



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

The Federal Supreme Court (F S C) has been convened on 7/9/2022 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, Ayooob 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 Plaintiffs in the case (132/federal/2022): Representative Hadi Hasan Murahij and his group on behalf of himself and the other plaintiffs.

The Plaintiff in the case (162/federal/2022): Associate Professor of Public Law Ph.D. Marouf Ghani Hussein.

The Plaintiff in the case (184/federal/2022): Barrister Murtadha Abid Shunait.

The Plaintiff in the case (185/federal/2022): Barrister Abeer Salam Khalaf.

The Plaintiffs in the case (186/federal/2022): Ammar Ala'a Ridha and Barrister Muhanad Ali Hamil.

The Plaintiff in the case (187/federal/2022): Amir Abdul Jabbar Ismaeel – his agent the barrister Dhuha Jawad Al-Jorani.

The Plaintiff in the case (188/federal/2022): Ph.D. Nassar Zughair Al-Rubaie, Secretary-General of Sadrist Bloc/ being in this capacity- his agents the barrister Abdul Mahdi Hasan Al-Mutairi, and others.

saady



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

The Plaintiff in the case (189/federal/2022): Abdul Mutallab Khadhim Jassim and his group. Their agent the barrister Arshad Hasan Kareem.

The Plaintiff in the case (190/federal/2022): Muhsin Mohammed Fajir and his group. Their agent the barrister Maytham Mohammed Mahdi.

The Plaintiff in the case (192/federal/2022): Qasim Najim Obaid and his group. Their agent the barrister Hussein Ali Aziz and colleagues.

The Plaintiff in the case (193/federal/2022): Sajad Abid Rabat and his group. Their agent the barrister Hadi Hashim Mohammed and his colleagues.

The Plaintiff in the case (194/federal/2022): Fadhil Kamil Hamad and his group. Their agent the barrister Abdul Hussein Khudhair Abbas Al-Bahadli.

The Plaintiff in the case (195/federal/2022): Salam Hamza Mayoof and his group. Their agents are the barristers Hayder Shakir and Hazim Al-Aqouli.

The plaintiff in the case (196/federal/2022): Hussein Hadi Hamza and his group. Their agents are the barristers Saif Salah Wannas and Hamid Salman Fulaifil.

The Plaintiff in the case (197/federal/2022): Naseer Al-Deen Mohammed Hafidh and his group. Their agent the barrister Yahya Abdul Sada and his colleagues.

saady



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

The Plaintiff in the case (199/federal/2022): Mustafa Majeed Abdulla and his group. Their agent the barrister Ra'ad Tuaima Al-Rikabi.

The Plaintiff in the case (200/federal/2022): Khalid Ahmed Abbas and his group. Their agents the barrister Ahmed Razzak Khadhim and his colleagues.

The Plaintiff in the case (201/federal/2022): Ali Farhan Kareem and his group. Their agents the barrister Ahmed Razzak Khadhim and his colleagues.

The Defendants: 1- the Speaker of the ICR/ being in this capacity – his agents the Director-General of the legal department Ph.D. Sabah Juma'a Al-Bawi, the legal counselor Haytham Majid Salim and the official jurist Saman Muhsin Ibrahim.

2- the President of the Republic/ being in this capacity – his agents the chief of legal experts Ghazi Ibrahim Al-Janabi and the legal counselor Salah Lazim Sahmkhi.

3- the Prime Minister/ being in this capacity – his agent the legal counselor Hayder Ali Jaber.

The Claim

The plaintiffs in the lawsuit (132/Federal/2022) claimed by their agent that the Iraqi Council of Representatives voted on 31/3/2021 to dissolve itself on 7/10/2021 and this decision entered into force on the same date in preparation for the early elections held on Sunday 10/10/2021 and therefore pursuant to the provisions of Article (64/2nd - The President of

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

the Republic, upon the dissolution of the Council of Representatives, calls for general elections in the country within a maximum period of sixty days from the date of dissolution, and the Council of Ministers in this case is considered to have resigned and continues to conduct daily affairs) Referring to Article (61/8th-Dal) of the Constitution, which affirmed a binding period for the conduct of business for the resigned Government, which amounted to a maximum of thirty days, in the event of a vote of no confidence in the entire Council of Ministers, and the Prime Minister and the Ministers shall continue in office to conduct daily affairs for a period not exceeding thirty days, until the formation of the new Council of Ministers in accordance with the provisions of Article (76) of this Constitution, the government of (Prime Minister / Mustafa Al-Kadhimi) has exceeded the time limit and constitutional timings in force in accordance with Article (76) of the Constitution as well as Article (64) thereof, and in addition to Article (72/2nd/Beh), which obliges to set a constitutional timing that paves the way for the application of the provisions of Article (76), Article (72/2nd/Beh) stipulates that the President of the Republic shall continue to exercise his functions until after the end of the elections of the new Council of Representatives and its meeting, provided that a new President of the Republic shall be elected within thirty days from the date of the first meeting of the Council), that is, a new president shall be elected within a period not exceeding thirty days from the date of emptiness, in accordance with the provisions of the Constitution, and this determination is not an option for the Council of Representatives but a necessary condition that means violating the constitutional timings, and

