

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.44 /federal/media/2015



Kurdish text

The Federal Supreme Court has been convened on 28/4/2015, headed by the judge Madhat Al-Mahmood and membership of judges Akram Taha Mohammed ,Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temman, Aad Hatif Jabbar, and Mohammed Rajab AL-Kubaisi, who authorized in the name of the people to judge and they made the following decision :

The Request:

ICR/ the Head office- requested from the FSC according to its letter No.(Mim.Ra/869) dated on 26/4/2015 its text is :

According to the provisions of the article (92/2nd) from the Constitution of the Republic of Iraq for 2005 and for ensuring the validity of the taken procedures in ICR with the Constitution in what relates to voting on the law of the FSC. Please explain what was listed in the aforementioned article of provisions that relate to the method of voting on the court's law.shall the voting on the law's articles be by the absolute majority for the attended members according to the provisions of the article (23) from the bylaw of ICR, or by the majority of the two-third of ICR members or to be limited to the availability of the two-third members condition on the final voting for the law. Please review and inform us.... With all appreciation.

The request had been placed under the scrutiny and deliberation by the FSC and it reached the following decision:

The Decision:

Federal Supreme Court - Iraq - Baghdad
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Radhaa

During the scrutiny and deliberation by the FSC, the court found that ICR according to its aforementioned letter requested from the FSC to explain the article (92/2nd) from the Constitution of the Republic of Iraq for 2005, for what relates to voting on the draft law of FSC. returning to the article (92/2nd) from the Constitution of the Republic of Iraq for 2005, it was made clear that it stipulated ((The Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence, and legal scholars, whose number, the method of their selection, and the work of the Court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives.)) according to the above, the FSC finds that the legislating of a new law of FSC requires ratifying on it by voting on the law's articles by the two-third majority of ICR members as well as it requires ratifying on the law en bloc, the voting by the majority two-third of ICR members and taking another explanation means Emptying the constitutional text and exceed it and predominance the texts of the bylaw, for the specialty of the provisions of FSC. in view of what FSC represents considering it as the higher judicial committee in Iraqi judicial hierarchy and in the federal judicial power because its constitutional competences and for extent fo these competences and authorities to the regions and the governorates that are not organized in regions according to the aricle (92/1st) from the Constitution. The decision was issued unanimously and decisive on 28/4/2015.