

IN THE NAME OF GOD, MOST GRACIOUS, MOST MERCIFUL

Republic of Iraq
Federal Supreme Court
Ref. 70/federal/ 2019



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 28/7/2019 headed by the Judge Madhat Al-Mahmood and the membership of the Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen who are authorized in the name of the people to judge and they made the following decision:

The Request

The Council of Representative (I.C.R.) requested the F.S.C. by its letter No.(shin. Lam./9/1/7582) dated on 11/7/2019 which stated the following:

The honorable Mr. President of the Federal Supreme Court.

Sub/ Constitutional interpretation

We presents you with our best regards...

Please to interpret the article (76) of the constitution which stated that the President of the Republic shall assign the candidate of the parliamentary bloc with the biggest number to form the Council of Ministers, and other relative texts as the following:

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Atchraa

1. Does the concept of violation in article (76) of the constitution is applied, to understand the right of the bloc or blocks that do not organize to the largest parliamentary bloc, or withdraw from it, to represent the parliamentary opposition bloc?.
2. Dose any other bloc or members in the I.C.R. have the right to join the opposition frontier or bloc by the same mechanism it was registered by?
3. Inquire about the constitutional guarantees provided to this bloc in the parliamentary system according to the provision of the constitution, and what the comparative jurisprudence has settled on? With appreciation.

The request has been set under scrutiny and deliberation by the F.S.C. in the session held on 28/7/2019, and issued the following decision:

The Decision

During scrutiny and deliberation by the F.S.C., the court found that the content of article (76) of the constitution as clarified by the F.S.C. in its decision No.(25/federal/2010) on 25/3/2010, and confirmed in its decision No.(45/Teh. Qaf/2014) on 11/8/2014, is the definition of the largest parliamentary bloc that was formed after the elections through a single electoral list that won the largest number of seats. Or which have gathered from two or more lists of electoral lists and won the largest number of seats, each of its members won the status of MP after his swearing the constitutional oath, its candidate will assigns to form the Council of Ministers. According to the democratic parliamentary system adopted by Iraq under the text of article (1) of its constitution for 2005, the rest of

the MPs whom did not join the largest parliamentary bloc they have the choice, either to form an opposition bloc according to certain platform and to notify the Presidency of the I.C.R. by the names of its MPs and agenda, or to stay individually and oppose what they want to opposition of the executive authority work or to support it according to their conviction. These individual and the opposition bloc that was formed by it choice and agenda, shall have all the constitutional guarantees stipulated in the constitution and the law of the I.C.R. to exercise the jurisdictions and authorities, because they represent all the Iraqi people, in addition to the impunity that he enjoyed for stating his opinion during the convention session, just like the members of the largest parliamentary bloc, they also have the right of transition to any bloc during the electoral cycle according to their conviction, as guarantee to freedom of opinion and privacy, according to the articles (17/1st) and (38/1st) of the constitution. The decision has been issued unanimously on 28/7/2019.