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

the Council of Representatives shall apply the provisions of this paragraph in a mandatory application, and since the Speaker of the Council of Representatives did not initiate as a constitutional mandate to activate the provisions of Article (72) in all its paragraphs, he has violated a necessary constitutional and mandatory order, which has plunged the country into a state of constitutional vacuum that has harmed the interests of the country. The people disrupted the work of the government and state institutions, in particular, the Court's orientation in many of its decisions, including decision (23 and its unification 25/federal/2022), affirmed in paragraph (8th) of it that "the lapse of that period and the non-implementation of what is stated in the Constitution during it requires achieving a balance between the formation of federal authorities to ensure the functioning of public utilities and not to disrupt them and between the end of that period and their breach", and on this principle, the Federal Supreme Court issued its decision, which stipulated in operative paragraph (2nd) of the judgment that ((Obliging the Presidency of the Council of Representatives to offer to open the door Nomination for the office of President of the Republic on the Council of Representatives and voting on it or not following the provisions of Article (59/1st and 2nd) of the Constitution and for one time ... The President of the Republic shall be elected within a short period)), The brief in the language of connotation and terminology is the abbreviation of the thing to the extent that it is not excessive, and here and through constitutional and legal jurisprudence the Court's determination of the singularity of a short period was intended not to exceed in any way the constitutional period, as well as that the

saady



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

dissolution of the Council of Representatives and the call for early elections occurred in the third calendar year of the fourth session, since the first session of the fourth session of the Council of Representatives was held on 3/9/2018, which means that the constitutional date for the holding of elections that were supposed to be held after four calendar years begins with the first session and ends by the end of the fourth year, provided that the elections are held 45 days before the date of the end of the previous parliamentary session based on the text of Article (56) of the Constitution, which means that the elections were supposed to be held on 20/7/2022, this puts us in front of a constitutional jurisprudential concept that in the event that the Council of Representatives dissolves itself and holds elections in 2021 is to complete the remaining period in the work of the fourth session of the Council of Representatives, which means that this session is to complete the fourth session which ends on 20/7/2022 which is the date on which the elections are supposed to be held, the plaintiffs must request the Federal Supreme Court to oblige the first defendant to apply the provisions of the Constitution with regard to the binding constitutional timings contained in the aforementioned texts during the period of thirty days granted to him is obligatory and inevitable, otherwise he has perverted the members of the Council of Representatives with the oath taken in accordance with Article (50) of the Constitution, which will cancel with him their original status as members of the Iraqi Council of Representatives in its current session, or cancel the approval of their membership and oblige the President of the Republic and the Prime Minister to set a date for the elections of the Council of Representatives for the fifth session and issue the order and

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

the presidential decree to do so, and to charge the defendants in addition to their jobs fees, expenses and advocacy fees. This case was registered with this court in the number (132/federal/2022) and the legal fee was met based on the provisions of Article (1/3rd) of the Bylaw of the Federal Supreme Court No. (1) of (2005) and informs the defendants of its petition and documents in accordance with the provisions of Article (2/1st) of the same Bylaw above, and the agent of the first defendant replied to the answer regulation dated 6/6/2022 to conclude that the plaintiffs have mixed two orders that have nothing to do with each other, the first order concerns (the vote of no confidence in the other). The entire Council of Ministers and its continuation of the day-to-day conduct for a period not exceeding thirty days) in accordance with the provisions of Article (61/8th/Dal) of the Constitution, where the text relates to a government that has resigned legally and in fact as a result of the withdrawal of confidence from it, which has nothing to do with the constitutional and political situation in the country, where confidence has never been withdrawn from the current Council of Ministers until the plaintiffs rely on this provision to determine the duration of the conduct of daily affairs, The second issue concerns (the invitation of the President of the Republic to general elections in the country upon the dissolution of the Council of Representatives, and the Council of Ministers in this case is considered to have resigned and continues to conduct daily affairs) in accordance with the provisions of Article (64/2nd) of the Constitution, since the government is considered to have resigned by virtue of a verdict and not a reality, and that this article did not specify a time limit for the continuation of the conduct of daily

