

Thursday, July 16, 2009

## Decision clarifying the date for the next Iraqi polls

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***Editor's Note:*** This decision is based on common sense. In it the Federal Supreme Court interpreted a clear disposition allowing elections to be held every four years with the date of the first meeting of Parliament as the benchmark. Any other interpretation of the law would have opened the door to a Pandora's box on possible election dates. The decision put an end to an increasingly bitter dispute between Iraqi parties, and prevented the dispute from turning into a serious constitutional crisis over an electoral issue of significance for the country.

29/Federal/2009

The request

The Honorable speaker of the Council of Representatives [CoR] addressed [to the Court] Letter/M.R. 12 dated May 3, 2009, in which he mentions Article 56.1 of the Constitution, which establishes the electoral term of the CoR to be four calendar [taqwimiyya] years, starting with the first session and ending at the close of the fourth year. The letter also mentions Article 56.2 of the Constitution on the election of the new CoR to be held forty five days from the date of the end of the previous mandate. The letter explains that the opening session of the CoR was held on March 16, 2006, which is the session at which the constitutional oath was sworn. It also mentions that the first session of the CoR was held on April 22, 2006.

The speaker requested a legal opinion on the end of the current electoral term of the CoR and the date for holding the elections for the new CoR.

The request was analyzed and deliberated upon in a meeting of the FSC held on May 13, 2009, and the Court held unanimously as follows:

Decision:

I Considering that Article 56.1 of the Constitution of Iraq of 2005 specifies that the electoral term of the CoR shall be four calendar years.

I Considering that the four years mentioned in Article 56.1 of the Constitution start with the first meeting of the CoR under the presidency of its oldest member on invitation by presidential decree (Article 54 of the Constitution).

I Considering that the meeting held by the CoR on March 16, 2006 after being called upon is the first meeting meant by Article 56.1 of the Constitution.

I Considering that Article 56.2 of the Constitution stipulates that elections for the new CoR must be held 45 days before the end of the electoral term.

I Considering that the meaning of the calendar year mentioned in Article 56.1 of the Constitution is based on the Christian year, which is 365 days long (Article 9 of the Civil Code)

Upon which [we hold that]:

The end of the current electoral term of the CoR is March 15, 2010, and the date for holding the elections for the new CoR is 30/1/2010.