



The Federal Supreme Court (F S C) has been convened on 5.6.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Aboud Salih Al-Temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen who authorized in the name of the people to judge and they made the following decision:

The Request

The general secretariat of the ICR/ parliamentary office/ requested from the FSC according to its letter Ref. (1/9/450) on 4.30.2018 to issue its opinion about the following:

Best regards,

Referring to your decision Ref. (72/federal/media/2018) which included judging by unconstitutionality of clause (waw) of item (1st) from article (19) of political prisoners foundation law No. (4) For 2006 which amended by the law No. (35) For 2013, and item /6th/ of article (19) of aforementioned law. And because almost four years passed since above-mentioned law was enacted. We kindly ask you to issue an opinion about determining a time ceiling to challenge the laws which enacted without takes in consideration the coordination with the government about the financial burdens which included. This matter of issuing a decision by unconstitutionality after a long time may cause confusion and instability in posts and legal situations. With respect. The request set for scrutiny and deliberation by the FSC, and the Court reached the following decision:

The Decision

After scrutiny and deliberation by the FSC, the FSC finds that its competences are restricted in article (93) of the Republic of Iraq

Constitution for 2005, and in article (4) of the FSC's law No. (30) For 2005. Not among these competences is to issue an opinion in above-mentioned request by determining a time ceiling to challenge law which enacted without takes in consideration the coordination with the government in what related to financial burdens which it included. Therefore, the request is out of the FSC competence, and the Court decided to reject the request for incompetence. The decision issued decisively according to provisions of article (94) of the Republic of Iraq Constitution for 2005, and article (5/2nd) of the FSC's law No. (30) For 2005 on 5.6.2018.