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

affairs as in the previous article, although it is necessary that the new government be formed in accordance with the provisions of Article (76/1st and 2nd) of the Constitution under normal circumstances and the mandate of the previous government to conduct matters ends at that time and the new government assumes the task of governing and administering the country, but the failure to do so necessitates the continuation of the government to conduct daily affairs no matter how long it takes to ensure the conduct of state affairs and the management of public facilities in it and to fulfill its internal and international obligations and achieve the interests of the people, and to this effect the decisions of the Federal Supreme Court issued after the approval of the results of the last general elections, especially its decision No. (121/Federal/2022) dated 15/5/2022, and since the plaintiffs have combined two different rulings in two assumptions that have nothing to do with each other in terms of the continuation of the government's mandate to dispose of everyday matters, and since the imposition is the subject of the plaintiffs' allegation has nothing to do with the reality of the current government, therefore, the claim that the government has exceeded the time limit and the timings in force in accordance with the Constitution is baseless, and that his client has invited the Council of Representatives to elect the President of the Republic within the constitutional timings, but the lack of a quorum to hold the session for the election of the President of the Republic has prevented the Council of Representatives from fulfilling this constitutional obligation, and after the end of the constitutional and legal period he went to open the door for candidacy to assume the post of President of the Republic again in

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

the hope of achieving a national accord that encourages the parliamentary blocs to attend the election session. The President of the Republic is in a relentless quest to fulfill this constitutional imposition, but this has not been achieved for reasons beyond his control, the Federal Supreme Court, in its decision No. (23 and its unification 25/Federal/2022) dated 1/3/2022, decided to submit the decision to open the door for candidacy for the post of President of the Republic to the Council of Representatives in recognition of the need to find a solution to the issue of silence in the Constitution, which is not to elect the President of the Republic within the period stipulated in Article (72/2nd/Beh) of the Constitution, it is known that the Council of Representatives has agreed to reopen the door for nomination again for one time only, provided that the President of the Republic is elected in a session held in the presence of two-thirds of the total number of members of the Council of Representatives according to the decision of the esteemed court (16/federal/2022) dated 3/2/2022, which has not been achieved so far, and that the plaintiffs are not competent to interpret the objectives of the Federal Supreme Court of its decisions nor have they indicated their support in a single description (brief period) that it does not exceed the constitutional period, even if it is the case, the Court also clearly demonstrated this as to the importance and gravity of this determination, since the plaintiffs did not show their evidence or even their presumption in what I claim, their interpretation represents an unproductive opinion that the court does not turn to when evaluating the plaintiffs' evidence, and the plaintiffs have also been confused between the end of the electoral cycle at the end of the four calendar years of the

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

Council of Representatives based on the provisions of Article (56/1st) of the Constitution and the end of the electoral cycle by dissolving the Council of Representatives based on the provisions of Article (64/1st) thereof, and it is known that the texts of the Constitution interpret each other and that adherence to the text of Article (56/ 1st) With regard to the mandate of the Council of Representatives without paying attention to Article (64/1st) regarding the second way to the end of the term of office of the Council of Representatives, it represents a reversal of a definitive constitutional provision that is indicative of the statement of the end of the mandate of the Council of Representatives by a significant constitutional way, and that to say that the new Council of Representatives is considered a complement to the dissolved Council of Representatives is a statement that lacks constitutional basis and represents a point of view devoid of evidence, the general elections in the country have already been announced and the Federal Supreme Court by its decision No. (175/Federal/2021) dated 27/12/2021 ratified its results based on the articles of the Constitution, and the Court did not indicate in its decision that the elected Council is complementary to the dissolved Council in its fourth electoral session, so he requested that the plaintiff's case be dismissed and that they be charged with judicial fees and expenses. The second defendant's agent replied in the Reply Regulation dated 12/6/2022 to conclude that there is nothing to indicate the existence of a visible and influential interest in the plaintiffs' request to set a date for the re-election of the Council of Representatives for its fifth session nor direct or postponed damage that has been caused to them by the existence of the current Council of Representatives in

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

accordance with the decision of Article (6) of the Bylaw of the Federal Supreme Court, and his client does not fit an opponent in this case, as he is not entitled to call for new elections unless the Council of Representatives is dissolved itself at the request of two-thirds of its members or at the request of the Prime Minister and with the approval of the President of the Republic in accordance with the provisions of clause (1st) of Article (64) of the Constitution, which stipulates that "the Council of Representatives shall be dissolved by an absolute majority of its members at the request of one third of its members or at the request of the Prime Minister and with the approval of the President of the Republic, and the Council may not be dissolved during the period of questioning the Prime Minister.", and that the fifth session of the Council of Representatives was not to complete the term of the fourth session, but it is a new session as evidenced by its name the fifth electoral cycle because the elections held on 10/10/2021 are to elect members of the Council of Representatives for an early (fifth) session, and the Law on Elections of the Council of Representatives No. (9) of 2020 did not address that the current session is to complete the fourth session of the Council of Representatives, as well as the dissolution of the Council under the Constitution in the sense of ending its mandate and authorizing the election of a new Council for a full mandate based on the provisions of Article (64/2nd) from the Constitution, so he requested that the plaintiffs' claim be dismissed for not being based on a basis from the law and the Constitution and that they be charged fees, expenses, and advocacy fees. The agent of the third defendant replied in the answering draft dated 24/7/2022 to conclude that the plaintiffs did

