriyya School and learned under some of the greatest scholars of his time, including Muhy al-Din ibn al-Jawzi. The historian Ibn al-Sa'i narrated from him. Al-'Aqooli was distinguished by his vast knowledge, formidable presence, and strong character; it was said:

"Even if everyone in Iraq wrote opinions in a fatwa, no one would heed anything but al-'Aqooli's handwriting."

He was known for commanding right and forbidding wrong, and he was courageous and steadfast, not yielding to authority nor fearing the power of rulers.

A judge in the Mongol era... from Hulagu to Abu Sa'id Bahadur

Al-'Aqooli assumed the judiciary in one of the most complex periods in Iraq's history, serving under nine Mongol and Tatar rulers who successively governed Baghdad after Hulagu.

His tenure began in the reign of Hulagu Khan in 657 AH, then continued under his governors over Baghdad: Fakhr al-Din al-Damghani and 'Ala' al-Din al-Juwayni. Then came the reigns of Abaqa Khan son of Hulagu, Tekudar Khan (who embraced Islam and took the name "Ahmad"), Arghun, Ghazan, Ghazan's brother Khudabanda (al-Ja'itu Muhammad Khudabanda), and finally Abu Sa'id Bahadur, whose rule continued until 736 AH—around ten years after al-'Aqooli's death. This historical span reflects the degree of trust that successive authorities of different orientations placed in al-'Aqooli, indicating his high scholarly standing, integrity, and courage.

An endowment and a mosque that remain to this day

Al-'Aqooli built the al-'Aqooli Mosque in Baghdad, which still bears his name to this day. He endowed all his property to it, including vast tracts of land in Salman Pak and shops in the Bab al-Agha market. He made the mosque an endowment for his shaykh and for ten boys to recite the Qur'an there.

Over the following centuries, additional endowments were attached to the mosque, and it was restored several times, the last being at the end of the Ottoman era by the governor of Baghdad Namik Pasha the Younger (1901), followed by Abu Bakr Hilmi (1902).

Inside the mosque stands the tomb of Judge al-'Aqooli, topped by a wooden cenotaph carved with Qur'anic verses. On it is inscribed:

"This is the tomb of the servant in need of God Almighty, 'Abd Allah..."

along with his date of birth, 638 AH, and his date of death, 728 AH.

After him... the continuation of the judicial council

After his death, the judiciary of Baghdad was assumed by Judge Husam al-Din al-Furi, who remained in office until he left for Egypt in 1337 CE, where he became Chief Judge (Qadi al-Qudah) of the Hanafi school in the Mamluk state.

A tribute to the legacy of a man... who restored to justice its pulse in a time of ruin

Judge Jamal al-Din al-'Aqooli is not merely a historical figure; he is a symbol of the power of law even in the darkest of ages. He was the man who restored to Baghdad the voice of the judiciary after its mosques and courts fell silent under Mongol swords, and he left a scholarly and architectural legacy that still bears witness to his name to this day.

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