



The Federal Supreme Court (F S C) has been convened on 11.6.2017 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 general secretary of the cabinet requested in the letter of general s secretariat of the cabinet No. (qaf/2/2/68/035870) dated on 11.5.2017 the following text:

Esteemed sirs the Head and Members of the FSC
Sub/ a request of interpreting a constitutional text

Best regards...

According to the provisions of article (93/2nd) of the constitution, we please your honorable court to interpret the text of article (1) of the constitution which stipulates on ((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 the interpretation of the phrase one federal state inhibits any territory or a governorate incorporated into a region belongs under the sovereignty to decide separate from it, if the phrase (and this constitution is a guarantor of the unity of Iraq) means the necessity of the federal system components remaining which stipulated on (116) of the constitution which represented by the capital, the territory, Non-

central governorates and the local administration includes one unified Iraq without giving the right to any one of these powers to separate from Iraq, if there are no texts in the constitution permits that. With respect.

The aforementioned request set for scrutiny and deliberation by the FSC in its session convened on 11.6.2017, and after studying article (1) the interpretation subject and returning to all related articles which listed in the constitution which article (1) considered it a guarantor of unity of Iraq. The FSC reached the following decision.

The decision

The popularity of the Iraqi people were voted on the constitution of Republic of Iraq and to commit to the provisions of articles listed in it, includes article (1) the interpretation request subject, and the FSC finds that this approval and this commitment from the ruler and the governed, Iraq should be in its geographic borders internationally approved, and with its federal system components stipulated on in article (116) of the constitution, and they are the capital, territories, Non-central governorates and the local administration, a one federal independent state with full sovereignty and the system of the government Republican and Representative, and the articles of the constitution guarantor of unity of Iraq. Article (9) of it obliged the federal powers stipulated on in article (47) of the constitution, which they are: legislative, executive and judiciary powers to maintain the unity of Iraq, its safety, independence, sovereignty and its democratic federal system. The FSC did not find from reviewing the texts of the Republic of Iraq constitution for 2005 and studying it any text allows the separation of any components of the federal system in the Republic of Iraq aforementioned, which they are the capital, territories, Non-central governorates and local administration stipulated on in article (116) of the constitution from Iraq according to its provisions in effect which regarded a guarantor to the unity of Iraq as it is stipulated on in article (1) the interpretation request subject. The decision issued according to provisions of article (93/2nd) of the constitution with majority of six members and disapproval of three members of the court.

