

The In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 146/federal/media/2018



Kurdish text

The Federal Supreme Court (F S C) has been convened on 25.7.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges, Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temman, Mohammed Qasim Al-Janabi, who authorized in the name of the people to judge and they made the following decision:

The Request:

General Secretariat of the House of Representatives/ Legal Department request from the FSC by its letter (1/13/6834) on 24/7/2018 the following state:

Subj./ Federal Cases

Greetings and appreciation

A reference to the letters of the Court sent to the House of Representatives after the end of the third date 30/6/2018 election session and required to inform the President of the House of Representatives/ being in this capacity of the cases attached to it and send editorial answers on it within fifteen days Please kindly indicate the extent to which the Honorable Court has accepted our power of attorney from the former Speaker of the House of Representatives / being in this capacity to represent the Council and the extent to which the regulations are

accepted on pleading of the Council for claims made after that date. And accept the respect and appreciation.

The above request put in the image come to the FSC in examination and deliberation to the following:

From the extrapolation of the texts of the Constitution of the Republic of Iraq for the year 2005 in its article (1), (47), (48), (49), (54) we find that the Republic of Iraq in one federal state and that the legislative authority is one of the components of the federal authorities and that the House of Representatives is one of the components of this authority, which consists of a number of members who represent the people and the election of a president among them (to represent) the House of Representatives as a personality of an entity independent of the personality of its president in reference to the texts that define the moral personality, we find that the civil law No. (40) of 1951 and the article (47) defines the moral personality and goes to enumerate and in the forefront (the state). The phrases (1) of the article (48) States that "every person shall have a representative who expresses his will" as in text of the phrase (2) to have (the right to litigation) for the legal person. On the basis of the above, the House of Representatives - as one of the authorities that make up the Republic of Iraq - is a moral person and that the President of the House of Representatives is the representative and the isolation of this moral character of the House of Representatives by changing from representing a natural person is not in itself a necessary condition for the moral personality and the agency of which he is the author being in this capacity shall remain valid as long as they have been issued in accordance with legal requirement and shall not be canceled by the change or change of the President of the Council at the end of his term as long as the agency has issued him and he has issued at the time because the legal actions issued by those who have issued them remain in place until canceled or modified or one of the conditions provided for in article (946) of the Civil law. This is what the concept contained in

article (130) of the constitution goes to. This is what is required of the continuation of the functioning of the public utilities in the State in the performance of its duties and the change of its superiors, therefore the right of his agent to carry out the legal acts entrusted to him, including the submission of the pleading to the cases placed on the House of Representatives and regulations in that he is an agent for the legal person (House of Representatives) and not the person of the president in his personal capacity, which ended his work for the post mentioned at the end of the electoral session. is over