



## **Theme: The Federal Supreme Court and the Higher Juridical Council in the Iraqi Judicial System**

**Number of Pages: 40**

### **1 Introduction: 3 pages**

- 1.1 Topic importance
- 1.2 Reasons behind choosing this topic
- 1.3 How can judiciary system based on international standards help to establish a modern, federal Iraqi State
- 1.4 Adopted research plan

### **2 The Iraqi Judicial System (6 pages)**

- 2.1 Stature of the judiciary as mentioned in the constitution**
- 2.2 The network of Judicial Institutions: focus on Establishing the Authority of the Federal Justice System
  - The Federal Supreme Court
  - The Higher Judicial Council
  - Iraqi Special Tribunal
  - Other Federal Courts
  - The Federal Court of Cassation
  - Public Prosecution Department
  - Judiciary Oversight Commission
  - Quasi Judicial Bodies: Commission on Public Integrity, Independent Electoral High Commission, High Commission for Human Rights
- 2.3 Their role in stabilizing and strengthening the Federal Judicial System

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### 3 **The Federal Supreme Court (10 pages)**

#### **3.1 What is the composition of the Federal Supreme Court and how is the composition determined?**

- Number of Judges
- Appointment procedure for Judges
- Qualification of Judges
- Tenure of Judges
- Removal procedures for Judges
- Hierarchy of Judges within the Court

#### **3.2 What is the source of the Federal Supreme Court's jurisdiction?**

- Constitution and Enabling Legislation
- Subsequent Legislation
- Decisions of the Court

#### **3.3 General Procedures:**

- What are the general procedures of the Court?
  - Quorum requirements
  - Public or Private Sessions
  - Timeframe for a ruling to become effective
  
- What are the general procedures of the Court?
  - Standing requirements
  - Initiation of proceedings
  - Possible rationale for rejecting a complaint
  
- What are the procedures for adjudicating a constitutional complaint?

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- What are the procedures for adjudicating the constitutionality of a Government Act or Law?

- Standing requirements
- Effect of a ruling of unconstitutionality on the government act or law
- Type of legislative review
- Repressive or “a posteriori” review
- Abstract Review
- Concrete Review
- Preventative or “a priori” review

### **3.4 How are disputes between national, regional, governorate, and local authorities adjudicated?**

- Standing requirements
- Timeframe for bringing a dispute before the Court
- Effect of a ruling

## **4 The Higher Juridical Council (10 pages)**

4.1 What is the composition of a juridical council? And how are the members of a juridical council selected and/or dismissed?

4.2 What are the functions of a juridical council?

- Supervise the federal judiciary
- Manage the affairs of the judiciary
- Nominate justices and prosecutors to fill vacancies
- Recommend justices and prosecutors
- Remove justices and prosecutors
- Confirm the appointment of justices and prosecutors
- Assign justices and prosecutors to hold specific posts
- Prepare annual budget of the federal judicial authority
- Investigate allegations of judicial misconduct
- Take necessary disciplinary or administrative actions against justices

4.3 What are the various levels of independence of a juridical council?

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- 4.4 Complete independence from government, or a high degree of government involvement?
- 4.5 Relationship with other institutions and with other branches of the federal (parliament and government) government, regional and local judicial bodies

## **5 International Models (6 pages)**

- 5.1 Comparison with other federal judicial systems from around the world
- 5.2 Propose at least three models and solutions that can clarify jurisdiction between Federal, regional and local bodies and build a better functioning justice system

## **6 Conclusions and Recommendations (5 pages)**

- 6.1 Assess and critic of current situation: challenges to the judiciary to protect its independence and integrity
- 6.2 Final conclusions, propositions and recommendations
- 6.3 Civil society's role in enhancing the independence of the judiciary
- 6.4 Role of the media in enhancing the independence of the judiciary
- 6.5 Specific Recommendations
  - to the Iraqi Justice System
  - to the Council of Representatives
  - to Iraqi Civil Society
  - to the International Community

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