

Republic of Iraq
Federal Supreme Court
Ref. 116 / Federal / 2022



The Federal Supreme Court (F.S.C.) convened on 29.5.2022 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haider Jaber Abed, Haider Ali Noory, Khalaf Ahmed Rajab, Abdul Rahman Suleiman Ali, Diyar Muhammad Ali and Monther Ebrahim Hussain who are authorized to judge in the name of the people, they made the following decision:

The Applicant:

The representative Haider Muhammad Kazem Al-Mutairi/
Member of the Iraqi Parliament.

The article to be explained:

The text of Article (61/Second) of the Constitution of the Republic of Iraq for the year 2005.

The Request:

The Federal Supreme Court received the request of Representative Haider Muhammad Kazem Al-Mutairi / member of the Iraqi Council of Representatives, according to the letter of the Iraqi Council of Representatives issued by his office No.(137) on 19.4.2022 directed to the federal supreme court/ the president office, titled (interpreting constitutional text) which includes: ((Please interpret the text of Article (61/Second) of the Constitution of the Republic of Iraq of 2005, which states (the Council of Ministers in this case is considered resigned, and continues to manage daily affairs) and does the government, according to this article, have the power to conclude agreements and refer projects The strategy)).

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The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it became clear that the submitted request lies in its summary, with the interpretation of the text of Article (61/Second) of the Constitution of the Republic of Iraq for the year 2005. In this case, he resigned and continues to conduct daily matters. It became clear that the request for interpretation refers to the text of Article (64/second) of the Constitution of the Republic of Iraq and not the text of Article (61/second) of it, because Article (64/second) of the Constitution stipulates (The President of the Republic, upon the dissolution of the House of Representatives, calls for general elections in the country within a maximum period of sixty days from the date of the dissolution. Contract agreements and referral of strategic projects), and the Federal Supreme Court finds that its competencies and powers are specified in Articles (52 and 93) of the Constitution of the Republic of Iraq for the year 2005 and Article (4) of the Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25)) for the year 2021 and some other special laws, Those competencies and powers did not include the jurisdiction of the Federal Supreme Court, according to which opinion and advice are given regarding the inquiry related to a statement as to whether the government, according to Article (64/second) of the Constitution, has the power to conclude agreements and refer strategic projects. Outside the jurisdiction of this court, in addition to the foregoing, the jurisdiction of this court for interpretation is related to the interpretation of the articles and provisions of the Constitution of the Republic of Iraq for the year 2005 and the laws in force based on what was stated in Article (93/Second) of the Constitution of the Republic of Iraq for

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the year 2005 and Article (4/Second) of the Law Federal Supreme Court No. (30) for the year 2005 amended by Law No. (25) for the year 2021, when submitting a request from one of the federal authorities stipulated in Article (47) of the Constitution, as well as when submitting a request from official authorities that have an independent legal personality in the regions or governorates that are not organized in a region when the constitutional text that is required to be interpreted raises an actual dispute in the application and different points of view have emerged regarding it, and that the request is not on the occasion of a dispute before the judiciary, and this What has been settled by the judgment of this court in the decision issued by it in No. (18/Federal/2022) on 3/2/2022, and since the applicant is not considered a representative of one of the parties entitled to request the interpretation referred to above, which requires rejecting the request in form, When the foregoing, the Federal Supreme Court decided to reject the request in form, and the decision was issued by agreement conclusive and binding on all authorities, based on the provisions of Articles (93/Second and 94) of the Constitution of the Republic of Iraq for the year 2005 and Article (5/Second) of the Federal Supreme Court Law No. (30) of 2005 amended by law No. (25) for the year 2021 and issued in the session dated 27 / Shawwal / 1443 AH corresponding to 29/5/2022 AD.

Signature of
The president

Jasem Mohammad Abbood

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