



Legal Breaches of the Kurdistan Parliament and its Paralysis

**The Fourth Report
Fourth parliamentary term - third session
(September 1st to October 31st 2015)**



**National Endowment
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PAY INSTITUTE
For Education & Development

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*PAY Institute for Education and Development is a Kurdistan-based non-governmental organization that was formally registered at the non-governmental organizations department on (28 /11/ 2013), and began its activities in December 2013.

* Monitoring the Kurdistan Parliament Project:

This project started to perform its work with the beginning of the 4th term of the Kurdistan Parliament. And now, with the support of the National Endowment for Democracy (NED), it leads the duties that it is entrusted with.



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Introduction

The political process in the Kurdistan Region at this time is going through a very difficult and complicated stage, which is embodied in a set of dangerous developments such as external fears and the war against terrorism and ISIS on one hand; and the worsening of the relationship between Baghdad and Erbil on the other hand, which resulted in cutting the financial payments from the annual budget of the KRI leading to kind of economic recession and not being able to pay regular monthly salaries for employees by the KRG. In addition to that, the political disagreement and conflicts between Kurdistan political parties and forces led to another legality crisis as in the KR's presidency issue where the mandate of the president legally ended month ago. Besides, hindering the Parliament's role in performing its legal and legislative part by road-blocking the Parliament's president from going back to the Parliament to do his job; and last but not least, four ministers have been excluded and replaced without any legal justification.

This report includes the performance and the status of the KRI's Parliament over two months. We, as the PAY Institute for Education and Development, find ourselves in front of a big patriotic responsibility, which is monitoring the work of public institutions, including the KRI's Parliament. Our institute began its activities and work in a programmatic and fundamentalist way immediately after the fourth term elections of the KRI's Parliament. The first report's activities were completed on our expenses, where the second and the third reports were detailed with the cooperation of the Kurdistan Parliament Union, and this report(the fourth of its kind) - has been developed with the help of the National Endowment for Democracy (NED).

We do monitor the parliament's work and activities wishing this legislative national institution to do its job and gain credibility with Kurdistan's people; as well lead its main role in processing the problems and crisis and to road-block the breaches that might undermine its status and not to be exploited by the political parties that chase narrow partisan interests which are the very thing that will disrupt its role. It's obvious that the existence of a powerful, effective Parliament which issues appropriate, positive laws and monitors the performance of the executive authority will provide a valuable opportunity to develop the society and to achieve social justice; as well for the all governmental institution to have legal cover away from side interventions of the political parties. We believe that we can be, along with other civil organizations, a strong backer and support for the success of parliament.

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Legislative work in the Kurdistan parliament

After the Kurdistan Parliament held meetings about the region's presidency law on 23rd June and 19th August, the Parliament found itself in front of a set of problems and impasses, which would marginalize and disable its legislative role. And after the summer holiday ended for June and August, the first meeting of the beginning of the new session was held on 2 September to discuss the amendment on the rules of procedure project and it was listed in Parliament's agenda. After five consecutive meetings were held and as the last one was an ordinary meeting No.6 on (7/9/2015), the seventh meeting was decided to be held on (12/10/2015), but it was postponed to another date and has yet to be held. During that time, the internal curriculum was discussed and 30 articles out of 149 were discussed and then approved; from that time on, the legislation process has been disrupted and no meetings have been held and no laws have been approved by the Parliament. And for the record, the Kurdistan Parliament has discussed from the beginning of its works till now 155 draft resolutions and has approved 18 laws and 7 decisions.

Evaluation for the laws and decisions that Parliament issued

The Laws:

1. The 3rd amendment law of the KRI presidency amended law No.1 (2005).⁽¹⁾
2. The extending law of Anti-terrorism law No.2 (2006) in KRI.⁽²⁾
3. The High Independent Commission for elections and referendum law No.4 (2014).⁽³⁾
4. The parties funding law in KRI No.5 (2014).⁽⁴⁾
5. The first amendment law of Demonstrations Organizing law in KRI.⁽⁵⁾

(1) - Just one article from this law has been amended for the next term or the next government cabinet, as it hasn't been implemented.

