

In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 120/federal/media/2017



Kurdish text

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, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi , Aboud Salih Al-temimi , Michael Shamshon Qas Georges, Hussein Abbas Abu AL-Temman and Mohammed Qasim AL-Janabi who authorized in the name of the people to judge and they made the following decision:

The request

The Badir parliamentary bloc requested from the FSC according to its letter No. (854) on 10.29.2017 the following:

Sub/ Enquiry

Best regards...

Referring to the referendum held by Kurdistan government which is not in charge anymore on 9.25.2017 which violates the provisions of the constitution, whereas article (1): (The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq). And pointing to the decision of the ICR No. (51) for 2017 in its seventeenth session which convened on 9.12.2017 included illegality of carrying out the referendum because it is violates the constitution article (1). And pointing to your obligatory order which decided to stop the referendum procedures, therefore, we enquire your court to clarify your true and clear opinion about the violation of the referendum to the provisions of the constitution. With respect and appreciation.

The aforementioned request set for scrutiny and deliberation by the FSC in its session convened on 11.5.2017. The FSC reached the following decision.

The decision

After scrutiny and deliberation, the court found that the request which includes clarification of the true and clear opinion about the violation of the referendum to the provisions of the constitution. The FSC finds that answer this enquiry contradicts with provisions of article (91/5) of civil procedure law and the judicial routines which does not allow giving a pre-opinion in a subject concerns cases reviewed before the court, and initiated for this reason. And these case are 89/federal/2017 & 91/federal/2017 & 92/federal/2017 & 93/federal/2017 which initiated before this court, and its subject is the same subject of the enquiry, which is it challenging the constitutionality of referendum process which held in Kurdistan territory and the disputed regions on 9.25.2017. These cases are still not reviewed, whereas the court directed several notifications to the other party. The decision issued according to provisions of article (93/2nd) of, and no reply received from there yet. The decision issued unanimously on 11.5.2017.