

## **Constitutional Review Committee Report (23 May 2007)**

His Excellency the Speaker of the COR  
Their Excellencies members of the COR Presidency  
Their Excellencies members of the COR

Greetings,

Based on Article 142 of the Constitution, a Constitutional Review Committee was elected composed of 27 members. Two observers from the Caldeans and Sabia' were added making it a committee of 29 members representing the principal components of the Iraqi people.

The Committee held its first meeting on November 15, 2006 and selected his eminence sheikh DR. Hummam Baqir Hamoudy as its chairman and Dr. Fouad Ma'soom and Mr. Ayaad Al-Samarra'i as deputies, Mr. Abbas Al-Bayati and Mrs. A'lya Naseef as Committee Reporters.

The Committee meetings began to be held regularly. In the first meeting, the roadmap and the work plan for the method of work in the Committee were determined. After the plan was approved, the Committee assumed its work by opening dialogue and discussion regarding the Constitution in all of its sections.

Electronic e-mail address was established for the purpose of receiving opinions, proposals from common citizens, civil society organizations, organizations, parties and all concerned with the issue of Constitutional review.

The e-mail address was announced in the official Gazettes and other visual media during the period from November 20, 2006 to December 20, 2006 (later extend up to the end of 2006) in addition to receiving amendment proposals directly by the Committee Secretariat or the members of the Committee.

The secretariat compiled many proposals and amendments, which arrived by electronic mail or through direct delivery by citizens or organizations or from members of the ICOR in addition to several studies, research, books, and results of conferences, study tours conducted by the Constitutional Review Committee under the auspices of the United Nations /Office of Constitution Support

Lately, the Committee has intensified its meetings to meet the time frame set for it by the COR.

During the meetings of the Constitutional Committees, the Presidency of the Committee held meetings to establish the agenda and to establish the course of discussions. In order to facilitate its mission, the committee distributed its work on three sub-Committees:

- 1- The political Committee chaired by Mr. Ayaad Al-Samarra'i
- 2- The Complementary Committee chaired by Sheikh Dr. Hummam Hammoud

### 3- The formulation Committee chaired by Dr. Fouad Ma'soom

The Committee recently formed a smaller committee of five members in order to look into the proposals presented to it by the Parliamentarian blocs. The following are details of the proposals, which have reached the Constitutional Review Committee.

The accomplishments: The Committee accomplished the mission assigned to it and reviewed the Constitution, and made appropriate amendment proposals. The Committee completed reviewing the Constitution and the Constitutional formulation for the following complementary aspects (The Federal Council, the Independent Commissions and the Judicial Authority).

The following amendments were made to the remaining sections and articles of the Constitution

#### **Preamble:**

There were two opinions about the preamble; one suggests adding more to it and the second one suggests deleting some of its items.

#### **Section One-Fundamental Principles:**

Article 3: Adding the following phrase to the end of this article (It is an effective member in the Arab and Islamic world.)

Article 4: Deleting Provision five.

Article 7: In Provision one adding the phrase (Or practice that adopts racism) after the word (Program) and the phrase (Sectarian sedition) after the word (Takfir).

Article 8: Adding the following phrase to the end of this article (respect the signed international agreements and protocols if they are not contradicting with this constitution.)

Article 9: First: B: Shall be as follows (The armed militia are prohibited)

Article 9: C: Adding the following provision to be C (The government has the right to form, whenever it is necessary, paramilitary-armed groups and this shall be regulated by a Law.) With a reservation by one of the members.

The old Provision C shall become Provision D and adding the following phrase (Practicing partisan activities) after the word (May not stand for)

The old Provision D shall become Provision E and adding the following phrase (Constitution provisions) after the word (In accordance with) and (Its work shall be regulated by law) to the end of this Provision.

The old Provision E shall become Provision F and deleting the following phrase (And shall prohibit) to the end of this Provision.

#### **Section Two- Rights and Liberties**

Article 15: This Article shall be reformulated with the same content

Article 18: Second: Adding the following word (According to regulations) before (This shall be regulated by law.)

One member of the CRC suggests: (Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi according to regulations stipulated by law.)