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

not indicate the contested text, the alleged constitutional text, and the reasons for the constitutional violation towards his client based on the provisions of Article (20/4th) of the Bylaw of the Federal Supreme Court No. (1) of 2022 and thus the case is subject to reply, in addition to that their request does not meet the condition of interest to file the case before the Federal Supreme Court because setting a date for the elections of the Council of Representatives for the fifth session and issuing the presidential decree thereon does not prejudice of their constitutional rights in a manner that directly affects them, where they did not have a status, direct and influential interest in the subject matter of the lawsuit on their legal, financial or social status, nor did they provide evidence that factual damage had been caused to them as a result, and therefore lost a condition for the filing of the lawsuit based on the provisions of Article (20/1st) of the Bylaw of the Federal Court No. (1) of 2022 and Article (6) of the Code of Civil Procedure No. (83) of 1969, so that the case becomes reimbursable for the lack of interest of the plaintiffs from its establishment, especially since the lawsuit The constitutionality revolves around the interest in existence and non-existence as a basis for its acceptance, and that the reliance of the plaintiffs' agent following Article (76) of the Constitution is out of legal place because the said article is specific to the assignment of the President of the Republic to the candidate of the most numerous parliamentary bloc to form the Council of Ministers within (15) days from the date of the election of the President of the Republic and has nothing to do with the government of day-to-day affairs and the difference between them is clear, and that the period mentioned in

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

Article (61/8th/Dal) is for the continuation of the Government in the conduct of daily affairs in the event of a withdrawal of confidence from the Council of Ministers and that the current Government came after the dissolution of the Council of Representatives based on the provisions of Article (64/2nd), which states that the Council of Ministers shall continue to conduct daily affairs without specifying them for a certain period, and therefore the reliance of the plaintiffs' agent is out of legal place or unable to present the face of the constitutional violation and the constitutional text alleged to be violated, and that Resolution (23 and its consolidations 25/Federal). 2022) on which the deputy plaintiffs were based is obliged to preside over the Council of Representatives to present the decision to open the candidacy for the post of President of the Republic to the Council of Representatives and vote on it or not following Article (59/1st and 2nd) of the Constitution on the government of caretaker of daily affairs or caretaker of business is one of the necessities entrenched in the life of the state for the continuation of the work of public utilities regularly and the permanence of the continuation of the provision of services to the people and has nothing to do with the said decision, Therefore, he requested that the case be dismissed from both a formal and substantive point of view. After completing the procedures provided for in the Bylaw of the Court, mentioned above, an appointment was set for the pleadings following Article (2/2nd) thereof, and the parties were informed of it, on the appointed day the Court was formed so that the seventh plaintiff, in particular, the lawyer (Ali Kamel Rasul) was present on his behalf and an agency for the rest of the plaintiffs, and the first defendant (Speaker of the Council of

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

Representatives/being in this capacity) was present as his deputy legal adviser Haitham Majed Salem, and the second defendant (President of the Republic / being in this capacity) and his deputy chief legal expert Ghazi Ibrahim Al-Janabi, The third defendant (Prime Minister/ being in this capacity) was attended by his agent the Legal Counsel Haider Ali Jaber and began the public present pleading. The plaintiffs' agent repeated what was stated in the petition and requested the judgment thereunder, the defendants' agents responded by requesting the dismissal of the case for the reasons mentioned in the answer regulations linked within the case papers, and for scrutiny, the court decided to postpone the pleadings to 30/8/2022 and based on the provisions of Article (21/3rd) of the Bylaw of the Federal Supreme Court No. (1) of 2022, the court decided to hear the cases numbered (132/federal/2022), (162/federal/2022), (184/federal/2022), (185/federal/2022), and (186/federal/2022). And (187/federal/2022), (188/federal/2022), (189/federal/2022),(190/federal/2022),(192/federal/2022),(193/federal/2022), (194/federal/2022), (195/federal/2022), (196/federal/2022), (197/federal/2022), (199/federal/2022), (200/federal/2022) without pleading and where it has already been set for 30/8/2022 as a date for the consideration of the aforementioned cases and to coincide with that day as an official holiday on which it decided and based on the provisions of Article (24) of the Civil Procedure Law No. (83) of 1969 amending the consideration of the said cases on the following day 31/8/2022, Through scrutiny, it was noted that the aforementioned cases have one subject related to the dissolution of the Council of Representatives on it, and the court decided to unify the cases numbered