(2)- This law is the same previous law but it has been extended for the next two years.

(3) -Although, there is a supreme council for elections, it has never performed its duties because the necessary resources weren't available and no administrator or employees were reappointed, plus competent administrations haven't been established in the cities. In other words, the law hasn't found a status and has never been implemented.

(4) Passing this law has effective influence on preserving the region's budget from being futile and lost by the political parties. However, it was issued by the time KRI was facing the current crisis; so it was difficult to implement it practically. According to this law, the KRG is bonded to pay financial dues from the region's budget to the political parties in accordance with article (7) of law No. 5(2014) that have been practiced since it was published in the official newspaper (Kurdistan proceeding).

6. Law No. 6 (2014), the formal languages law in KRI.⁽⁶⁾
7. Law No. 7 (2014), the first amendment act of the General Commission of Integrity Law No. 3 (2011) in the KRI.⁽⁷⁾
8. Law No. 8 (2014), the tenth amendment act of the Ministers ‘Council of KRI amended law No. 3 (1992).⁽⁸⁾
9. Law No. 9, the first amendment act of High Education and Research Ministry Law in KRI.⁽⁹⁾
10. Law No. 1 (2015), the law of Halabja’s Governorate Administration in KRI.⁽¹⁰⁾
11. Law No. 2 (2015), the law of Kurdistan Fund for Petrol and Gas Returns.⁽¹¹⁾
12. Law No.3 (2015), the amendment act of carrying out the amended Iraqi Penal Code No.111 (1969) in the KRI.
13. Law No. 4 (2015), the law of Draft Preparation of the KRI Constitution.⁽¹²⁾

(5)-Two months and nine days after issuing this law, it was rejected by KRI’s presidency. And after two months and four days of rejecting it, it was inserted within the Parliament work schedule in session No. 7 on (22/10/2015) when the discussion about it was postponed to the beginning of the next session by KRI’s presidency decision No (497-C) on (24/8/2014) that was pointed to the Parliament’s presidency. However, the decision was rejected too at the time when it was supposed to be inserted in the work schedule of spring session 2015, but that never happened.

(6) - Concerning the law of the formal languages, it was passed and approved on in spite of many shortfalls because the Parliament members and the government’s representative weren’t familiar with the crux of the matter. And now after one year from issuing the law, it hasn’t been implemented yet and no party or side or institution was assigned to implement it and follow it up.

(7) - Within the first reading in session No.2 on (23/9.2014), this law was dealt with in an illogical and illegal way because it was sent directly by the integrity commission and that was incompatible with the parliamentary custom and charter since the integrity commission is not authorized to direct such a law to the parliament. Thus another session No.7 was held on (22/10/2014) when the first reading of the law was done for the second time. In this time, it was directed to the parliament in accordance with the legal number of parliament’s members and it was ratified in spite of voices of opposition. However, the KRI’s president rejected it but at the end it was finally approved on again.

(8) - In this law, the portfolio of region’s minister (minister without ministry) was added to the ministers’ council.

(9) - The high education and scientific research minister was scheduled to attend the discussion meeting for this law to be approved on by the Parliament, yet he didn’t attend though he was reported by the Parliament, and that was a clear breach of Parliament’s principles. After following up on the thread, it appeared that he didn’t attend the session due to the prime minister’s order. Though the law was issued and ratified, but no instructions were issued about that and it wasn’t implemented.

(10) - This law is approved but it hasn’t been implemented as required yet, plus this administration’s devices and departments have never been formed.

(11) - This law was not implemented. Three months were set to choose the members but that did not happen, and the members haven’t initiated their tasks and no instructions were issued about this law.

(12) - A consensual law which abridged the freedom of the committees’ members. According to this law, the committee should consist of 21 members; however, only 20 members initiated their tasks plus the committees didn’t finish their work by the deadline time and the Parliament had to extend their work duration but it didn’t.

