

Republic of Iraq  
Federal Supreme Court  
Ref. 176 / federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 27/8/2023 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul Rahman Suleiman, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Raheem Sayhood Lazim Al-Darraji - Secretary General of KAFA Movement/ being in this capacity – his agent, the barrister Ahmed Yarub Al-Bawi.

The Defendant: The Prime Minister/ being in this capacity.

### **The Claim**

The plaintiff, through his agent, claimed that the Iraqi Council of Representatives had voted on 27/10/2022 on (the government curriculum that includes the political agreement under the title of the ministerial curriculum paper), and that this vote gave it legal status, and made it by law. Whereas the commitment to timings is a binding legal duty, which is an application of the government curriculum that achieves respect for the law and the constitution and ensures the cohesion of the democratic political system in Iraq, as the government curriculum obligated to amend the election law within three months, hold early elections within a year, and hold Kirkuk Provincial Council elections on the same date as they were held in all governorates in accordance with the law in force, provided that they do not exceed one year from the date of government formation, and whereas the Council of Ministers decided on 20/6/2023 to set next December 18 as the date to hold the 2023 provincial council elections, according to what was announced by the Prime Minister's Information Office, the government should have adhered to the government's curriculum on the elections to the Council of Representatives, considering that the system of government in Iraq is parliamentary representative, so the prosecutor requested from this court to issue the decision to oblige the government to set a specific day for the parliamentary elections. The lawsuit was registered with this court at the number (176/Federal/2023) and the legal fee was collected for it the defendant was informed of its petition and documents following Article (21/1<sup>st</sup> and 2<sup>nd</sup>) thereof, and for the lapse of the period stipulated in item

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(third) of the article above without receiving an answer from the defendant, a date was set for considering the lawsuit without pleading, on the specified day, the court was formed and the case began to be heard, the court checked what was stated in the plaintiff's petition, his grounds and requests, and after the court completed its checks, the end of the minutes has been made clear and the court issued the following decision:

**The decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff's lawsuit focuses on demanding the issuance of a decision by this court obliging the government (to set a specific day for the parliamentary elections) before the period of one year referred to in the ministerial curriculum - the subject of the lawsuit - based on the constitutional provisions related to parliamentary elections and the principle of commitment to the constitution and its spirit, and to oblige the government to the constitutional and political timings to which it has committed itself. The Court finds that the jurisdiction of the Court is determined under Article (93) of the Constitution of the Republic of Iraq for the year 2005, and not among those competencies is what was stated in the plaintiff's claim regarding obliging the government to set a specific day for the holding of parliamentary elections or to interfere in the planning and implementation of the general policy of the State, and thus the plaintiff's lawsuit should be rejected. Accordingly, when the Federal Supreme Court decided to dismiss the lawsuit of the plaintiff Rahim Sayhoud Al-Daraji must for lack of jurisdiction and to burden him with judicial fees and expenses. The decision has been issued unanimously, final, and binding for all authorities according to the provisions of articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and articles (4 and 5) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been edited in the session dated 10/Sufur/1445 Hijri coinciding with 27/August/2023 AD.

**Judge**

**Jassim Mohammed Abbood**

**President of the Federal Supreme Court**

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