Article 18: Fourth: Adding the word (Leading) after the word (Security)

Article 19: Fifth: This Provision shall be reformulated at the same content as follows: (The accused is innocent until proven guilty in a fair legal trial. The accused may not be tried for the same crime for a second time after acquittal unless new evidence is produced may influence changing the sentence.)

Article 19: Twelve A: Adding the phrase (Except with a judiciary decision) to the end of this provision.

Article 21: First: Adding the following phrase (Except in accordance with laws) to the end of this provision.

Article 21: Third: Adding the following word (whoever committed) instead of (A person accused of committing)

Article 25 shall be moved to Section one- Fundamental principles

Article 26 shall be moved to Section one- Fundamental principles

Article 27 shall be moved to Section one- Fundamental principles

Article 29: Second: Shall be reformulated with the same content.

Article 32: Shall be reformulated with the same content.

Article 34: First: Adding the word (Intermediary) after the word (Primary)

And adding fifth: (The Iraqi universities, studies and scientific researches institutions are the base for the scientific and technical development, the state is keen to provide all the requirements to improve them and consolidate their independency, communication and interaction with regional and international expertise.)

Article 37: Shall be reformulated with the same content.

Article 39: Adding the phrase (affiliation with any of them shall not violate the principle of equal opportunities) to the end of this provision.

Article 41: There are many formulations for this Article.

Article 45: Second: Adding the phrase (and to confirm its role in enhancing the national identity) after the word (Society) and amending the word (Shall prohibit) to become (Prohibits) and adding the word (Law) before (Human rights).

### **Section 3: Federal powers**

Article 49: Fifth, Article 51 and Article 63: First Shall be integrated in one Article and reformulated with the same content.

Article 50: Distinguishing the constitutional oath of COR and Federal Council members from constitutional oath of the President, Prime Minister and ministers.

Article 56: First shall become First A, B and then Second.

Second shall become First B and adding the word (Current) instead of (Preceding)

Article 60: Provision: First shall be moved to the powers of President and Prime Minister.

Provision: Second shall be integrated with Article 61 to be provision Tenth as follows:

The Council of Representatives shall be competent in the following:

Tenth:

- 1- Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees.
- 2- Proposed laws shall be presented by one of the council specialized committee after consulting with the government.

Article 61: Fifth: Adding the word (Relief) after the word (Appointment)

B: Adding the phrase (By absolute majority) after (Special grades)

C: Adding the phrase (By absolute majority) after (Director of the intelligence service)

Sixth: B: Shall become as follows:

1- (Relieving the President of the Republic by an absolute majority of the Council members in one of the following cases:

- Convicted a crime or financial fraud that the Council of Representative deems a breach of honor or the honor of his position.
- Disability that disrupt or hinder his performance.

2- (The President of the Republic shall be considered relived from his post when he is convicted by the Federal Constitutional Court in perjury of the constitutional oath, violating the constitution and high treason.)

Seventh: Adding provision regarding the committees' right in hearing or clarification.

Ninth: A shall be divided into:-

- 1- In state of war by two thirds of the members.
- 2- In state of emergency by absolute majority.

Ninth: C shall be divided into:

- 1- Powers during state of war
- 2- Powers during state of emergency.

Article 62: Adding third: (The ministries shall coordinate with the specialized committees in the Council of Representatives regarding preparing the projects of investment budget.)

Article 63: Shall be reformulated with the same content.

Article 66: Adding the phrase (And shall guarantee best performance before the Council of Representatives) to the end of the article.

Article 67: Adding (This shall regulated by law) to the end of article.

Article 68: Adding third (Has a university degree or its equivalent.)

Article 69: Shall be reformulated as follows:

The nomination to the office of the President of the Republic and one or more Vice Presidents shall be regulated by law.

Article 73: First: Adding the word (In coordination with) after (Special pardon)

Article 81: Adding the following:

(Second: the Prime Minister shall designate his deputy during his absence.) And then second becomes Third.

Articles 82, 85 and 86 shall be integrated and formulated into one Article as follows:

A law shall regulate:

First: The formation of ministries, their functions, and their specializations, and the authorities of the minister.

Second: The salaries and allowances of the Prime Minister and Ministers, and anyone of their grade.

