



The Federal Supreme Court (F S C) has been convened on 10.10.2017 headed by the Judge Madhat Al-mahmood and membership of Judges Farouk Mohammed Al-Sami, Mohammed Qasim AL-Janabi , Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Aboud Salih Al-Temimi, Mikael Shamshon Qas Georges and Hussein Abbas Abu Altemmen who authorized in the name of the people to judge and they made the following decision:

The Request

The ICR requested according to its letter No. shin.lam/1/9/10829 dated on 10.9.2017 what texting: ((sub/ inquiry. We send you our best regards, and hopes to state the attitude of the representatives whom participated in (Kurdistan province referendum) on Monday 9.25.2017, and how does that violates the constitutional oath according to article (50) of the constitution.

The decision

The aforementioned letter of the ICR was set for scrutiny and deliberation by the FSC in its session convened on 10.11.2017. The court found in its content and its basis is the request from the FSC to state its opinion and casuistry in (the attitude of representatives whom participated (Kurdistan province referendum) which set on 9.25.2017 and the FSC finds after returning to its specialties stipulated on in article (93) of the constitution and article (4) of its law No. (30) for 2005 that its specialties are: to take decisions in conflicts which occurs between the federal government and the provinces governments as well as governorates, also take decisions in the other conflicts stipulated on in clauses (3rd – 8th) of article (93) of the constitution, and this matter must be done by a case initiated before it according to the provisions of its bylaw No. (1) For 2005 and according to the provisions of civil

procedure law No. (83) For 1969 beside its main specialties which is it monitoring the constitutionality of the laws and the valid orders, and interpret the constitution texts which stipulated on in clauses (1st) and (2nd) of the aforementioned article (93), also for its specialties which listed in its aforementioned law, and not among all these specialties to state opinion or casuistry in the attitude (the subject of the ICR letter) whereas another bodies are specialized to state opinion and casuistry in such incidents and attitudes. Therefore, the court decided to reject the request for Non-competence. The decision issued unanimously on 10.10.2017.