

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.120 /federal/media/2015



Kurdish text

The Federal Supreme Court has been convened on 6/12/2015, 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 Aad Hatif Jabbar, who authorized in the name of the people to judge and they made the following decision :

The Request:

The ICR requested/ general secretariat/ parliamentary office/ committees affairs- from the FSC by the letter No. (Shin.Lam/1/9/11806) on (22/11/2015) its text as follows:

Greetings

We hope to state your opinion for what been listed in the article (52/Alif) from the Constitution about exceeding the period which been mentioned in the aforementioned article. Will the right of ICR to show the request be annulled, if the mentioned period lapse, as in the case of challenging the decision of ICR which decided the validity of the membership before the FSC, and what are the legal effects for passing the mentioned period, With all the respect.

The Decision:

During the scrutiny and deliberation by the FSC, the court found that the ICR requests in its letter the explanation of the article (52/Alif) from the Constitution of the Republic of Iraq for 2005, after returning to the article 52 from the Constitution, it had been made clear that it comprised from two clauses,

the first clauses (1st) allow objection on the membership of one of ICR members and oblige the ICR to decide in this objection during 30 days from the date of registration at the council by two-thirds majority of the members through whether reject the objection and announcing the validity of the member on whose membership been objected, or responding to the objection and issuing a decision of the invalidity of his membership. The FSC finds according to the article (52/1st) from the Constitution that the ICR shall decide in the presented objection during 30 days from the date of registration by two-thirds majority of its members, lapsing of the mentioned period that been decided doesn't annul the right of ICR of showing the objection and deciding. The right of the objector still until the council decides in the presented objection. The decision had been issued unanimously and decisive on 6/12/2015.