Republic of Iraq Federal supreme court Ref. 31/federal/media/2016



Kurdish text

The Federal Supreme Court (F S C) has been convened on 21.4.2016 headed by the Judge Madhat Al-Mahmood and membership of Judges, Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temman who authorized in the name of the people to judge and they made the following decision:

The Request:

House of Representations requested in the letter No. (mim. ra/746) on 20/4/2016 which state: ((according to the provisions of article (93/2nd) of the Constitution we requested from Your esteemed Court the following: First- Interpretation and clarification of opinion in the text of article (59) of the Constitution which state that: First/ The quorum of the sessions of the House of Representatives is achieved in the presence of an absolute majority of the number of its members)). Second/ decisions are taken in the sessions of the House of Representatives by a simple majority after the quorum is achieved unless it states otherwise))

((And to indicate the legal effect of holding meetings and making decisions violate to this text))

Second- ((Interpretation and clarification of opinion in the text of article (59) of the Constitution which state that (the House of Representatives establishes an internal system for regulating the functioning of the house.) and to show the legal value of this system and the impact of the conduct of work in the Council in violate to it)).

The request was under scrutiny and deliberation by the FSC and has reached the following:

The Decision

When scrutiny and deliberation by FSC fond that's what's in the item /first/ from the letter above finds its explanation in the FSC's decision issued on 21/10/2007 No. (23/federal/2007) is attached.

As for the explanation requested for the item /second/ from the letter above, the court has reached the following:

The text of article (51) of the Constitution of the Republic of Iraq obliged the House of Representatives to issue a bylaw to regulate the functioning of the work, and the court found that the House of Representatives issued the required system and if there is a procedure violate to what is mentioned in its ruling, this constitutes a dispute that needs to be resolved through a case filed before the competent court and the decision was issued unanimously on 21/4/2016.