



The Federal Supreme Court (F.S.C.) convened on 29.6.2021 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haidar Jaber Abed, Haider Ali Noory, Khalaf Ahmad Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali, who are authorized to judge in the name of the people, they made the following decision:

Who request for inquiry:

Bashir Khalil Haddad / Deputy Speaker of the council of Representatives (I.C.R.).

The request:

The letter to this court was received from the Council of Representatives / Deputy Speaker's Office (Bashir Khalil Haddad) in No. (155) on 14.6.2021, entitled Inquiry, the summary of which included that (the Federal Supreme Court had previously issued a set of decisions that included a ruling invalidating the membership of some Members of the Council of Representatives in the current session, and the implementation of some of those decisions resulted in some members of the Council of Representatives has lost their membership and their replacements took the constitutional oath then, it turned out later that some of those decisions had been signed by the retired judge (Muhammad Rajab Al-Kubaisi), then the Federal Court of Cassation issued the decision No. (4/5/General Assembly/2020) on 17.2.2020, which considered all the decisions signed by the

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forementioned judge to be invalid due to the invalidity of his appointment in the Federal Supreme Court at the time.

The question: Are the decisions of the Federal Supreme Court signed by Judge (Mohammed Rajab al-Kubaisi) are considered non-existent as if they were not? Does this result in the invalidity of the procedures for replacing the representatives for whom the decisions of the Federal Supreme Court were issued, and for the return of the former representatives who lost their membership due to these decisions?).

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court and after reviewing what was mentioned in the letter of the Council of Representatives / Office of the deputy speaker (Bashir Khalil Haddad) referred to above. It turns out that it includes the inquiry to clarify the legal opinion about (whether the decisions of the Federal Supreme Court signed by Judge Muhammad Rajab Al-Kubaisi, are considered null and void? Does this result in the invalidity of the procedures for replacing the representatives for whom the decisions of the Federal Supreme Court were issued and the return of the former MPs who lost their membership? Because of those decisions?) For the reasons referred to in detail therein, and the Federal Supreme Court finds that the request for an inquiry is obligatory to be dismissed in the form of the lack of jurisdiction of this court to consider because its jurisdiction and powers are determined under the provisions of the Constitution of the Republic

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of Iraq for the year 2005, especially Article (93) of it and Article (4) of the Federal Supreme Court Law No. (30) for the year 2005 amended by Law No. (25) for the year 2021, and other special laws, among those jurisdictions and powers, did not include answers to inquiries related to the special effects of judicial rulings or the consequences thereof, their validity, enforceability, and the invalidity or not. And due to the lack of jurisdiction of this court, which necessitates the rejection of the request for an inquiry, and for what was presented, the Federal Supreme Court decided to dismiss the incoming inquiry request referred to by the letter of the Council of Representatives / Office of the Deputy Speaker (Bashir Khalil Haddad) in No. (155) on 14.6.2021, the decision was issued final and in agreement based on the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4 and 5/second) of Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021, on (19 /Dhul Qi'dah/ 1442 AH) corresponding to 29.6.2021 AD.

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Signature of
The president

**Jasem Mohammad
Abbood**

Signature of
The member

Haidar Jaber Abed

Signature of
The member

Ayoub Abbas Salih

Signature of
The member

**Sameer Abbas
Mohammed**

Signature of
The member

Haider Ali Noory

Signature of
The member

**Abdul Rahman
Suleiman Ali**

Signature of
The member

**Ghaleb Amer
Shnain**

Signature of
The member

Khalaf Ahmad Rajab

Signature of
The member

**Diyar Muhammad
Ali**

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