14. Law No. 5 (2015), Minorities' Rights Protection Law in KRI.⁽¹³⁾
15. Law No. 6 (2015), the 2nd amendment act of the amended Personal Status Law Implementation No. 188 (1959) in the KRI.⁽¹⁴⁾
16. Law No.7 (2015), Funds Withdrawal by Borrowing Law in KRI.⁽¹⁵⁾
17. Law No.8 (2015), stop work act of the Real Estate Rental Law No.9 (2008) in KRI.⁽¹⁶⁾
18. The Rights and Privileges of Single Parents (of Ethnic Cleansing Victims) Law in KRI.⁽¹⁷⁾

The Decisions:

1. Decision No.16 (2014), resolution to stop working with the actNo.55 (2004) and the act No.7 (1992) of KRP.
2. Decision No. 18 (2014), private resolution for the interior forces and the Asayish.
 1. Decision No.19 (2014), private resolution for Peshmerga Forces.
 2. Decision No.23 (2014), resolution for naming Halabja as the capital of peace in KRI.
 3. Decision No.24 (2014), resolution for supporting West Kurdistan People with the self-government form that they chose.
 4. Decision No.28 (2014), resolution for sending KRI Peshmerga to defend Kobani.
 5. Decision No.1 (2015), resolution for the candidacy and acceptance of mayors and townships administrators in KRI.⁽¹⁸⁾

(13) -One of the good and civilized laws that will allow the religious and national components in the KRI to exercise their rights if it is implemented.

(14) - No instructions were issued about this law and it hasn't been implemented so far.

(15) - Though it was strongly opposed, this law was approved in the regular session No. 3 on (2/6/2015) but in a legal way because the quorum was not complete while discussing and passing most of the articles. Later on, and after a note from the PAY Institute and our follow-up, we asked the Parliament's presidency to return the law back to the Parliament based on the illegality of its approving process. Then the Parliament president did return it and it was voted on again in session No. 155 (16/6/2015), but it hasn't been implemented so far and the ministers' council formally announced to stop borrowing operations.

(16) - This law includes only one article that states to stop working with the law and defer it for one year.

(17) - No instructions were issued about this law and it hasn't been implemented so far

(18) - This law hasn't been implemented.

The Legal Projects Submitted to the Parliament and the Level of Work on Them

A reported 226 projects have been submitted to the Parliament so far – 155 of them were submitted to the members and committees for the first reading; whereas 71 projects were left without reading. Only 18 draft laws and 7 decisions out of these legal projects were approved.

Table (1)
The level of committees' work on the projects

N	Committee's name	Number of projects referred to the committee	Number of projects reported	Level of committee's work
1	Legal Affairs Committee	115	40	25.8%
2	Finance and Economic Committee	46	9	19.5%
3	Interior and Security Committee	21	9	42.8%
4	Agriculture and Irrigation Committee	7	4	57%
5	Women's Rights Defense Committee	8	0	0%
6	Education and High Education Committee	9	2	22.2%
7	Health and Environment Committee	14	5	35.7%
8	Social Affairs, Children and Families Committee	16	16	100%
9	Reconstruction Committee	3	1	33%
10	Relations, Culture and Media Committee	7	3	42%
11	Endowment and Religious Affairs Committee	9	8	88%
12	Peshmerga, Martyrs and Ethnic Cleansing Victims Committee	21	2	9.5%
13	Human Rights Committee	19	5	26%
14	Industry, Energy and Natural Resources Committee	9	5	55%
15	Municipal Services Committee	5	4	80%
16	Consumer Rights Protection Committee	3	0	0%
17	Sports and Youth Committee	0	0	0%
18	Integrity Committee	2	1	50%
19	Civil Society Affairs Committee	4	2	50%
20	Kurdistan Areas Outside Region's Border Committee	0	0	0%
21	Parliament Affairs Committee	2	1	50%
22	Relations and Kurdish Community Committee	2	0	0%
	Total	362	117	32.3%

A note about Table (1):

