

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.25/federal/media/2016



Kurdish text

The Federal Supreme Court has been convened on 5/4/2016, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami , Jaafar Nasir Hussein , Akram Taha Mohammed , Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Hussein Abbas Abu Al-Temman, Aad Hatif Jabar and Sulaiman Abdullah Abd AL-Samad, who authorized in the name of the people to judge and they made the following decision :

The Request:

The office of the prime minister requested from the FSC by its letter No.(Mim.Ra.Waw/56/4562) that dated on 4/4/2016 what its text is: (according to the provision of the article (93/2nd) from the Constitution, please inform us about the possibility of the ICR to vote in one decision issued from it unanimously on the removal of the minister, associated at the same time with the approval of appointing of someone instead of him according to the proposal of the prime minister. Is clarifying required for the reason for the removal?). the request had placed under the scrutiny and deliberation by the FSC and it reached the following decision:

The Decision:

Whereas the article (78) from the Constitution of the Republic of Iraq for 2005 allowed the prime minister to remove a minister with the approval of the ICR. And wheres this text is absolute in practicing this right and no reasons for the request of removing the minister were required to be mentioned. Considering that the prime minister and according to the above mentioned Constitutional text is the direct executive responsible for the

state public policy. About wondering if the ICR can vote in one decision issued from the council unanimously on the removing of a minister, associated at the same time with the approval of appointing another one as instead of him. The FSc found from reviewing the Constitution texts that were listed in this matter that there is no text prevent that. It is within the requirements of the proper functioning in the cabinet to implement the public policy of the state, it required that the ICR decision of removing a minister shall be associated with appointing another one as replacing for him.