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

(132/federal/2022), (162/federal/2022), (184/federal/2022), (185/federal/2022), (186/federal/2022), (187/federal/2022), (188/federal/2022), (189/federal/2022), (190/federal/2022), (192/federal/2022), (194/federal/2022), (195/federal/2022), (196/federal) 2022, (197/Federal/2022), (199/Federal/2022), (200/Federal/2022), (201/Federal/2022) and consider the case numbered (132/Federal/2022) as the original, based on the provisions of Article (76/2) of the aforementioned Code of Civil Procedure, and the original lawsuit and its consolidations have been initiated, the Court noted what was stated in the petitions of the plaintiffs and the requests of the plaintiffs, as well as what was stated in the reply regulations submitted by the defendant's agent (President of the Republic / being in this capacity) linked within the case papers according to which he requested the dismissal of the claims from his client because he had fulfilled his constitutional duty after the Federal Supreme Court approved the results of the elections for the membership of the Council of Representatives by inviting the winning members to meet in accordance with the provisions of paragraph (4th) of Article (73) of the Constitution, which stipulates that "The President of the Republic shall assume the following powers: Fourth: Calling the elected Council of Representatives to convene within a period not exceeding fifteen days from the date of ratification of the results of the elections, and in other cases provided for in the Constitution), and based on that invitation the Council of Representatives held its first session on 9/1/2022, so that the President of the Republic, in addition to his office, did not violate or violate the Constitution at all, but applied its provisions correctly within the ceiling stipulated in the Constitution, as for the claim that there are

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

violations and violations of constitutional periods, they are outside the competence and functions of the Constitution. Presidency of the Republic. The Court also noted the provisions of the Reply Regulations submitted by the two Deputy Defendants (Speaker of the Council of Representatives/in addition to his position) under which they requested the dismissal of the cases because the Federal Supreme Court had already issued its decision No. (23 and its Consolidated 25/Federal/2022) dated 1/3/2022, in which it dealt with the issue of exceeding the constitutional periods and not implementing what was stated in Article (72/2nd/Beh) of the Constitution on the subject of the election of the President of the Republic, as it included the following (The Federal Supreme Court decided the following 2- ... The President of the Republic shall be elected within a short period commensurate with the will of the constitutional legislator and the supreme interest of the people, which necessitates the completion of the formation of federal authorities within the entitlements provided for in the Constitution), since the decision of the aforementioned judgment relates to the application of Article (72/2nd/Beh) of the Constitution and the Council of Representatives is obliged to its content following what is stated therein, this means that the plaintiff's case must be dismissed in the form of a pre-adjudication of its merits since the rulings issued by the Iraqi courts that have obtained the degree of bits are an argument against all, and no evidence may be accepted that contradicts the authenticity of the final judgments based on the provisions of articles (105 and 106) of the Evidence Law No. (107) of 1979 as amended, especially since The decisions of the Federal Supreme Court are final and binding on all

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

authorities and persons and shall not be subject to appeal by any means of appeal based on the provisions of Article (94) of the Constitution of the Republic of Iraq of 2005, Article (5/2nd) of the Court Law No. (30) of 2005 as amended, and Article (36) of the Bylaw of the Court No. (1) of 2022, and since the previous decision in the constitutional case negates the interest when the lawsuit is filed again to demand a decision on the same subject that was decided by a decision of a judgment that is binding on all authorities and persons, so the interest of the plaintiffs when filing the lawsuit is considered to be precluded from the pre-determination of its merits, and since Article (20) of the Bylaw of the Federal Supreme Court is mentioned above. It has stipulated that the plaintiff on the merits of the case before the court has a current, direct, and influential interest in his legal, financial or social status, provided that it is available from the time the suit is instituted until the judgment is rendered, and the requirement of personal interest is one of the conditions for the admissibility of a constitutional claim before the Federal Supreme Court, since there is no claim without interest, and since the absence of the interest requirement strips the plaintiff's applications of legal protection, since it is inconceivable that the constitutional action is a tool through which the plaintiffs express personal opinions, and the lack of interest of the plaintiffs in the lawsuit means that their client may not be sued on the basis of it, as the court may not rule on the constitutional case without litigation, since the lawsuit must be instituted against an opponent whose approval entails a judgment, and since the litigation is of public order by the court on its own motion and its failure to achieve it entails the dismissal of the case

