

IN THE NAME OF GOD, MOST GRACIOUS, MOST MERCIFUL

Republic of Iraq
Federal Supreme Court
Ref. 71/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./9/1/7583) dated on 15/7/2019 which stated the following:

The honorable Mr. President of the Federal Supreme Court.

Sub/ Interpretation

We presents you with our best regards...

According to article (93/2nd) of the constitution that stipulate (the Federal Supreme Court shall have jurisdiction over the following: second: interpreting the provisions of the Constitution), please to interpret the text of article (140) of the constitution, if it valid or not. With appreciation.

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Atchraa

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 article (140) of the Iraqi republic constitution for 2005 has assigned the executive authority to make the necessary steps to complete the implementation of the requirements of article (58) of the law of administrative the Iraqi state for the transitional period with all its paragraphs, which is still valid according to the provision of article (143) of the constitution, in order to achieve the objectives listed in article (58) which aim to achieve justice in the areas that have been subjected to a change in the demographic situation through deportation, exile, forced migration and resettlement, according to the steps outlined in the aforementioned article (58), as these steps were not accomplished, some of it were not even taken, therefore the objective of legislating the article (140) of the constitution is still required and its implementation is binding upon all. As for the scheduled date in it, it was set for organizational matters and to urge the involved to implement it, and does not affect its mean and objective. Accordingly the F.S.C. decided to remain the validity of article (140) of the Iraqi republic constitution presently, until achieving its requirements and the objective of its legislation according to the steps stipulated in article (58) of the law of administrative the Iraqi state for the transitional period. The decision has been issued unanimously on 28/7/2019.