

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.8 /federal/media/2015



Kurdish text

The Federal Supreme Court has been convened on 4/5/2015, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami , Jaafar Nasir Hussein , Akram Taha Mohammed ,Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, and Hussein Abbas Abu Al-Temman, who authorized in the name of the people to judge and they made the following decision :

The plaintiff: (Ra.Jim.Mim.Ain.Sin) his agent the barrister (Mim.Mim.Ra.Sin)

The defendant: ICR speaker/ being in this capacity.

The claim:

The plaintiff's agent claimed that the case No.(8/federal/2015) that the ICR voted on electing the president of the republic (Mim.Feh.Mim) in the report of the session of ICR on 42/7/2014, the president charged (Ha.Ain) as the prime minister then the council voted on the formation of ministry, whereas the elections occurred contrary to the text of the item (4th) from the article (18) from the Constitution ((An Iraqi may have multiple citizenships. Everyone who assumes a senior, security or sovereign position must abandon any other acquired citizenship. This shall be regulated by law.)). So the defendant and considering him as the head of the legislative authority has violated the provisions of the Constitution by deciding via ICR the electing of ((the president of the Republic, the prime minister, the two secretariats of the prime minister, the vice- president, the foreign minister, the minister of oil, the minister of higher education, the minister of finance) for violating the procedures that had been done within the session of ICR headed by the

defendant and according to the article (6) from the bylaw of the FSC, he initiated a case disputing the defendant who ignored the absence of the conditions that must be available Constitutionally for the people referred in the case petition, and the Constitutional violation allowed any individual to challenge it, in addition to that his client damaged from the nomination of who have foreigners identities for the elections. He has a political entity and requested to call upon the defendant/ being in this capacity- for the argument and to decide the annulment of the ICR's decision issued on 24/7/2014, in the session No.(3) and the decisions included electing the aforementioned misters despite having dual identities. After the case had been registered at the FSC according to the bylaw, the defendant was notified by the case petition so his answer listed by his client the doctor (Sad.Jim.Beh) requesting to reject the case for the reasons that explained in it. The day 4/5/2015 had been selected as a date of the argument and the plaintiff attended himself, apologized for the presence of his barrister despite the notifying, the two legal officials of the defendant attended. the argument had been started according to the law, the plaintiff recited his agent's draft and the defendant's agents requested to reject the case and they have no comment on what listed by the plaintiff's agent. After the FSC reviewed the case's documents and completed its investigations, the end of the argument was understood on 4/5/2015.

The Decision:

During the scrutiny and deliberation by the FSC, the court found that the plaintiff has made clear in the case petition that the ICR has voted with agreeing on the election of the president of the Republic in the third convened session of ICR on Thursday 24/7/2014, the president of the Republic charged (Ha.Ain) as the prime minister then the council voted on the makeup of ministerial, the voting violated the item (4th) from the article (18) from the Constitution ((An Iraqi may have multiple citizenships. Everyone who assumes a senior, security or sovereign position must abandon any other acquired citizenship. This shall be regulated by law.)). So he requested to annul the decision of ICR issued on 24/7/2014 and the decisions to elect

who their names listed in the case draft for having dual identities, and the plaintiff attached in the case petition the report of the session (24/7/2014) and (8/9/2014), the FSc finds that the clause (4th) from the article (18) from the Constitution of the Republic of Iraq associated the applying of its text with the issuance of a law for this matter, whereas the law that was not legislated yet, that organizes the mechanism of treating those who have dual identities who got seigniorial posts. Without its issuance according to what the Constitutional text obliged which the plaintiff relied on, no judgment can be issued to annul the charging. Based on this the case of the plaintiff is lacking for its legal substantiation and the court decided to reject it and to burden the plaintiff all the expenses and fees of the advocacy of the two agents of the defendant amount of hundred thousand Iraqi dinars and the decision was issued decisive and unanimously according to the article (94) from the Constitution on 4/5/2015.