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Legal & Accounting

# Tawqeeaq Platform For Electronic Signature

Prepared By: Attorney Duha Falah Hasan  
TRAINEE ATTORNEY

## Launch of the “Tawqeeaq” Electronic Signature Application

As part of the Iraqi government’s efforts toward digital transformation and the automation of public and private institutions, the General Secretariat of the Council of Ministers will oversee the launch of the electronic signature service project. This initiative aims to lay the groundwork for transitioning certain paper-based transactions to fully digital formats. The legal foundation for this transition is Law No. 78 of 2012, which governs electronic signatures.

The Iraqi Ministry of Communications announced that the project has surpassed 90% completion, and the service is expected to be launched soon. Once implemented, Iraq will be one of the pioneering Arab countries to adopt the concept of electronic signatures, marking a significant step forward in the provision of government services.

The Ministry of Communications has contracted the Iraqi Company founded in 2022 in Baghdad (Technology Source) to execute the electronic signature service project, initiated by the State Company for Internet Services (SCIS) in Iraq in accordance with Law No. 78 of 2012 on electronic signatures and transactions.

It is worth noting that a digital certificate allows its holder to electronically sign documents, commercial papers, or government transactions. These certificates are issued under the name of the SCIS, affiliated with the Ministry of Communications (certificate issuer), through Iraq’s National Public Key Infrastructure (IQ\_NPKI). This type of certificate can be used to sign documents such as Word and XML files issued by public or private institutions, enabling them to offer services to citizens, employees, or individuals, such as signing electronic contracts or application forms, or for use in electronic archiving systems, among other services.

Under this law, certificates of authentication may be revoked under Article (9) if:

1. The individual or legal entity ceases to exist.
2. The information provided for the creation of the electronic signature is found to be false, forged, or inaccurate, or if the certificate is misused.

Once this service is launched, all providers of electronic services will be able to apply for their own digital certificates by submitting a request to the Ministry of Communications via (Technology Source). The application must include one of the following valid documents:

- Passport – valid for at least six months.
- National ID card – valid for at least six months.

**The procedure for using electronic signatures between contracting parties,** according to Law No. 78 of 2012, involves submitting a request to the specialized certificate-issuing company. Once the certificate is issued, the new user receives both a public and private key. The user can then send an encrypted electronic message, using either the recipient's public key or their private key, with the electronic signature attached. The recipient's system verifies the signature by sending a copy of it to the issuing company for validation. The company's computers cross-check the signature against their database, confirm its authenticity, and return the results to the recipient, who can then read the message using either their public key (if the encryption was done using their public key) or the sender's private key. The process repeats with each message exchanged.

It should be noted that certain transactions are excluded from the scope of Law No. 78 of 2012, as stipulated in Article 3(II). These include:

- a) Transactions related to personal status and family matters.
- b) The creation or modification of wills and endowments.
- c) Transactions involving immovable property, including related powers

of attorney and ownership deeds, and the creation of real rights, except for leases of such properties.

- d) Transactions that are legally required to follow a specific form.
- e) Court procedures, judicial notifications, summonses, search and arrest orders, and judicial rulings.
- f) Any document required by law to be notarized by a public notary.

Moreover, Article (5) of the law states that electronic signatures are considered legally valid if authenticated by a certification authority and if the following conditions are met:

- The electronic signature is uniquely linked to the signatory.
- The electronic medium is controlled solely by the signatory.
- Any alteration or modification to the electronic signature is detectable.
- The signature is created following procedures defined by the Ministry of Communications through instructions issued by the minister.

In conclusion, both public and private institutions are set to embrace a new type of transaction centered around authentication, which may require a degree of familiarity with electronic applications by both users and administrators. Given the importance of these transactions, which affect the rights and obligations of citizens and companies, it may be necessary to organize training workshops and awareness seminars on the use and functionality of electronic signatures before the service is officially launched. It is also essential to ensure that this service complies with international standards, thereby granting legal validity to electronic signatures issued in Iraq for the documents that bear them.

Sources:

1. [Iraqi Ministry of Communications \(moc.gov.iq\)](http://moc.gov.iq)
2. [News report | Ur Portal \(ur.gov.iq\)](http://ur.gov.iq)
3. [Source Of Technology \(techsource.iq\)](http://techsource.iq)

4. [National Data Center discusses final preparations for launching the Electronic Signature Project PKI- The Iraqi General Secretariat for the Council of Ministers \(cabinet.iq\)](#)
5. [National Data Center completes the plan to launch the electronic signature project – Al Masra \(almasra.iq\)](#)