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

without entering into its basis on the basis of the provisions of articles (4 and 80/1) of the Code of Civil Procedure No. (83) of 1969 as amended, and where the plaintiffs did not come up with evidence, or even a presumption of the Constitution, through which it is established that the failure to implement a provision contained in a constitutional text entails the ruling that the members of the Chamber of Deputies have violated their constitutional faith and that this entails the dissolution of the Chamber of Deputies and the holding of early elections, and since the Court does not pay attention to cases that are devoid of evidence and does not rule based on the views and perceptions of opponents that are not supported by the provisions and provisions of the Constitution. The Court also noted the Answer Regulations submitted by the Deputy Defendant (Prime Minister / being in this capacity) which is the Reply Regulation dated 21/8/2022 according to which the case was dismissed from the formal and substantive points of view because the request contained therein is outside the jurisdiction of the Federal Supreme Court specified in Article (93) of the Constitution and Article (4) of the Federal Supreme Court Law (as amended), there is no dissolution of the Council of Representatives within those competences, in addition to the absence of a condition of interest for plaintiffs to bring proceedings before the Federal Supreme Court for non-infringement of their constitutional rights in a manner that directly harms them, since they did not have a status, direct and influential interest in their legal, financial and social status in the subject matter of the case, nor did they provide evidence that a factual harm had been caused to them as a result, and thus lost a condition for bringing proceedings before the Court on the

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

basis of the provisions of article (20/1st) of the Bylaw of the Court No. (1) of 2022 and Article (6) of the Code of Civil Procedure, Specially since the dissolution of the Council of Representatives must be carried out following the mechanism specified in Article (64) of the Constitution, which emphasizes that the Council of Representatives shall be dissolved by an absolute majority of its members, at the request of one-third of its members, or the request of the Prime Minister and with the approval of the President of the Republic, in which case the Council of Ministers is considered to have resigned and continues to conduct daily affairs, that is, the dissolution of the Council of Representatives means the transformation of the Government into a government of day-to-day care, but how if the current government is A caretaker government with specific powers through decision-making and actions that will sustain the regular functioning of public utilities and the continuity of service delivery to the people, It does not include decisions that involve political reasons and motives that have a significant impact on the political, economic and social future of Iraq, nor does it include proposing draft laws, holding loans, appointing to senior positions of the state or exempting them from them, and this is what the Federal Supreme Court came up with in interpreting the government of day-to-day affairs under its decision No. (97/Federal/2022), and therefore it is not possible for the Prime Minister in the government to conduct daily affairs to ask the President of the Republic Dissolution of the Council of Representatives as one of the resolutions involving political reasons and motives with a significant impact on the future of Iraq, As stated in the reasons for the decision of

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

the Federal Supreme Court No. (159/Federal/2021) that there must be legislative intervention from the next Council of Representatives to amend the Iraqi Council of Representatives Elections Law No. (9) of 2020, and to adopt the system of manual counting and counting instead of electronic counting and counting, and this new legislation needs to be submitted by the current Council of Representatives and exercise its functions to legislate this law, and the dissolution of the Council of Representatives prevents its legislation, as well as that going to early elections, will be employing a law Elections above, and this would be contrary to the rationale of the court's decision above. The Court noted that the Deputy Prime Minister of the Defendant submitted a request dated 28/8/2022 requesting the withdrawal of the Reply Regulations filed in the cases (184, 186, 188, 189, 190, 192, 193, 194, 195, 196, 197, 199, 200 and 201/Federal/2022), the content of which was mentioned above, and the Court decided to reject the application and also submitted an application dated 29/8/2022 requesting that the content of the same Answer Regulations submitted to the Court be disregarded and attached to his application an answering draft dated 29/8/2022 The Court decided to reject Request, the attached answering draft requested the dismissal of the appeal because the current government played its role in preparing for the holding of early elections and prepared all the requirements for their success and expanded after the completion of the general elections of the Iraqi Council of Representatives for its fifth session held on 10/10/2021, which was approved by the Federal Supreme Court, to invite the political parties winning the elections to serious dialogue in order to choose the Speaker of the Council of Representatives and his

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

two deputies. Views to ensure the selection of the President of the Republic and the Prime Minister following constitutional criteria and in a way that ensures responsiveness to the aspirations of the Iraqi people to live freely and equally and the access of the most qualified personalities to assume the mentioned positions under a parliamentary democratic system. This government has not issued any decisions or procedures contrary to the Constitution and the rules of procedure of the Council of Representatives and its formations but has adhered to the constitutional tasks entrusted to it in accordance with the Iraqi Constitution, the rules of procedure of the Council of Ministers No. 2 of 2019 and the constitutional judiciary represented by the decisions of the Federal Supreme Court, which charted the way for this government and determined the tasks and authority in a way that cannot be interpreted and diligent, and that the dissolution of the Council of Representatives must be carried out following the mechanism specified in Article (64) of the Constitution, which confirms that the Council of Representatives shall be dissolved. Deputies by an absolute majority of its members, at the request of one-third of its members, or the request of the Prime Minister and with the approval of the President of the Republic. After the Court completed its scrutinies, and nothing was left to be said, the end of the minutes had been made clear and the Court issued the following decision:

