

Republic of Iraq
Federal Supreme Court
Ref. 166 / Federal / 2022



The Federal Supreme Court (F.S.C.) convened on 4.10.2022 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Galeb Amer Shneen, Haider Jaber Abed, Haider Ali Noory, Ayoub Abbas Salih, Abed Alrahman Sulaiman 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 plaintiff: Hady Hasan Mrehej/ MB – his attorney Ali Kamel Rasol.

The defendant: the speaker of the Iraqi council of representatives / in addition to his post – his attorneys are the legal adviser Haitham Majed Salim and legal official Samman Muhsen Ebrahim.

The claim:

The plaintiff claimed, through his attorney, that the Council of Representatives, in the extraordinary session of the fifth electoral session, the first legislative year, held on 06/23/2022, approved an amendment to the internal system of the Council of Representatives that included the following: ((First: The text of Article (2) is repealed and replaced by the following (the Council of Representatives shall be consists of (329) members from among those who have been elected according to the elections law). Second: The term “Presidency Council” shall be canceled wherever it appears in the Council of Representative's bylaws and replaced by the term “President of the Republic.”

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Third: The term “Presidency of the Council of Representatives” shall be canceled in the Council of Representatives rules of procedure and replaced by the phrase “President.” and his two deputies wherever they appear while reformulating the texts linguistically to take into account this. Fourth: Clause (Second) of Article (8) of the Council of Representative's bylaws shall be deleted Fifth: The phrase “member of the Presidency Commission” shall be deleted, and the phrase “A member of the Presidency Commission shall be deleted and replaced, wherever it appears, with the President or one of them.” Sixth: The text of Article (4) of the bylaw is repealed and replaced with the following (the president, the two vice-chairmen, and members of the council are committed to their discussions and the decisions they take 13 of 2018 and this system, and the provisions of the articles of the law of the parliament and its formations take precedence over the articles of this system in what they contradict). Seventh: Raising what is related to electricity and energy activities from the competencies of the Oil, Gas, and Natural Resources Committee. Eighth: Separating the competencies of (the Labor Committee and Civil Society Institutions, the Committee on Migration, Displacement and Community Reconciliation, the Endowments and Clans Committee, the Human Rights Committee, and the Women, Family and Childhood Committee). Ninth: Making the grammatical corrections required by these amendments while preserving the content.)), as this procedure was marred by many formal and substantive irregularities that make this procedure constitutionally and legally

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void, so based on the provisions of Article (93/first and third) of the Constitution, and Article (4/First and Third) of the Federal Supreme Court Law No. (30) of 2005, and Articles (20 and 25) of the Court's bylaws No. (1) of 2022, the plaintiff's request from the Federal Supreme Court ruling that the decision taken regarding amendments to the internal system of the Council of Representatives is invalid and cancels it Cancellation of the amendments made to the bylaws based on the aforementioned decision, and charging the defendant with fees, expenses and attorney fees. The case was registered with this court in No. (166 / federal / 2022) and the legal fee was collected for it in accordance with the provisions of Article (21 / first) of the rules of procedure of the Federal Supreme Court No. (1) of 2022, and informs the defendant of its petition and documents in accordance with the provisions of article (21/ Second) From the same bylaw, mentioned above, his attorney replied with the answer statement dated 7/28/2022, summarizing that the plaintiff did not indicate any formal or substantive violations, and his list did not include what could be considered as an argument for him in his case, and that the plaintiff did not observe what was stipulated in Article (20/Fourth) of the internal system of the court, where it did not indicate the constitutional text that contradicts the amendments to the internal system of the Council of Representatives, but did not originally indicate what text he wants to rule as invalid, and the decisions and recommendations of the Council of Representatives taken in the aforementioned session are summarized as

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follows: a. Amending the text of Article (2) of the Council of Representatives' bylaw, which included amending the number of members of the Council of Representatives to be (329) members, and this is not a ground to challenge its unconstitutionality. B. Cancel the phrase "Presidency Council" wherever it appears in the bylaws of the Council of Representatives, and replace it with the phrase "President of the Republic." T. Abolishing the phrase (the presidency) wherever it appears in the bylaws of the Council of Representatives and replacing it with the phrase (the president and his two deputies), and that the Federal Supreme Court had previously issued a decision in this regard No. The Republic of Iraq did not form in all its provisions a body called (the Presidency of the Council of Representatives), but it mentioned in its articles the presence of a Speaker of the Council of Representatives, a First Deputy and a Second Deputy Speaker, and their rights and privileges are determined by law. Th. Cancel the text of Article (4) and replace it with a text that includes the priority of Parliament Law and its formations No. (13) of 2018 when it conflicts with the internal system of the Council of Representatives. c. Amending some of the powers of the parliamentary committees, which is a matter of the core competence of the Council of Representatives based on Article 51 of the Constitution, so he requested that the case be dismissed in form and substance and that the plaintiff be charged with the expenses. After completing the procedures required by the aforementioned internal system of the court, a date was set for the pleading in accordance with the provisions of Article (21/Third)