#### **Section Four: Powers of Federal Government**

Article 110: First: Adding provisions regarding the exclusive authorities of federal government:

(Auditing the federal government accounts, federal elections, federal schools, universities and institutes, federal power system, federal railways, pension fund, state liabilities, quality control, regulating work and safety standards in the oil fields and mines, protection of environment, air and water pollution, national surveys such as geological, plants, animals and forecast surveys, national and international highways and nuclear power) and there should be an agreement with related governorates.

Second: Adding the following powers: (Formulating policy regarding migration in coordination with regions and governorates.)

Article 110: First: Adding the word (and implementing) after (Formulating)

Third: Adding the word (and managing) after (Formulating) and adding the phrase (and customs, imposing taxes, federal fees and collecting them) after (Monetary policy) and adding (This shall be regulated by law) to the end of this provision.

Adding Provision Tenth: (Regulating the civil aviation movement, international roads and border entrances)

Adding Provision Eleventh: (Enacting legislations stipulated by constitution to regulate national institutions) or reference to regulate them by a national law.

Adding Provision Twelfth: (Regulating the above provisions by laws)

Article 111: Shall be reformulated as follows:

First: Oil and gas are owned by all the people of Iraq

Second: The federal government shall collect the oil revenues and distribute them equally to all Iraqis in accordance with the state budget law in transparent and fair way to be consistent with population distribution in governorates.

Third: The approved quota in the state budget shall be flow to regions and governorates not organized in a region automatically in an effective and transparent mechanism.

Fourth: Allocate a quota of revenues to the producing governorates to compensate their damages.

Fifth: Allocate a quota for specific period to the deprived and aggrieved regions to ensure the balanced development of various regions in the country.

Sixth: A law shall regulate the above provisions of this Article.

Article 112: Shall be reformulated as follows:

First: The federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas operations, (the federal government shall market them)

Second: The federal government, with the producing regional and governorate governments, shall together formulate the necessary strategic policies to develop the oil and gas wealth in a way that achieves the highest benefit to the Iraqi people using the most advanced techniques of the market principles and encouraging investment.

Article 114: Adding Provision Eighth: (Managing joint ports and this shall be regulated by law)

Article 115: Shall be reformulated as follows:

First: All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region.

Second: Powers shared between the federal government and the regional government, priority as stipulated in Article 114 of the constitution priorities shall be given to the law of the regions in case of dispute except what is stipulated in Articles 111 and 112 in addition to Provisions First, Seventh and Eights of Article 114.

Article 121: Provision: Second shall be deleted.

Provision: Fourth shall be reformulated as follows:

Fourth: The regions and governorates not organized in a region has the right to establish offices in embassies and diplomatic missions, in order to follow cultural, social, and developmental affairs, this shall be regulated by law.

Also adding new provision to the Article as follows:

(It is permitted to authorize the federal government powers to the regional government or vice versa by the agreement of the two parties; this shall be regulated by law.

Article 122: First: Shall be reformulated with the same content.

Third shall be reformulated as follows:

Third: The elected governor is deemed the highest executive official in the governorate to practice his powers.

Article 124: Second: Adding word (and its borders) after the word (Capital).

Article 125: shall be reformulated as follows:

This Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.

Article 126: Second: The beginning of provision should be formulated by affirmation not negation.

Article 137: Shall be deleted.

Article 138: Fifth: A: The period will be 15 days not 10 days as stipulated in the provision.

### **The controversial and disputed Articles:**

1- Article 73 regarding the powers of the President of the Republic :

There are two opinions about this Article were not settled yet.

2- Article 140:

The CRC has not been able to reach to a unanimous decision regarding the controversial Article 140, this issue requires the interference of the political leaderships in the country to settle them for the high national interest and to guarantee all parties rights.

We hope that the presidency of Council of Representatives starts negotiating with these leaderships in order to reach to satisfactory political accords.

In the preliminary outcome of the constitution revision we can see that CRC has accomplished provisions related to:

- 1- Federal Council that consist of 17 articles.
- 2- Independent Commissions that consist of 12 articles.
- 3- Judiciary Power that consist of 19 articles.
- 4- Also added new provisions of 15 articles.
- 5- The CRC has reformulated 30 articles.
- 6- The CRC has amended 20 articles.
- 7- The dispute was about 3 to 5 articles.