Within two months, only the social committees prepared reports about projects that were referred to them, while the other committees did not work on any of the projects.⁽¹⁹⁾

(19) - . Link of the committees' news and activities in Kurdistan Parliament website:

<http://www.perlemanikurdistan.com/Default.aspx?page=article&id=23004&l=3>

Table (2)
Members Attendance at the Parliamentary Committees Meetings

N	Committee's name	Number of committee members	Number of committee meetings	Number of absences
1	Legal Affairs Committee	11	0	0
2	Finance and Economic Committee	10	4	2
3	Interior and Security Committee	11	1	2
4	Agriculture and Irrigation Committee	10	1	5
5	Women's Rights Defense Committee	7	2	3
6	Education and High Education Committee	11	2	0
7	Health and Environment Committee	9	3	3
8	Social Affairs, Children and Families Committee	10	7	9
9	Reconstruction Committee	7	0	0
10	Relations, Culture and Media Committee	6	1	0
11	Endowment and Religious Affairs Committee	7	2	1
12	Peshmerga, Martyrs and Ethnic Cleansing Victims Committee	11	1	3
13	Human Rights Committee	10	2	8
14	Industry, Energy and Natural Resources Committee	11	1	6
15	Municipal Services Committee	10	1	1
16	Consumer Rights Protection Committee	6	0	1
17	Sports and Youth Committee	7	0	0
18	Integrity Committee	10	2	4
19	Civil Society Affairs Committee	9	0	6
20	Kurdistan Areas Outside Region's Border Committee	9	0	0
21	Parliament Affairs Committee	9	0	0
22	Relations and Kurdish Community Committee	10	0	0
	Total		33	54

Most Prominent Notes about Table (2)

1. 33 meetings were held for the 22 parliamentary committees within two month, 54 members missed those meetings.
2. Lack of intrepidity and enthusiasm in conducting the works by the committees.
3. The meetings weren't on the required level comparing to citizens' affairs, existing crisis and the proposed projects.
4. The members' absenteeism during committees' meetings was high, which reflected negatively on the committees' work performance.
5. No meetings were held for the committees of: Sports and Youth, Legal, Reconstructions, Kurdistan Areas, Parliament Affairs, and Relations and Kurdish Community Affairs within the last two months.
6. Only one meeting was held for each of the committees of Interior, Agriculture, Culture, Peshmerga, Industry and Municipal Services within the last two months.
7. Only two meetings were held for the committees of Women's Rights, Education, Religious Endowment, Human Rights, Integrity and Civil Society within the last two months.
8. Only three meetings were held for Health Committee within the last two months.
9. Only four meetings were held for Finance Committee within the last two months.
10. Seven meetings were held for the Social Committees.
11. Hindering and disabling parliament's performance adversely affects committees' work performance.

Table (3)
Calling, Hosting and Questioning Ministers by the Parliament

	The minister	Calling date	Attendance date	The calling was by	Calling reason	The calling was in accordance with
1	Minister of Finance	8/9/2015	did not attend	a number of parliament members	Salaries crisis	Point (2), 2 nd paragraph, article No. 54, amended internal system of KP No.1 (1993)
2	Minister of Natural Resources	8/9/2015	did not attend	PM, Soran Omer	Qar Zebo Factory	Articles No.68 and No.69, amended internal system of KP No.1 (1992)
3	Minister of Natural Resources	14/9/2015	did not attend	PM, Sherko Jawdet	questioning	Articles No.68 and No.69, amended internal system of KP No.1 (1992)
4	Minister of Natural Resources	21/9/2015	did not attend	PM, Izzet Saber	questioning	Articles No.68 and No.69, amended internal system of KP No.1 (1992)

Notes about Table (3)

1. The Minister of Finance was called in accordance with [point (2), 2nd paragraph, article 54, amended internal system of KP No.1 (1993)] by a legal number of parliament members to be questioned about the employees' salaries issue, but he did not attend.

2. The Minister of Natural Resources was called in accordance with [article No.69, amended internal system of KP] by three separate call requests from parliament members, but he did not attend.

