

Republic of Iraq
Federal Supreme Court
Ref. 289 / federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 14/12/2023 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Applicant of Interpretation Request: Thair Abdul Khadhim Mukhif Al-Juboori/ Member of Regions and Governorates Parliamentary Committee of the ICR.

The Request

A request was received from this court by (Thaer Abdul Kadhim Mukhif al-Jubouri/member of the Parliamentary Regions and Governorates Committee in the Iraqi Council of Representatives) according to his office's letter numbered (2438) dated 11/12/2023, and the legal fee was collected on his behalf and registered with a number (289/Federal/2023) attached to his office's letter, No. (2762) dated 12/7/2023, in which it was stated that: To exercise its supervisory role, it requests this court to change Article (2) Paragraph (Second) of the Law of the Legal Profession No. (173) of 1965 as amended, which stipulated that whoever wishes to register his name in the register of lawyers must have a primary university degree in law or its equivalent from one of the Arab or foreign universities recognized in Iraq, on the condition that he passes an additional examination in Iraqi laws whose subjects are determined and conducted by the Bar Association Council in this case, the Council may seek the assistance of people with expertise), he requested an interpretation of the aforementioned text and a statement of the legislator's intent by it. Did the legislator intend for Iraqi students to obtain a university degree in law from within Iraq? This is because the Bar Association conducts tests for new students graduating from Iraqi universities for the purpose of issuing an identity card for belonging to the Bar.

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The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the request was submitted for the purpose of ((Changing the text of Article (2) Paragraph (Second) of the Law on the Law No. (173) of 1965 as amended), which stipulates that (It is required for whoever wishes to register his name in the register of lawyers that He must: Secondly - A - have a preliminary university degree in law or its equivalent from one of the Arab or foreign universities recognized in Iraq, on the condition that he passes an additional examination in Iraqi laws whose subjects are determined and conducted by the Bar Association Council, and in this case the Council may seek the assistance of specialists). And an interpretation of the aforementioned text, and an explanation of whether the legislator intended Iraqi students who obtained a university degree in law from inside Iraq?), and the Federal Supreme Court finds that the request must be rejected for lack of jurisdiction, as the powers and jurisdictions of this court are exclusively stipulated in Articles (52 and 93). From the Constitution of the Republic of Iraq of 2005, article (4) of the Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021, and some other special laws, and none of those powers and powers give the court jurisdiction to amend or change the legislation in force, since that requires legislative intervention by following the constitutionally stipulated methods under Article (60) of the Constitution of the Republic of Iraq for the year 2005, which stipulates that (First - draft laws are presented by the President of the Republic and the Council of Ministers, Second - law proposals are presented by ten members of the Council of Representatives, or by one of the Its specialized committees), and Article (61/First) thereof, which stipulates that (the Council of Representatives shall have the following powers: First - legislating federal laws), and Article (80/Second) thereof, which stipulates that (The Council of Ministers shall exercise the following powers: .. Secondly - proposing draft laws), and the applicant should have noted this, especially since he is a member of the Iraqi Council of Representatives. In addition to the above, this court does not have powers or jurisdiction to interpret the texts of laws, except on the occasion of challenging its unconstitutionality, it also has no jurisdiction or authority to answer an inquiry received from one of the authorities in the state, from one of the official

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bodies, or from any representative in the Council of Representatives because this court is not a body for issuing fatwas and expressing opinions, jurisdiction in this matter rests with the State Council based on the provisions of State Council Law No. (71) of 2017 amending State Shura Council Law No. (65) of 1979 amending Article (6/First) thereof, and due to the lack of jurisdiction of this court. The court decided on what was contained in the request and answered the inquiries contained therein. Given the above, the Federal Supreme Court decided to reject the request of Thaer Abdul Kadhim Mukhif al-Jubouri/a member of the Parliamentary Regions and Governorates Committee in the Iraqi Council of Representatives. For lack of jurisdiction. The decision has been issued unanimously, final, and binding for all authorities according to the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and Articles (4 and 5/2nd) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been edited in the session dated 29/Jamada Al-Oula/1445 Hijri coinciding with 14/December/2023 AD.

Judge

Jassim Mohammed Abbood

President of the Federal Supreme Court

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