As we place this detailed report at the hands of the Members of the COR, we highly appreciate their high confidence in the Committee and we hope that our report will be received with interest.

The presidency of CRC  
May 23, 2007

With God's name we start

**Federation Council**

**Article 1:**

First: The Federation Council consists of Representatives of the regions, governorates and governorates that are not organized in a region and it shall represent there interest.

Second:

First: The federation council members are elected with direct secret vote by the governorate population.

Second: A number of seats of the council shall be allocated to the small componences; the law shall organize the number of these seats and the nomination mechanism.

**Article 2:**

Each governorate has four members of the Federation Council, whether the governorate is organized in a region or not except Baghdad has eight members.

**Article 3:**

The federation council shall be invited to convene by a presidential decree within fifteen days from the date of the ratification of the elections' results. Its eldest member shall chair the first session to elect the speaker of the Council

**Article 4:**

The membership conditions of the candidates for the Federation Council are the same as for the Council of Representatives as well as being a resident of the governorate that he represents and his age not to b less than forty years old.

**Article 5:**

The Federation Council member shall take the same constitutional oath articulated in article 50 of the Constitution.

**Article 6:**

The Federation Council shall establish its bylaws to regulate its work.

**Article 7:**

First: Sessions of the Federation Council shall be public unless, for reasons of necessity, the Council decides otherwise.

Second: The sessions' manifests are published by the means that the Council deems appropriate according to its bylaws.

**Article 8:**

The Federation Council shall elect its Speaker and a deputy by absolute majority by direct secret ballot.

**Article 9:**

First:

The electoral term of the Federation Council shall be four calendar years, starting with its first session and ending with the conclusion of the fourth year.

Second:

The new Federation Council shall be elected forty five days before the conclusion date of the electoral term of the current Federation Council

**Article 10:**

First: The Federation Council shall have an annual term with two legislative sessions lasting for eight months and the Council bylaws shall define the method of convening the sessions, the session in which the general budget is being presented to the council of representatives shall not end until approval of the budget by the latter.

Second: The legislative term for the Council annual session shall be extended in case of extending the legislative term for the Council of Representatives annual session or on the demand of the President of the Republic, the Prime Minister or the Speaker of the Council of Representatives.

**Article 11:**

The President of the Republic, the Prime Minister, the Speaker of the Council of Representatives, the Speaker of the Federation Council or one fifth of the members of the Federation Council may call to an extraordinary session. The session shall be restricted to the topics that necessitated calling for it.

**Article 12:**

First: The quorum for the Federation Council sessions shall be achieved by an absolute majority of its members.

Second: Decisions in the Council shall be made by a simple majority of the members present, after a quorum is achieved, unless otherwise stipulated.

**Article 13:**

The Federation Council shall be competent in the following:

First: Proposing draft laws related to the Regions and Governorates not recognized in a region and Submitting them to the Council of Representatives.

Second:

Considering Draft Laws related to Regions and Governorates not recognized in a Region, referred to it by the Council of Representatives. It shall undertake the Following procedures in this regard:

- a- Objection to the Draft Law with an absolute majority of its members.
- b- If situation mentioned in section (a) above occurs, the draft law shall be returned to the Council of Representatives, with objection reasons included, within a period not to exceed fifteen days.
- c- Draft Law returned due to the objection of the Federation Council shall be considered adopted by the Council of Representatives when the latter approves the objection reasons and implement it with an absolute majority of the members present.
- d- Draft Law returned in accordance to what is stipulated in section (b) above shall be considered adopted by the Council of Representatives, when the latter reject the objection reasons, with a two thirds majority of the members present.
- e- The Council of Representatives shall refer the Draft Law to the President of the Republic within a period not to exceed fifteen days, and shall notify the Federation Council of that, once the event stipulated in sections (c) and (d) above is achieved.

Third: An approval by an absolute majority of the members to appoint each of:

- 1. The Chairman and members of the Federal Supreme Court, the Chairman and members of the Federal Court of Appeal, the Chief Public Prosecutor and the Chairman of the Judicial Supervisory Commission, based on a proposal by the High Judicial Council.
- 2. Chairpersons of the following independent institutions:
  - A: Higher Commission for Human Rights.
  - B: The Independent Electoral Commission.
  - C: the Commission on Public Integrity.
  - D: A public commission to audit and appropriate federal revenues.