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court of the plaintiffs' requests under the original lawsuit and its consolidations, which focused on the request for the dissolution of the Council of Representatives and the court's information on the provisions of the response regulations submitted by the defendants and the regulations exchanged between the parties to the lawsuit under which they requested the dismissal of the original suit and its consolidations for the reasons stated in the said regulations, the Federal Supreme Court reached the following conclusions:

- 1- The system of government in Iraq is a parliamentary republican and democratic republic based on the provisions of Article (1) of the Constitution of the Republic of Iraq of 2005, which stipulates that ((The Republic of Iraq is a single federal, independent, and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq)). The above-mentioned system is based on the principle of separation of powers based on the provisions of article 47 of the Constitution and the basis of the peaceful transfer of power based on the provisions of article 6 thereof, considering that the people are the source of powers and their legitimacy exercised by direct universal secret ballot and through their constitutional institutions following the provisions of article 5 of the Constitution, and that the purpose is to build a democratic society based on the equality of Iraqis before the law without discrimination for any reason whatsoever and that all citizens, men, and women,

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

have the right to participate in the Public affairs and the enjoyment of political rights, including the right to vote, vote and stand for election following the provisions of Article (20) of the Constitution.

- 2- The purpose of the formation of federal authorities (legislative, executive, and judicial) is to implement what is stated in the Constitution in accordance with the powers of each authority in order to ensure the basic principles on which the Constitution is based and to protect public rights and freedoms in accordance with the constitutional frameworks in a way that ensures the preservation of civil peace and the unity of the country and the achievement of social justice in the distribution of its wealth to eradicate poverty in harmony with the wealth of Iraq and achieve equal opportunities for all Iraqis without discrimination. However, although it has been a very long time since the provisions of the Constitution of the Republic of Iraq of 2005, which was published in the Iraqi Gazette on 28/12/2005, the general situation in the country has declined significantly, whether at the service level or at the level of the spread of financial and administrative corruption, which has greatly affected the citizen's confidence in state institutions and has greatly affected the living level of the middle classes in society, especially with the incomplete formation of the executive authority despite exceeding the exceedance of the executive authority. All constitutional terms for the election of the President of the Republic, the formation of the Council of Ministers, and the failure of the legislative authority to perform its constitutional duties, especially the adoption of the budget law as it legally relates to the people's sustenance, which requires all

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

constitutional institutions, state institutions and parliamentary blocs to abide by the constitution and all its articles and foundations without selectivity, interpretations and special jurisprudence, as well as to abide by the legal contexts and the effective administration and to emphasize the unity of the state and the unity of the policies drawn up in accordance with the regulations and laws, and the differences between state institutions or between parliamentary blocs are not resolved by imposing the other opinion, but rather by effective legislative, executive and judicial institutions, emphasizing the importance of working and participating in legislative and executive institutions, adhering to the legal powers of each authority, non-interference in the affairs of institutions, authorities and ministries outside internal systems and legal contexts, the need to build the state, the armed forces and the security organs of the state on national and professional bases and keep them away from every form of political action. For all the reasons for the spread of corruption, whether it is sectarianism, partisan quotas, or lack of national qualifications in administrative positions, whereas the administrative system in Iraq is currently suffering a high level of corruption in any society is a reflection of the absence of good governance in it, and the likelihood of the spread of political corruption in countries suffering from political instability and successive changes of regimes, especially military changes that occur as a result of the use of violence, is inclined to ensure the lack of accountability, accountability and control systems of public funds because of the

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

lack of established state institutions and lack of transparency in government operations.

- 3- The issue of the dissolution of parliament in constitutional systems represents an important place as it constitutes one of the means of mutual influence between the legislative and executive branches and also constitutes a guarantee that the body elected by the people does not deviate in the exercise of its constitutional functions, and despite the agreement of most constitutions around the world that adopt the parliamentary system as a political system based in the state to adopt the right of the solution, but they differ on the forms of the solution, but the solution should be presidential, according to which the head of state has the right and according to his constitutional position and powers to practices this kind of solution whether he is a president of the republic or a king, and the President has the right to make this decision individually on the pretext that the President's power to dissolve Parliament is a means of defending his views and rights in which he believes that the people support him, while the ministerial solution is based on the desire of the Government because this solution represents an authority possessed by the Government that enables it to confront Parliament in the event of differences between Parliament and the Government and the latter considers that it is right and that the Parliament has obstructed the work of the Government or exceeded its powers, so the Government asks the Head of State to dissolve Parliament, and if the President accepts the request of the government, this solution is considered ministerial because it was done by the desire and request of the government. As for the self-

