



---

The Federal Supreme Court (F S C) has been convened on 4.4.2017 headed by the Judge Madhat Al-mahmood and membership of Judges Farouk Mohammed Al-sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Kis Georges and Hussein Abbas Abu Altemmen who authorized in the name of the people to judge and they made the following decision:

### The Request

The general secretariat of ICR/ secretary general office/ requested from the FSC according to its letter No. 1/5/3508 dated on 3.30.2017 what follows:- best regards, according to article (93/2<sup>nd</sup>) of the constitution, we pleasing you to interpret the article (49) of the constitution which stipulates on (the ICR consist of number of members with a percentage of one seat for every one hundred thousand Iraqis represent the whole Iraqi people...) in view of the following questions: 1- does the will of the legislator went to that the number (100) thousand is about the number of voters or the population in general?, 2- is there any constitutional obstacle of prohibiting from reducing the number of ICR seats less than (328) while there is no census established?. 3- is there any constitutional obstacle of restricting the number of governorate council members between (10) to (25) members? With respect. The request was set to scrutiny and deliberation by the FSC and the court issued the following decision:

### The decision

After scrutiny and deliberation by the FSC, and after scrutinizing the questions listed in the letter of general secretariat of ICR, which is aforementioned, the Court reached what follows: first: as for the question number (1) (does the legislator will went to that the number (100) thousand

is about the number of voters or the number population in general), the court finds by returning to the text of article (49/1<sup>st</sup>) of the constitution which stipulates on (the ICR consist of number of members with a percentage of one seat for every one hundred thousand Iraqis represent the whole Iraqi people...), the will of the constitution legislator went to determine the members of the ICR with a percentage of one representative representing one hundred thousand population of Iraqis population, in regardless of their personal status, as for their age or their social posts, and did not went to the number of voters of them, because the expression which listed in the text (population) came absolutely, and it was not specify to the number of voters, and the absolute moves on its absoluteness. Second: as for the question number (2) (is there any constitutional obstacle of prohibiting from reducing the number of ICR seats less than (328) while there is no census established), the FSC finds, about that question and if the number of population should be increased to the number of who represent them in the ICR, so that needs a legislative intervention to the text of article (49/1<sup>st</sup>) of the constitution, according to the contexts stipulated on in article (142) of it, and with the form which reduces the seats of the present ICR. 3- as for question number (3) (which includes) (is there any constitutional obstacle of restricting the number of governorate council members between (10) to (25) members), the FSC finds, by returning to provisions of governorate council, district and sub districts election law No. (36) for 2008, the article (24) of it has determined the number of governorate council members by (25) member, with addition which listed in it, and if there was a desire to change that number and its additions between (10) to (25) member, so that needs a legislative intervention to amend the text of the aforementioned article, according to the listed number in the question, and the FSC did not find any text in the constitution preventing the legislative amendment procedure. Over.