

Republic of Iraq
Federal Supreme Court
Ref. 26 / federal/state order /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, Ayoob 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 Requestors of Issuing the State Order: Khaled Ahmed Abbas and his group – their agents the barrister Ahmed Razzak Kadhim and his colleagues.

Who requested to issue the custodian order against: the Speaker of the Iraqi Council of Representatives/ being in this capacity.

First: The Abstract of the Request:

Khaled Ahmed Abbas and his group, requesting the issuance of the state order, through their agents, requested their regulation dated 16/8/2022, for which the legal fee was met on the same date and recorded in the number (26/federal/state order/2022) submitted to the Federal Supreme Court, to issue an urgent state order, for filing a lawsuit in the number (200/federal/2022) before this court in which the ruling is required to dissolve the Council of Representatives for its fifth and current session and oblige the President of the Republic in addition to his job to set a date for the holding of legislative elections in accordance with the provisions of Article (64) of the Constitution for reasons detailed in the petition, It includes: (suspension of the work of the Council of Representatives until the

saady

Republic of Iraq
Federal Supreme Court
Ref. 26 / federal/state order /2022



Kurdish text

resolution of the aforementioned lawsuit) for the reasons referred to in the request, which lie in (the existence of a lawsuit against the Council of Representatives to dissolve it, and for the violation of the members of the Council of Representatives of their constitutional obligations, violation of the Constitution and their inability to perform their duties, which caused the country to enter the constitutional vacuum and disrupt the public and private interests of citizens), and therefore, in accordance with the provisions of articles (151 and 152) of the Civil Procedure Law No. (83) of 1969 as amended, the request was submitted to issue an urgent state order in accordance with the detail referred to above.

Second: The decision:

Upon scrutiny and deliberation from the Federal Supreme Court, it was found that the applicants for the issuance of the state order, because of their residence in the case in the number (200/Federal/2022) before the Federal Supreme Court, requested by their regulation dated 16/8/2022, the issuance of an urgent state order, which includes: (Suspension of the work of the Council of Representatives because of the existence of a lawsuit filed to resolve it and for the violation of the members of the Council of Representatives of their constitutional obligations, violation of the Constitution and their inability to perform their duties, which caused the country to enter the constitutional vacuum and disrupt the public and private interests of citizens), pending the resolution of the subject matter of the above-mentioned lawsuit, the decision to dissolve the Council of Representatives for its fifth and current session and oblige the President of the Republic in addition to his function to set a date

saady

Republic of Iraq
Federal Supreme Court
Ref. 26 / federal/state order /2022



Kurdish text

for the holding of legislative elections in accordance with the provisions of Article (64) of the Constitution for the reasons referred to in detail in the petition, and the Federal Supreme Court finds that the issuance of an urgent state order based on an independent request or implicit in the constitutional proceedings before it has not been addressed, nor has it been addressed in the Federal Supreme Court Law No. 30 of 2005. Amended by Law No. (25) of 2021, nor the Rules of Procedure of the Federal Supreme Court No. (1) of 2022 published in the Iraqi Gazette of Facts No. (4679) on 13/6/2022, and thus subject to the provisions referred to in Articles (151 and 152) of the Code of Civil Procedure No. (83) of 1969, as amended to the extent commensurate with the nature and specificity of the constitutional case, based on the provisions of Article (39) of the Bylaw of the Federal Supreme Court, referred to above, which stipulates that "the Court may consider applications for summary justice and orders on petitions in accordance with the provisions stipulated in the Code of Civil Procedure No. (83) of 1969 as amended or any other law that replaces it" and in the sense of Article (36) thereof, which stipulates that "the decisions of the Court are conclusive and binding on all authorities and persons and shall not accept an appeal by any means of appeal ...". On the basis of the foregoing, the issuance of a state order by the Federal Supreme Court is governed only by the controls and conditions to be met for its issuance referred to in the Code of Civil Procedure, for the conclusiveness of the decisions issued by this Court and their non-subjection to the methods of appeal, which lie in the submission of an application in two copies containing the facts, grounds and documents, the availability of urgency, and the non-entry into the original of the right and its decision, and since the scrutiny of the

saady

Republic of Iraq
Federal Supreme Court
Ref. 26 / federal/state order /2022



Kurdish text

request for the issuance of the state order by this court has proved that there is no urgency in it nor a case Absolute necessity requiring its issuance, In addition to the above, responding to its content means entering into the origin of the right and giving a prior opinion on the constitutional case filed before this court in the number (200/Federal/2022) under which the ruling demands the dissolution of the House of Representatives for its fifth and current session and obliging the President of the Republic in addition to his job to set a date for the holding of legislative elections in accordance with the provisions of Article (64) of the Constitution for the reasons referred to in detail in the petition, and that this contradicts the established judicial norms in the constitutional districts of Arab and foreign countries and with what the Iraqi judiciary has settled on. In both its constitutional and ordinary aspects and what is included in the well-established judicial applications in this field based on the provisions of the Constitution and the laws in force, based on the realization of the right and the achievement of justice and fairness away from tendencies, whims, arbitrariness, and flattery. There is no blame for what has really been said or done, thus, the decision on the application of the applicant for the issuance of the state order is the duty of rejection for two reasons: first, it is the absence of urgency in it, and the second: it lies in the fact that the decision on it means entering the origin of the right and giving a prior opinion of the case filed before this court in the number (200/Federal/2022), according to the detail referred to above. Accordingly, The Federal Supreme Court decided to reject the request of the applicants for the issuance of the state order Khaled Ahmed Abbas and his group containing (stopping the work of the Council of Representatives because of the existence of a lawsuit filed to dissolve it, and for the violation of the members

saady

Republic of Iraq
Federal Supreme Court
Ref. 26 / federal/state order /2022



Kurdish text

of the House of Representatives of their constitutional obligations, violation of the Constitution and their inability to perform their duties, which caused the country to enter into the constitutional vacuum and disrupt the public and private interests of citizens). The decision has been issued unanimously, according to the provisions of article (94) of the Constitution of the Republic of Iraq for 2005 and article (5/2nd) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been edited in the session dated 10/Sufur/1444 Hijri coinciding 7/September/2022 AD.

Signature of
The president
Jasem Mohammad Abbood

saady