

In the name of God most Gracious most Merciful

Republic of Iraq
Federal Supreme Court
Ref. 16/federal/2022



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 3. 2 .2022 headed by Judge Jasem Mohammad Abod and the membership of the judges Haidar Jaber Abed, Haider Ali Noory, Khalaf Ahmad Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, Adel Abdul Razzaq Abbas, Khaled Taha Ahmed and Munther Ibrahim Hussein who are authorized to judge in the name of the people, they made the following decision:

Sub./ Interpretation of a constitutional text

The President of the Republic of Iraq, Barham Saleh, asked in his letter (245 on 1/2/2022) to interpret article (70/1st) of the Constitution of the Republic of Iraq in 2005, and the statement of the majority to be available to begin voting on the election of the President of the Republic, is it required for the presence of two-thirds of the members of the Council to proceed, since the presence of the absolute majority of the members of the Council does not achieve the meaning of a majority of two-thirds of the members and if all the attendees vote for the same candidate.

The Decision:

The above application was placed under scrutiny and deliberation by the FSC and reached the following explanation:

Based on the provisions of Article (66) of the Constitution of the Republic of Iraq of 2005, which stipulates (The federal executive power shall

consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the Constitution and the law), under article (67), the Constitution defines the President of the Republic as the head of state and symbol of the unity of the nation, representing the sovereignty of the country, and ensuring compliance with the Constitution and preserving Iraq's independence, sovereignty, unity, and territorial integrity, in accordance with the provisions of the Constitution.

Article (68) of the Constitution specified the conditions to be met in the candidate for the presidency of the Republic to be Iraqi by birth and Iraqi parents, full eligibility and completed forty years of his life, and with a good reputation and political experience recognized for his integrity, integrity, justice and loyalty to the homeland He is not sentenced to a crime of honour, in addition to the conditions set out in article (1) of the Presidential Nomination Provisions Act No. (8) of 2012, and article (72/2nd/beh) of the Constitution stipulates that (The President of the Republic shall continue to exercise his duties until after the end of the election and the meeting of the new Council of Representatives, provided that a new President of the Republic is elected within thirty days from the date of its first convening) Article (6) of Law No. (8) of 2012 mentioned above stipulates that (the Council of Representatives shall convene before the end of the period specified in paragraph (beh) of section (2nd) of article (72) of the Constitution at the invitation of the Presidency of the Council to elect the President of the Republic among the candidates who met the legal requirements) and Article (70/1st) of the constitution requires that the Council of Representatives, by a two-thirds majority of its members, elect a president of the republic from among the candidates for that, as this article stipulates that (the Council of Representatives elects from among the candidates the president of the republic, by a two-thirds majority of its members), although This text of the Constitution is a provision for the election of the President of the Republic and is not linked to the provisions of Article (59/1st and 2nd) of the Constitution Article (7) of Law No. (8) of

2012 stipulates: (whoever obtains a majority of two-thirds of the number of members of the Council of Representatives is considered the elected President of the Republic). For all of the above, the FSC concluded regarding the interpretation of Article (70/1st) of the Constitution of the Republic of Iraq for the year 2005 to the following: (The Council of Representatives shall elect a President of the Republic from among the candidates by a two-thirds majority of the number of its members).

The decision was issued by the majority, conclusive and binding on all authorities, based on the provisions of Article (94) of the Constitution of the Republic of Iraq for the year 2005 and Article (5) of the FSC Law No. (30) of 2005 amended by Law No. (25) of 2021, and issued in the session dated 1/Rajab/1443 coinciding with 3/February/2022.

Signature of
The president

**Jasem Mohammad
Abod**

Signature of
The member

Haidar Jaber Abed

Signature of
The member

Haider Ali Noory

Signature of
The member

Khalaf Ahmad Rajab

Signature of
The member

Ayoub Abbas Salih

Signature of
The member

**Abdul Rahman
Suleiman Ali**

Signature of
The member

**Adel Abdul Razzaq
Abbas**

Signature of
The member

Khaled Taha Ahmed

Signature of
The member

**Munther Ibrahim
Hussein**