

Beat: Politics

A Statement from President Barzani

Iraqi Kurdistan

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USPA NEWS - While it is essential for any federal system to have a federal court whose task would be to supervise the legal disputes between the regions and the federal government, however, it is equally essential to raise some serious questions about some of the positions of the federal court in Iraq.

Regarding the decree from the federal court that the Kurdistan Independence Referendum was unconstitutional, it is crucial for the people of the Kurdistan Region, Iraq and beyond to know that the federal court was established prior to the ratification of the Iraqi constitution in 2005 and that court was scheduled to be abolished after the ratification of the Constitution in accordance to a new law which was never passed. That fact is clarified in the text of the Constitution, in article 92. Instead, the current federal court, which has no legal grounds, continues to issue legal opinions.

The existence of the court itself is not within the Constitution of Iraq and its recent decree was clearly a politically motivated step. This happens at a time when there is no legal review of the part of the preamble of the Constitution that states, "the adherence to this Constitution preserves for Iraq its free union of people, of land and of sovereignty." [?] The Iraqi government has violated 55 articles of the Constitution, the same Constitution whose preamble states that Iraq's "free union" [?] is conditional upon the preservation of the Constitution.

That court has remained silent on the issue of the establishment of the Federal Council, which is stated in article 65 of the Constitution. If that council had been created, the powers of the legislative branch of the government would have certainly been more complete and that council would have defended the Kurdistan Region against unilateral steps. How is it that the court has been silent on article 140 of the Constitution, which was decreed to be completed by the end of 2007? It is well known to all concerned parties that the implementation of article 140 of the Constitution would have drastically lessened the issues between Baghdad and Erbil.

Additionally, that court has made no statements on the fact that since February 2014 the budget of the Kurdistan Region has been completely cut from the federal government, not in accordance to any constitutional article, instead per the signature of one leader. That unjust step was a violation of article 121 of Iraq's Constitution.

How is it that that court has remained silent after the use of Iraqi forces and Iraqi arms against the people of the Kurdistan Region, which is a violation of article 9 of the Constitution? Why were there no legal positions from the court on the violations of human rights, which were committed in Tuz Khurmato, Kirkuk and other places?

The decision of the federal court is a unilateral decision, which is aimed at serving political purposes for a small number of people. That decision comes after the deafening silence of the court on the federal government's violation of 55 articles of the Constitution. They were indeed those same violations, which compelled the people of the Kurdistan Region to exercise a democratic and peaceful practice to vote in the Kurdistan Independence Referendum. Aside from that, it is also essential for all concerned parties to realize that there is no legal or constitutional body which has the power to declare that the votes of 3 million people are "unconstitutional," [?] because the legitimacy of government itself stems from the people.

Masoud Barzani
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