Forth: Audit and supervise the provinces councils and this shall be regulated by law.

#### **Article 14:**

The federation council shall expose its annual budget to the Council of Representatives for the approval.

#### **Article 15:**

The Federation Council shall convene with the Council of Representatives in joint sessions chaired by the Speaker of the Council of Representatives or one of the

members of the Presidency Council in his place, based on an invitation by the latter or by the Speaker of the Federation Council, the President of the Republic or the Prime Minister.

**Article 16:**

- First: Members of the Federation Council shall enjoy the same rights and privileges enjoyed by Members of the Council of Representatives.
- Second: Members of the Federation Council shall enjoy the same immunity enjoyed by member of Council of Representatives as stipulated in paragraph (Second) of Article (63) of the Constitution.

**Article 17:**

First: The Federation Council may be dissolved by an absolute majority of the number of its members, or upon the request of one-third of its members or by the Prime Minister with the consent of the President of the Republic.

Second: Upon the dissolution of the Federation Council, the President of the Republic shall call for general elections in the country within a period not to exceed sixty days from the date of its dissolution, In order to elect a new council.

**Chapter Four**  
**[Independent Commissions and Bodies not related to a ministry]**  
**First Section: Independent Commissions**

Article 1

The High Commission for Human Rights, Independent Electoral High Commission, Commission on Public Integrity, Media and Communication Commission, Central Bank of Iraq and Board of Supreme Audit are financially and administratively independent commissions. A law shall regulate their functions.

Article 2

First: The Independent High Commission for Supporting Constitution is an independent commission assumes the responsibility of informing people of their rights and liberties as stipulated in the constitution in addition to inform the ministries of their constitutional responsibilities and disperse the constitutional culture .

Second: The Independent High Commission for Promoting Constitution reports to the Council of Representatives including report about ministries and institutions that violate the constitution.

Third:

(A) The Commission has the right to appeal before the Federal Supreme Court regarding laws not pursuant to the constitution.

(B) The Commission has the right to submit a proposal related to amending the constitution.

Fourth: The Commission function shall be regulated by a law.

Article 3

An independent public commission shall be established by a law to audit and appropriate federal revenues and to ensure the rights of governorates not organized in a region by their fair participation in managing the various state federal institutions. The commission shall be comprised of experts from the federal government, the regions, the governorates, and its representatives, and shall assume the following responsibilities:

First: To verify the fair distribution of grants, aid, and international loans pursuant to the entitlement of the regions and governorates that are not organized in a region.

Second: To verify the ideal use and division of the federal financial resources.

Third: To guarantee transparency and justice in appropriating funds to the governments of the regions and governorates those are not organized in a region in accordance with the established percentages.

Fourth: To guarantee the rights of governorates that are not organized in a region, by their fair participation in managing the various state federal institutions, missions, fellowships, delegations, and regional and international conferences.

Article 4:

A council named the Federal Public Service Council shall be established and shall regulate the affairs of the federal public service, including appointments and promotions, and its formation and competencies shall be regulated by law.

(Not settled yet)

Article 5:

First: The independent commissions are committed to constitution and valid laws.

Second: The High Commission for Human Rights, Independent Electoral High Commission, Commission on Public and Independent Public Commissions to audit and appropriate federal revenues are subject to monitoring by the Federal Council.

Third: Other independent commissions not indicated in the above Provision Second are subject to monitoring by the Council of Representatives

Article 6:

First: The independent commissions indicated in Articles (1, 2, 3, 4) shall submit their regular budgets to the Council of Representatives.

Second: The independent commission shall guarantee transparency in their work by sending a report to the Council of Representatives and the Federal Council at least once a year. This report includes their activities and the mechanism of spending their funds. Other independent commissions are committed to send their reports to the Council of Representatives according to the above mechanism.

Article 7

The federal government and regional governments shall support the independent commissions to accomplish their missions successfully taking in consideration the independency and neutrality, and there commitment to law of these commissions.

Article 8:

The independent commissions have the right to open branches in all regions and governorates not organized in a region to facilitate performing their tasks.

