



The Federal Supreme Court (F S C) has been convened on 11.5.2017 headed by the Judge Madhat Al-mahmood and membership of Judges Jaafar Nasir Hussein, 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 number (shin.lam/1/9/11937) dated on 10.31.2017 what texted (sub/enquiry. We send you our best regards, according to article (93/2nd) of the constitution; we would like to give us your opinion in the article listed below :(article (61) of the constitution stipulated on (the Council of Representatives shall be competent in the following :... second :- monitoring the performance of the executive authority) and apparently this text did not includes restricting this authority to the federal authority, and your honorable court previously clarified in its decision number (80/federal/2017) (The FSC finds by inducing the constitution's texts and the texts of Governorates Incorporated into a Region No. (21) For 2008 that article (61/2nd) of the constitution which granted the ICR the competence of monitory of the executive power performance was absolute, and this absoluteness extends to the cadres of the Federal executive power and the local Government, on its head, the Mayor. Also the Court finds that article (2/3rd) of Governorates Incorporated into a Region stipulated on the specialty of the ICR by monitoring the Councils including the Governorates Councils. Based on that, the ICR has the right to direct parliamentary questions to the Governor and the governorate council's head), so, is it possible to direct inquiry to the Governor or the head of governorate council, especially that the governorates incorporated into a

region law number 21 for 2008 (amended) had constituted for such monitory).

The decision

The letter of the ICR set for scrutiny and deliberation by the FSC in its session convened on 11.5.2017, and the court found that article (61/7th/jim) of Republic of Iraq constitution for 2005 stipulated on (member of the Council of Representatives, with the agreement of twenty-five members, may direct an inquiry to the Prime Minister or the Ministers to call them to account on the issues within their authority. As for clause (8th/heh) of the same article which stipulated on (the Council of Representatives may question independent commission heads in accordance with the same procedures related to the Ministers). The FSC finds except those of executive power members, their inquiry shall be done according to the law which regulates their administrative affairs. As for titles listed in the request, so, directing the inquiry is according to provisions of governorates incorporated into a region law number (21) for 2008. The decision issued unanimously on 11.5.2017.