

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.111 /federal/media/2015



Kurdish text

The Federal Supreme Court has been convened on 8/11/2015, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami , Jaafar Nasir Hussein , Akram Taha Mohammed ,Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, and Hussein Abbas Abu Al-Temman, who authorized in the name of the people to judge and they made the following decision :

The Request:

ICR/ General secretariat/ parliamentary department/ commissions' affairs-requested from the FSC by the letter No.(Shin.Lam./1/9/10357) on (12/10/2015), its text is the following:

Greetings

We hope from the court to explain the article (95) from the Constitution which stipulated ((The establishment of special or extraordinary courts is prohibited.)) to make clear what is meant by the special and extraordinary courts to get out of the opinions municipality for the concept of these courts, with all appreciation. The request had been put under scrutiny and deliberation by the FSC and it reached the following decision:

The Decision:

During the scrutiny and deliberation by the FSC, the court found that the article (95) from the constitution of the Republic of Iraq for 2005, it stipulated ((The establishment of special or extraordinary courts is prohibited.)) the FSc finds that the meant by the special courts is the courts that try in the disputes that occurred from the applying of certain law or trying a specific

cases according to its law, and its works end by the ending of the disputes that occurred from applying those laws or the specific cases, which mean it is not permanent in addition it was convened outside the federal judicial authority. It is different from the competent courts for trying specific cases determined by its convening statement which been issued from the federal judicial authority or the law that stipulated its convening according to the procedures that been stipulated in the law of civil arguments if they were civil courts and according to the criminal procedure law if they were penal courts like the competent courts for trying the cases of punishment and the competent courts for trading and courts of work...

The extraordinary courts are the courts that will be made in the special extraordinary conditions, mostly it is being made outside the familiar judicial contexts and these courts are temporary and will end with the end of those conditions which forced itself to publish those courts. It is not required for who take these courts to have the legal conditions as well as for the judges of the federal judicial authority so the Constitution prohibited the publication of courts like those (extraordinary and special). The decision had been issued unanimously and decisive on 8/11/2015.