Article 9:

The independent commissions have the right to submit proposal or draft law regarding their work to the Council of Representatives.

#### Article 10

First: The federal council shall appoint the heads of independent commissions mentioned in (second of the article 5 above) by absolute majority of its members. And the council of representatives shall appoint the heads of other independent commissions by absolute majority of its members.

Second: First Choice

Dismiss or relieve the heads of independent commissions mentioned in (second of the article 5 above) by a recommendation from a committee formed from the federal council in this respect and by absolute majority of its members, and Dismiss or relieve the heads of other independent by a recommendation from a committee formed from the council of representatives in this respect and by absolute majority of its members in one of the following cases.

A-Incapability to perform his/her tasks.

B-Violating laws.

C- Financial and administrative corruption.

#### Article 11:

Other independent commissions may be established by law, according to need and necessity.

#### Article 12:

First: The federal council may dissolve any independent commission stipulated in Provision (Second) of Article 5 by the two thirds majority of its members.

Second: Other independent commission shall be dissolved by the majority of two thirds members of the Council of Representatives.

**Chapter Three**  
**[The Judicial Power]**

Article 1:

The judicial power is independent. The courts, in their various types and levels, shall assume this power and issue decisions in the name of people and in accordance with the law.

Article 2:

First: Judges are independent, and there is no authority over them except that of the law, no power shall have the right to interfere in the judiciary and the affairs of justice.

Second: The principles of legitimacy are the bases of judiciary; everybody is equal before it and they are represented by respecting the law.

Third: The judge shall follow principles of constitution superiority and law sovereignty and acts accordingly to ensure justice and avoid favoritism.

Article 3:

The federal judicial power is comprised of the, the Higher Judicial Council, Federal Constitutional Court and the federal courts linked to it on there various kinds, ranks an on it's top the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, the Judicial Academy and the staff, workers in these mentioned bodies that shall be regulated by law.

**First: Higher Juridical Council**

Article 4:

First: The Higher Judicial Council is an independent judicial body, financially and administratively.

Second: The Higher Judicial Council is comprised from the Head of Federal Constitutional Court, the Head of the Federal Court of Cassation, the Chief Public Prosecutor, the Head of Judiciary Oversight Commission, the Heads of Regional Judiciary Councils, the Heads of Federal Appellate Courts and the Director General of the Judiciary Academy and its functions and work regulations shall be regulated by a law, and it can change's it's structure according to the common interest necessity.

Third: The Council shall elect it` president and deputy from the members.

Article 5:

The Higher Juridical Council shall exercise the following authorities:

First: To administer the federal judiciary affairs, supervise the judiciary and set the regulations in this respect.

Second: To administer the judiciary affairs, the Higher Judicial Council' and judicial institutions' staff.

Third: To nominate the candidates to be appointed as judges, members of Public Prosecution and nominate the candidates for judiciary posts.

Fourth: To propose a draft for the annual budget of the federal judicial authority, and to present it to the Council of Representatives for approval, administering and supervising its implementation.

Fifth: Any other tasks stipulated in the law.

**Second: Federal Constitutional Court**

Article 6:

First: The Federal Constitutional Court is an independent judicial body, financially and administratively. and it is not linked to the Higher Judicial Council.

Second: The Federal Constitutional Court shall be composed of number of judges, experts in Islamic jurisprudence, and legal scholars, whose number, the method of their selection, and the work of the Court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives.

Article 7:

The Federal Constitutional Court shall have exclusive jurisdiction over the following:

First: Overseeing the constitutionality of laws and regulations in effect.

Second: Overseeing the constitutionality of regions' Constitutions, laws and regulations issued according to these regional Constitutions.

Third: Interpreting the provisions of the Constitution.

Fourth: Settling cases that arise from the application of federal laws, decisions, regulations, instructions, and procedures issued by the federal authority. The law shall guarantee the right of direct appeal to the Court to the Council of Ministers, those concerned individuals, persons and others.

Fifth: Settling disputes that arise between the federal government and the governments of the regions.

Sixth: Settling disputes that arise between institutions and commissions linked to the federal government.

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

Eighth: Settling disputes that arise between the council of representatives and the federal council.

Ninth: Settling accusations directed against the President, the Prime Minister and the Ministers, and this shall be regulated by law.

