

IN THE NAME OF GOD, MOST GRACIOUS, MOST MERCIFUL

Republic of Iraq
Federal Supreme Court
Ref. 18/federal/media/2016



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 24/3/2016 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Hussein Abbas Abu Al-Temmen, Ade Hateef Jabbar and Mohammed Rajab Al-Kubaise who are authorized in the name of the people to judge and they made the following decision:

The Request:

Kirkuk Governorate Council/ Office of the President of the Council/ inquired the F.S.C. by the letter No.(826) on (3/3/2016) about how to compensate vacant seats for the members of district and sub-district councils that have become vacant due to the deaths of members due to terrorist incidents which stated the following:

Our Council presents you with best regards.

Referring to the decision of the State Consultative Council No.(99/2013) on (23/10/2013) about the mentioned subject (the attachment is copy of it). Please kindly review, and state your opinion about its content the legal principle, so that we can do the necessary.

With thanks and appreciation.

The F.S.C. placed the request under scrutiny and deliberation and reached the following:

The Decision:

During scrutiny and deliberation by the F.S.C., the court found that the request of the Kirkuk Governorate Council from the F.S.C. to state its opinion about the legal principle issued by the State Consultative Council by its decision No.(99/2013) on (23/10/2013) which include ((the vacant seats in the council of district and sub district cannot be compensated, the members shall remain in their posts until the election of who replaces them)), and when scrutinize the jurisdiction of this court stipulated in article (4) of the F.S.C. law No.(30) for 2005, and article (93) of Iraq republic constitution for 2005, we found that it's not compatible to explain and stating opinion in the decisions that issued by the State Consultative Council, where as it is compatible to explain the constitutional texts. Therefore this request is out of the F.S.C. jurisdiction, and decided to reject it from this point. The decision has been issued divisively and unanimously on 24/3/2016.