

Republic of Iraq
Federal Supreme Court
Ref. 72 / Federal / 2022



The Federal Supreme Court (F.S.C.) convened on 30.3.2022 headed by Judge Jasem Mohammad Abboud and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haider Jaber Abed, Haider Ali Noory, Khalaf Ahmed Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali who are authorized to judge in the name of the people, they made the following decision:

The Applicant:

Hamza Abboud Abdullah.

The subject of the request:

The extent of the implementation of the dissolved Revolutionary Command Council Resolution No. (83) of 1998.

The request summary:

The citizen Hamza Abboud Abdullah asked the Federal Supreme Court with his draft which its legal fees were collected on 28/3/2022 to indicate the extent of validity of the dissolved Revolution Command Council Resolution No. (83) of 1998, which stipulates the following (1- according to article 4/1st of the Federal Supreme Court Law, which states that the Federal Supreme Court is competent to monitor the constitutionality of laws and regulations in force, and since the dissolved Revolutionary Command Council Resolution No. (83) for the year 1998 has the force of law and cannot be repealed or amended except by legislation and that laws remain in force no matter how long life of the law, which does not fall within the statute of limitations and can be challenged for

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unconstitutionality, since after going to the Ministry of Justice/Iraqi Reality Department, it became clear to him that the aforementioned decision had not been canceled or amended.).

The decision:

Upon examination and deliberation by the Federal Supreme Court, it became clear that the summary of the request is to inquire from this court whether the dissolved Revolutionary Command Council Resolution No. (83) of 1998 is still in force or not, and to indicate the extent to which it is possible to challenge its unconstitutionality, and the Federal Supreme Court finds that its competencies and powers are specified under Articles (52 and 93) of the Constitution of the Republic of Iraq for the year 2005 and Article (4) of the Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021 and the articles contained in other special laws, and it was not among them answering inquiries related to enforcement or cancellation of legislation, including the dissolved Revolutionary Command Council Resolution No. (83) of 1998, and therefore this court is not competent to answer the inquiry contained in the request, and in implementation of the principle of judicial independence constitutionally stipulated in Articles (19, 87, 88, 89, 90, 91, 92/first and 93) of the Constitution of the Republic of Iraq for the year 2005, and due to the lack of jurisdiction of this court to answer the request for inquiry, so the Federal Supreme Court decided to reject the request for inquiry in form, the decision was issued by agreement conclusive and binding on all authorities based on the provisions of the Articles (93 and 94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4 and 5/Second) of

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the Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021, and issued in the session dated 25 Sha'ban 1443 AH corresponding to 30 3/2022 AD.

Signature of
The president

Jasem Mohammad Abbood

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