

## **The Iraqi Parliament Committed Its First Constitutional Breach**

The Iraqi parliament currently faces a predicament. The constitutional timeframes for forming the new government have been repeatedly violated. And while the watchful eyes of the public focus on the parliament's failure to elect a new president, they overlook the previous constitutional breach made by the House of Representatives: the failure to elect a second deputy speaker within the constitutional timeframes during the first session.

Article [54] of the Iraqi constitution states, **“The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within fifteen days from the date of the ratification of the general election results. Its eldest member shall chair the first session to elect the speaker of the Council and his two deputies. This period may not be extended by more than the aforementioned period”**. This article states that the president of the republic is obligated to call for the newly elected parliament, ensuring that the parliament holds its first session to elect a speaker and his/her two deputies within fifteen days from the date of ratification of the election results by the federal supreme court. Since the Federal Supreme Court ratified the election results on 12/14/2025, this means the Parliament must hold its session and choose its presidential body no later than 12/29/2025.

In compliance with these timeframes, the Iraqi Parliament held its first session on Monday, 12/29/2025, where Haibat al-Halbousi, on behalf of the Takadum Party, won the presidency with 208 votes out of 329. Adnan Faihan, on behalf of the Al-Sadiqoun Party, also won the position of First Deputy Speaker with 177 votes out of 329. However, the Parliament failed to choose its Second Deputy Speaker that day in compliance with the constitutional timeframes. Shakhawan Abdulla, on behalf of the Kurdistan Democratic Party, was running for the position of Second Deputy Speaker against Rebwar Karim, on behalf of the National Stance Movement, in two consecutive rounds.

This Parliament’s failure to elect its Second Deputy Speaker within the timeframes mentioned above is considered a breach of Article 54 of the Iraqi Constitution, Article 5 of the Internal Regulations of the House of Representatives, and Decision No. (55/ Ittihadiya/ 2010) dated 10/24/2010 of the Federal Supreme Court, which stressed the need to adhere to the election of the Presidential Body of the House of Representatives within the constitutional timeframes.

The next day, the Iraqi Parliament continued its session, where the Kurdistan Democratic Party replaced its nomination of Shakhawan Abdulla for the position of Second Deputy Speaker with Farhad Ameen Saleem Al-Atrushi, who won the election with 178 votes out of 329. At the same time, the constitutional nature of this replacement remains uncertain.

In this matter, the Iraqi Parliament of the sixth parliamentary cycle has committed its first constitutional breach. The breach stems from non-compliance with the constitutional timeframes mentioned in Article 54, Article 5 of the Internal Regulations of the House of Representatives, and Decision No. (55/ Ittihadiya/ 2010) dated 10/24/2010 of the Federal Supreme Court.

**Consequences of this breach:**

The Iraqi Constitution has not set any correction when constitutional timeframes are violated. And this could be seen when the Federal Supreme Court has dismissed the case of dissolving the parliament in its decision number 132/ithadhiah/2022 of 2022 when the parliament of that time has breached article (54). The mentioned court in its decision has explained the two ways of dissolving the parliament which is by following article 64 of the constitution. Whereas article (64) stated that the parliament can be dissolved either by a request of one-third of its members and voted by an absolute majority, which is practically unworkable because it is inconsequent for dysfunctional parliament members to dissolve themselves. And the second way is by a request from the Prime Minister, approved by the President of the Republic, however, this is not legally attainable, as the current government is a caretaker government without high-level authority.

**Proposed solutions:**

The current parliament had 15 days to convene its first session, starting from the date of ratifying the election results on 14/12/2025 to 29/12/2025. However, the parliament held its first session on the last day of the given period in article (54), thereby this led to a failure in electing the presidential body within the prescribed timeframes, resulting a constitutional breach. In light of this, the parliament could have held its session on the first days of the period in article (54) of the constitution, which would give the parliament sufficient time to elect its presidential body in alignment with the constitutional timeframes.