saady



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

dissolution, which means the dissolution of the parliament for itself, considering that the parliament owns part of the sovereignty, it has the right to relinquish this sovereignty as long as this solution does not affect only the parliament itself, and this situation is not considered a basis in parliamentary systems, but it has developed in some constitutions of states and federal states so that self-dissolution has become an additional advanced case for the dissolution of parliament, The last picture of the dissolution of the parliament is the popular solution and it means that the dissolution of the parliament is linked to the will of the voters and is through the holding of a referendum preceded by the submission of a request to the parliament for dissolution and the call for new elections and this solution is of two types, the first is submitted by the majority of voters or a number of them as drawn by the constitution and the second through the existence of imbalance and imbalance between the powers due to differences between the executive and legislative powers over the legislation, enactment or proposal of bills, so this is resolved through the presentation of this disagreement is for the people to be the judge, the result is either the dissolution of parliament or the resignation of the government and this is what happened in the United Kingdom regarding the position of leaving the European Union. In Iraq, the Iraqi Parliament dissolved itself by Council of Representatives Resolution No. (32 of 2021) on 31/3/2021 in its session numbered (46) based on the provisions of Article (59/2nd) and Article (38/5th/Alif) of the Constitution, in view of the request submitted by (172) deputies and to meet the formality stipulated under the

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

provisions of paragraph (I) of Article (64) of the Constitution, provided that the general parliamentary elections in the country are held on 10/10/2021 at the invitation of the President of the Republic based on the provisions of Article (64/2nd) of the Constitution, and was Holding general elections on (10/10/2021) The Federal Supreme Court by its decision No. (175/Federal/2021) on 27/12/2021) approved the final results of the elections based on their validity under Article (93/7th) of the Constitution, and on 9/1/2022 session No. (1) of the Council of Representatives was held and the members of the Iraqi Council of Representatives were sworn in and elected a Speaker of the Council of Representatives, a first deputy, and a second deputy. However, the Council of Representatives has not fulfilled its constitutional duties regarding the formation of the executive authority in both parts (the President of the Republic and the Council of Ministers) due to political differences since that date and until now, despite the passage of all constitutional periods and the consideration of the current government as a government to manage daily affairs, which greatly affected the interests of the people and led to major crises in the country, since the members of the Council of Representatives after their election have become not only representative of themselves and their political blocs, but also the people, therefore the requirement and duty of them was to work to achieve what they were elected for, which is the interest of the people, and not to be a reason to disrupt the interests of the people and threaten their safety and the safety of the country completely, and one of the sanctions imposed on the failure of the Council of

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
,195, 196, 197, 199, 200, 201 / federal / 2022

Kurdish text

Representatives to carry out its constitutional duty is to dissolve the Council from the side of the constitutional authority to dissolve in accordance with Article (64/ First) of the Constitution and since the stability of the political process in Iraq obliges everyone to abide by the provisions of the Constitution and not to exceed it and no authority may continue to exceed the constitutional periods indefinitely because this is contrary to the Constitution and the destruction of the entire political process and a threat to the security of the country and citizens. Although the penalty imposed on the Council of Representatives for not carrying out its constitutional duties is the solution when its justifications exist, the Iraqi Constitution of 2005 decreed this under the provisions of Article (64/1st) of the Constitution, which stipulates that "the Council of Representatives shall be dissolved, by an absolute majority of its members, at the request of one-third of its members, or the request of the Prime Minister and with the approval of the President of the Republic, and the Council may not be dissolved during the period of questioning the Prime Minister." According to Article (93) of the Constitution of the Republic of Iraq of 2005 and under the provisions of Article (4) of the Federal Supreme Court Law No. (30) of 2005 as amended by Law No. (25) of 2021, not including the dissolution of the Parliament, and because the requests contained in all unified cases have been limited to requesting this Court to use its competence to rule on the dissolution of Parliament, which is not within its competencies stipulated in the Constitution or its law and falls within the jurisdiction of other authorities, responding to it is a clear

saady

Federal Supreme Court - Iraq - Baghdad

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Mailbox- 55566



Republic of Iraq

Federal Supreme Court

Ref. 132 unified with 162, 184, 185, 186, 187,188,189,190,192,193,194,
,195,196,197,199,200,201 / federal /2022

Kurdish text

violation of the principle of separation of powers, and since the court must abide by the limits of requests in cases and may not adjudicate what the litigants have not requested or more than what has been requested, nor can it modify their requests therein, since the obligation of the court to adjudicate what the litigants request stems from the function of the judiciary as friction between litigants over a disputed right, so those requests must be rejected by this part, also it has been listed in the draft of an agent of a plaintiff that the dissolution of the Parliament is within the jurisdictions of the FSC as implementing of the constitutional negligence theory, this say is also rejected, because the provisions of the Constitution can not be exceeded and the dissolution of the Parliament is violating the provisions of the article aforementioned. Therefore, the FSC decided to reject the original case with its unified for incompetence and the reasons and the reasons mentioned in this judgment. 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) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been edited on 10/Sufur/1444 Hijri coinciding 7/September/2022 AD.

Signature of
The president
Jasem Mohammad Abbood

saady