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of it, and the two parties were informed of it. On the appointed day, the court was formed. The plaintiff and his attorney, Ali Kamel Rasoul, attended, and the defendant's attorney, the legal employee, attended. Saman Mohsen Ibrahim started conducting the public pleading, the plaintiff and his attorney repeated what was stated in the lawsuit petition and requested a ruling accordingly. What is said, the conclusion of the pleading was understood, and the court issued the following ruling:

The decision:

Upon examination and deliberation by the Federal Supreme Court, it was found that the plaintiff, Hadi Hassan Merihej, asks this court to rule that the decision taken in the extraordinary session of the Iraqi Parliament held on June 23, 2022, to amend the internal system of the Council of Representatives is not authentic and to cancel it and with the amendments which were made to the bylaws based on the aforementioned decision, where the amendments included the following: ((First: To cancel the text of Article (2) of the bylaws of the Council of Representatives and replace it with the following text: The Council of Representatives consists of 329 members who were elected according to the election law. Second: Abolishing the phrase (the Presidency Council) wherever it appears in the Council's bylaws, and replacing it with the phrase President of the Republic. Third: To cancel the phrase (the presidency) wherever it appears in the bylaws of the Council and replace it with the phrase (the president and his two deputies), taking into account the redrafting of the texts in a manner

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that takes into account this. Fourth: Cancellation of the second item of Article (8) of the bylaw. Fifth: Delete the phrase (membership of the Presidency Council) and the phrase (a member of the Presidency Council) and replace them, wherever they appear in the bylaw, with the phrase (the president or one of his deputies). Sixth: Repealing the text of Article (4) of the bylaw and replacing it with the following text (the president, the two vice presidents, and members of the Council, in their discussions and the decisions they take, shall abide by the provisions of the Constitution, the Law of the Council of Representatives and its formations No. (13 of 2018) and this system, and the provisions of the Law of the Council of Representatives and its formations shall take precedence over Articles of this system in what they conflict with Seventh: Raising what is related to electricity and energy activities from the competencies of the Oil, Gas and Natural Resources Committee Eighth: Separating the competencies of the Labor Committee, civil society institutions, the Committee on Migration, Displaced and Community Reconciliation, the Endowments and Clans Committee, the Human Rights Committee, and the Women, Family and Childhood Committee on Ninth: Making the grammatical corrections required by these amendments while preserving the content)), according to the claim of the plaintiff's attorney, this procedure was affected by many formal and substantive irregularities that make this procedure constitutionally and legally void and through the court's review of the plaintiff's claim and the defenses of the defendant's attorneys and where that

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the plaintiff's lawsuit focused on Requesting a ruling that the decision taken regarding amendments to the internal system of the Council of Representatives is invalid and cancelled, and since the jurisdiction of this court, according to Article (93/First) of the Constitution, is focused on oversight of the constitutionality of laws and regulations in force, and since the amendment is the subject of appeal, the Council of Representatives' internal system has not been published in the Official Gazette. The case has been filed prematurely, and thus its subject is outside the jurisdiction of this court, which requires that it be rejected in form. Therefore, the Federal Supreme Court decided to dismiss the claim of the plaintiff Hadi Hassan Merhej form, and charge him all judicial expenses, including attorney fees, to the defendant's attorney, each of the counsel Haitham Majed Salem and the legal employee Saman Mohsen Ibrahim, an amount of one hundred thousand dinars, distributed between them in accordance with the law. The decision was issued final and binding on all authorities according to articles (93 and 94) of the constitution of 2005, and articles (4 and 5/second) of the Federal Supreme Court Law No. (30) for 2005 amended by Law No. (25) for the year 2021 and publicly understood on 7 Rabi' Al-Awwal / 1444 AH Corresponding to 4/10/2022 AD.

Signature of
The president

Jasem Mohammad Abbood

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