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الجريدة الرسمية لجمهورية العراق

روژنامه‌ى فهرمى كومارى عىراق

تصدر عن وزارة العدل

وهزاره‌تى داد ده‌رى ده‌كات



Legislation

No. 30

Federal Supreme Court Law

No. (30) of 2005

With its amendment

قانون المحكمة الاتحادية العليا

مع تعديله

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Laws

ORDER NO. (30) OF 2005 FEDERAL SUPREME COURT LAW

In accordance to the provisions of Article (44) of the Iraqi State Administration Law for the Transitional Period, and the Chapter (Second) of its annex, and upon the approval of the Presidency Council, the Ministers Council has decided to issue the following order:

ARTICLE 1

A court called the Federal Supreme Court shall be established and shall be based in Baghdad, exercising its functions independently and having no authority over it other than the law.

ARTICLE 2

The Federal Supreme Court shall be administratively and financially independent.

ARTICLE 3 ⁽¹⁾

First:



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- a. The Federal Supreme Court shall be consisted of a president, a vice president, and seven original members who shall be chosen from among the first-class judges who continue to serve and whose actual service in the judiciary is not less than (15) fifteen years.
- b. The court shall have four part-time reserve members who shall be chosen from among the first-class judges continuing to serve and whose actual service in the judiciary is not less than (15) fifteen years.

Second: The President of the Supreme Judicial Council, the President of the Supreme Federal Court, the President of the Public Prosecution Service and the President of the Judicial Oversight Service shall select the President of the Court, his/ her deputy and the members from among the nominated judges, with representation of the regions in the composition of the Court. Their names shall be submitted to the President of the Republic to issue the Republican Decree for appointment within a maximum period of (15) fifteen days from the date of their choice.

ARTICLE 4 ⁽²⁾

The Federal Supreme Court shall have jurisdiction over the following:

First: Oversight of the constitutionality of applicable laws and regulations.

Second: Interpretation of the texts of the Constitution.

Third: Settlement of cases arising from the application of federal laws, decisions, regulations, instructions and procedures issued by the federal authority. The law shall grants to the Council of Ministers, concerned individuals and others the right of direct appeal to the court.

Fourth: Settling disputes that occur between the federal government and the governments of regions, governorates, municipalities and local administrations.



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Fifth: Settling disputes that occur between the governments of regions or governorates.

Sixth: Settling accusations against the President of the Republic, the Prime Minister and the ministers.

Seventh: Certifying the final results of the general elections for membership of parliament.

Eighth:

- a. Settling conflict of jurisdiction between the federal judiciary and the judicial bodies of the regions and region-unaffiliated governorates.
- b. Settling conflict of jurisdiction between the federal judiciary bodies of the region or the region-unaffiliated governorates.

Ninth: Considering the appeal against the decision of Parliament issued in accordance with its powers stipulated in Article (52) of the Constitution of the Republic of Iraq for the year 2005, within (30) thirty days from the date of its issuance.

ARTICLE 5

First: The President of the Court shall call its members to meet well before the specified date and the agenda and related documents shall be attached to the invitation letter, and the meeting of the Court shall not be valid except in the presence of all its members and rulings and decisions shall be issued by simple majority, except for the rulings and decisions for settling disputes between the federal government and the governments of the regions, governorates, municipalities and local administrations, so it shall be issued by a two-thirds majority.

Second: Rulings and decisions issued by Federal Supreme Court shall be final.



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ARTICLE 6

First: The President of the federal Supreme Court and its members shall receive the salary and allowances of a minister.

Second: The President and members of the Federal Court shall, upon leaving the service, receive a retirement salary equivalent to (80%) of the total monthly salary of each of them before the connection with the job is cut off for any reason whatsoever, except for the two cases of dismissal due to conviction for a crime involving disgraceful crime or corruption and resignation without the approval of the Presidency Council.

Third: ⁽³⁾

- a. The President, his/ her deputy and members of the court who are judges shall be retired to pension by presidential decree after completing (72) seventy-two years of age, as an exception to the provisions of the Unified Retirement Law No. (9) of 2014, as amended, and the provisions of the Judicial Organization Law No. (160) of 1979, as amended, or any law that replaces it.
- b. The President and members of the Federal Supreme Court appointed pursuant to Republican Decree No. (2) Issued on June 1, 2005 and Republican Decree No. (3) Issued on February 19, 2007 shall be retired to pension by presidential decree based on the provisions of Law No. (160) of 1979, as amended, and the provisions of the Unified Retirement Law No. (9) of 2014, as amended or any law that replaces it, as an exception to Paragraph (a) of this Item, after selecting the president and members of the court in accordance with the provisions of Item (Second) of Article (3) of the Legislative Order No. (30) of 2005, amended.



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ARTICLE 7 ⁽⁴⁾

The President of the Court, his/ her deputy and its members shall, before commencing their work, take the constitutional oath before the President of the Republic in accordance with the following wording: (I swear by God, the Almighty, that I shall perform my job duties honestly and faithfully, and that I shall judge between adversaries with truth and justice, and I shall apply the provisions of the Constitution and the laws with integrity and impartiality, and I shall preserve the independence, dignity and impartiality of the judiciary and protect Constitution and public and private freedoms, and God is a witness to this my saying.

ARTICLE 8

First: The President of the Federal Supreme Court shall be responsible for its administration and may delegate some of his/ her powers to one of the members of the Court.

Second: The President of the Federal Supreme Court shall appoint the staff of the Court and consider all their affairs.

ARTICLE 9

The Federal Supreme Court shall issue a bylaw specifying the procedures that regulate the workflow of the court, the method of accepting applications and the pleading procedures, and what facilitates the implementation of the provisions of this law, and this regulation shall be published in the Official Gazette.



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ARTICLE 10

No provision that contradicts the provisions of this law shall be applied.

ARTICLE 11⁽⁵⁾

If it is not possible to take the constitutional oath for the President of the Court, the Vice-President, or the members of the Federal Court for any reason whatsoever, or if a Republican decree is not issued to nominate them for any reason, the President of the Federal Court, his/her deputy, its members, and reserve judges shall take the constitutional oath before the President of the parliament in the form mentioned in this law and a parliamentary order to nominate them within (15) fifteen days shall be issued.

ARTICLE 12⁽⁶⁾

The composition of the court shall preserves the constitutional balance between the components of the Iraqi people.

ARTICLE 13⁽⁷⁾

The court shall have a secretary-general with no less than (10) ten years of experience in law and who has the rank of deputy minister and his/ her powers.



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ARTICLE 14

First: This law shall be implemented as of the date of its approval in the Parliament on March 18, 2021.

Second: This law shall be published in the Official Gazette. ⁽⁸⁾



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REFERENCES

1. Amended in accordance with the first amendment N. (25) of 2021 the Presidential Resolution No. (24), Article (1)
2. Ibid Article (2)
3. Ibid Article (3)
4. Ibid Article (4)
5. Added in accordance with the first amendment No.(25) of 2021, Article (5)
6. Ibid Article (6)
7. Ibid Article (7)
8. Ibid Article (8)