

Republic of Iraq
Federal Supreme Court
Ref. 222 / federal /2022



Kurdish text

The Federal Supreme Court (F S C) has been convened on 30/10/2022 headed by Judge Sameer Abbas Mohammed and membership of Judges, Ghaleb Amir Shunain, Hayder Ali Noori, Khalef Ahmed Rajab, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul-Rahman Suleiman Ali, Dyar Mohammed Ali, and Munthir Ibrahim Hussein, who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Bassim Khaza'al Khashan – Member of the ICR/ his agents the barristers, Ahmed Saeed Mousa and Hayder Saeed Mousa.

The Defendant: the Speaker of the ICR/ being in this capacity – his agents the legal counselor Haytham Majid Salim and the official jurist Saman Muhsin Ibrahim.

The Claim

The plaintiff, through his two agents, claimed that the defendant took an individual decision on 30/7/2022 to suspend the sessions of the Council indefinitely and this contradicts Article (59/2nd) of the Constitution, which affirmed that the decisions of the Council are issued by a simple majority unless otherwise specified, and this is confirmed by the Federal Supreme Court in its decision No. (23/Federal/2022) in which it ruled to annul another individual decision issued by the Speaker of the Council without referring to the Council of Representatives for violating the said article, and that the suspension of the sessions of the Council of Representatives, the Council has indefinitely suspended the Council and prevented it from carrying out all its tasks, including monitoring the work of the Federal Authority, entities not affiliated with the Ministry and independent bodies, amending or repealing the laws in

saady

Republic of Iraq
Federal Supreme Court
Ref. 222 / federal /2022



Kurdish text

force and enacting new laws. The exercise of these functions by the Council is not dependent on the agreement of the political blocs to elect a President of the Republic and form a new government, as the Court affirmed in its decision No. (132/Federal/2022) that the Council of Representatives must be committed to carrying out its constitutional functions, and that the disruption of the work of the Council is a violation of the Constitution, so the plaintiff asked this court to rule to annul the defendant's decision to suspend the sessions of the Council. The case was registered with this court in the number (222/federal/2022), and the legal fee for it was met in accordance with Article (21/1st) of the rules of procedure of court No. (1) of 2022, The defendant is informed of its petition and documents following item (2nd) of the same article, and his agents replied with the answering draft dated 5/10/2022 to conclude that the case no longer has a place because the Council of Representatives began its regular sessions on (27/9/2022), and that the decision in question was taken in emergency circumstances (the entry of protesters and demonstrators) to the Council building, which prevented the holding of sessions judicially, and that Article (11/3rd) of the rules of procedure of the Council granted its presidency the power to adjourn the sessions by consensus or in the agreement of the President with one of the two deputies, so they asked for the plaintiff's claim to be dismissed and charged fees and expenses. After completing the procedures required by the Bylaw of the Court, a date was set for the pleading based on the provisions of Article (21/3rd) thereof, and the parties were informed of it, and on the appointed day the court was formed and the plaintiff and his agent Haider Saeed Moussa were present, and the defendant's agents were present and the public argument was initiated, the plaintiff and his agent repeated what was stated in the petition and requested the judgment thereunder, the

saady

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Federal Supreme Court
Ref. 222 / federal /2022



Kurdish text

defendant's agents replied and requested the dismissal of the case for the reasons contained in the answer list linked to the case papers, and the agents of the parties repeated Their previous statements and requests and where there is nothing left to be said, the end of argument has been made clear and the court issued the following judgment decision:

The decision:

After scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff's claim is focused on demanding the annulment of the decision of the Speaker of the Iraqi Council of Representatives in addition to his job, concerning the suspension of the sessions of the Council indefinitely because of the provisions of Article (59/2nd) of the Constitution of the Republic of Iraq of 2005, which stipulates that the decisions of the Council of Representatives must be issued by a simple majority of its members after achieving a quorum. The court finds that after registering this lawsuit, the Iraqi Council of Representatives held its second session within its second legislative term the first legislative year of the fifth electoral cycle on 28/9/2022, and was elected as the first vice president of the Council as well as presented the resignation of its president to the Council for a vote and it was rejected, then the sessions of the Council of Representatives continued until the vote was taken on the election of the President of the Republic and then the granting of confidence to the government of the Prime Minister (Mohammed Shia Al-Sudani) in the seventh session of the Council dated 27/10/2022 and because the Council resumed its sessions successively on it, the lawsuit has become irrelevant and must be answered in this regard. Accordingly, the Court decided to reject the case of the plaintiff (Bassim Khaza'al Khashan) and to burden him with the expenses, fees, and advocacy fees

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Ref. 222 / federal /2022



Kurdish text

for the agents of the defendant/ being in this capacity amount of one hundred thousand Iraqi dinars, to be divided in accordance with the law. 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 (4, 5) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been made clear on 4/Rabee Al-Akhir/1444 Hijri which coincided with 30/October/2022 AD.

Signature of
The president
Jasem Mohammad Abboud

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