Tenth: Ratifying the final results of the general elections for membership of the Council of Representatives.

Eleventh:

- A. Settling competency disputes between the federal judiciary and the regional judiciary.
- B. Settling judicial competency disputes between regions.

Twelfth: Any other authorities stipulated by law of the court

Article 8:

Decisions of the Federal Supreme Court are final and binding for all authorities.

Article: 9:

The law shall regulate the conditions for filing a case before the Federal Constitutional Court and its procedures, the plaintiff who has the right of a claim, the effect of the sentence of the unconstitutionality of a law, and any related issue to the court's functions.

### **Third: General Provisions**

#### Article 10:

The law shall regulate the establishment of courts, their types, levels, and jurisdiction, and the method of appointing the judges, their tenure, and public prosecutors, their discipline, and their retirement.

#### Article 11:

Judges may not be removed except in cases specified by law. Such law will determine the particular provisions related to them and shall regulate their disciplinary measures.

#### Article 12:

A judge is prohibited from:

First: combining a judicial position with any other employment or business.

Second: Joining any party or political organization or performing any political activity.

#### Article 13:

First: The federal courts and federal judiciary will continue working in the governorates that have been transformed into regions, or joined one, until the establishment of its own courts and judicial institutions.

Second: It would be allowed, through a federal law based upon the demand of the region, to transfer all or some of the competences which is managed by the judicial institutions in the region to the federal judiciary, as it is also permitted by the same law to determine the cases which is subject to appeal the decisions of the region's courts in front of the Federal courts.

#### Article 14:

All the judicial decisions, issued according to law, from the federal, regional judicial institutions shall be executable in all regions and governorates and it's not permitted to refuse or delay its execution .

#### Article 15

The establishment of special or extraordinary courts is prohibited.

Article 16:

A law shall regulate the military judiciary and shall limit the jurisdiction of military courts to crimes against a military law committed by members of the armed forces and security forces, and within the limits established by law.

Article 17

It is allowed by a legislation to establish state council specialized in functions of the administrative judiciary, issuing opinions, drafting, in the limit exempted by law.

Article 18:

It is prohibited to stipulate in legislations to give immunity to a decision or action from being appealed in front of the judiciary.

Article19:

First : Lawyers profession represent the justice, right, legitimacy values and intend to prevent injustice and to reconciliation among opponents objectivity in proving impartiality, providing legal assistance for those who are in need in accordance with the law

Second: law shall regulate the lawyer's profession and the terms of the practice.

**Recommended Provisions to be added to the constitution**

**First: Section one: Fundamental Principles**

- 1- The following provision (Second) to be added to section one-Fundamental Principles –Article 1  
Second: “It is not permitted to make any concession about Iraqi sovereignty or any part of its lands and water.”
- 2- “Law is the sublime expression of people will, everybody as authorities and individuals shall comply with it”
- 3- “Respecting constitution and law, complying with them, abiding to public system and public morals is the responsibility of all people.”

**Second: Section two: Rights and Liberties**

- 1- The right of public job shall be added as follows:  
First: “Public job is a national service undertaken by individuals, it is a guaranteed right for capable individuals on the bases of equality, taking in consideration efficiency and qualifications according to the law.  
Second: “Public employee shall target public interests when performing his/her tasks”  
Third: “Only Iraqi assumes public job except in cases indicated by law.”
- 2- The following provision (Third) to be added to article 28 regarding taxes:  
Third: “Social justice is the basis of imposing taxes.”
- 3- The right of inheritance is to be added to the second chapter regarding economic and social rights as follows:  
“Inheritance is a preserved right, guaranteed by law in accordance with Islamic laws”

**Third: Section five: Powers of Regions**

- 1- “The regional government has the right to resort to federal armed forces and security forces to keep discipline in the region and protecting it from aggression or natural disasters.”
- 2- “The regional government shall take the necessary actions to implement federal laws, international treaties and protocols signed by federal powers and these powers have the right to oversee the implementation”

Fourth: Section Six: Final provisions

1- the following provision is to be added after article (127):

“The Speaker of the Council of Representatives, the Head of Federal Council, their deputies and members of the two Councils are not permitted to assume any other post or perform any other work.”