Table (4)
Members Attendance in the Parliamentary Meetings - Autumn
Session 2015

R	Meeting No. and date	Absences	Leave requests	Boycott	Total absence	Participants
1	Ordinary opening session No.1 (2/9/2015)	4	20	0	24	87
2	First ordinary session No.2 (16/9/2015)	2	15	0	17	94
3	Second ordinary session No.2 (16/9/2015)	2	15	0	17	94
4	Ordinary session No.3 (20/9/2015)	3	15	0	18	93
5	Ordinary session No.4 (21/9/2015)	5	22	0	27	84
6	First ordinary session No.5 (6/10/2015)	0	4	0	4	107
7	Second ordinary session No.5 (6/10/2015)	0	7	0	7	104
8	Ordinary session No. 6 (7/10/2015)					
9	Ordinary session No.7 (12/10/2015)					
	Total	16	98		114	663

Notes about Table 4

1. Six ordinary meetings were held in this session.
2. Two of the ordinary meetings were held within two sittings: morning and evening.
3. The attendants' names were registered in the sum of these meetings (7 meetings) except for two meetings in which the names weren't registered.
4. 114 members did not attend the 5 meetings either because of absence, leave request, or any other reason. And that accounted the absenteeism by 14.6 %.

Table (5)
Members' Attendance in the Parliament Meetings According to the Parliamentary Blocs

N	The Parliamentary Bloc's name	Number of the bloc members	Absences	Leave request	Total absence
1	Kurdistan Democratic List	38	4	34	38
2	Change Movement List	24	2	14	16
3	Patriotic Union of Kurdistan List	18	0	18	18
4	Kurdistan Islamic Union List	10	6	14	20
5	Kurdistan Islamic Group List	6	0	1	1
6	Islamic Movement List	1	0	0	0
7	Kurdistan Democratic Social List	1	0	2	2
8	Freedom List	1	0	0	0
9	Third Direction List	1	0	2	2
10	Al-Rafidain List	2	0	3	3
11	The People Council of Chaldean, Syriac and Assyrians	2	0	2	2
12	Advance Turkmen List	2	1	5	6
13	Erbil Turkmen List	1	0	4	4
14	Change and Renewal Turkmen List	1	0	0	0
15	Iraqi Turkmen Front List	1	0	0	0
16	The Sons of Mesopotamia List	1	0	1	1
17	Armenian List	1	1	0	1
	Total	111	14	100	114

Notes about Table (5)

According to the previous table, the sequence of the parliamentary blocs in accordance with the Parliament members' absenteeism is as follows:

1. Kurdistan Democratic Party
2. Kurdistan Islamic Union Party
3. Patriotic Union of Kurdistan
4. Change Movement
5. Advance Turkmen
6. Erbil Turkmen
7. Al-Rafidain
8. The Third Direction
9. Kurdistan Socialist Democratic Party
10. People Council of Chaldean, Syriac, and Assyrians
11. Kurdistan Islamic Group
12. Armenian party
13. Sons of Mesopotamia
14. Freedom
15. Turkmen Front
16. Islamic Movement
17. Turkmen Change and Renewal

Table (6)
Number of Hours of Parliament Meetings

N	Meeting's number and date	Number of hours of meeting
1	Ordinary opening session No.1 on (2/9/2015)	00:10
2	Ordinary session No.2 on (16/9/2015)- 1 st	02:11
3	Ordinary session No.2 on (16/9/2015)- 2 nd	01:55
4	Ordinary session No.3 on (20/9/2015)	02:09
5	Ordinary session No.4 on (21/9/2015)	02:22
6	Ordinary session No.5 on (6/10/2015)- 1 st	00:44
7	Ordinary session No.5 on (6/10/2015)- 2 nd	01:41
8	Ordinary session No.6 on (7/10/2015)	02:23
	Total	13:31

Notes about Table (6):

1. Only five meetings were held during a period of time of 61 days; from (1/9/2015) up to (7/11/2015).
2. During these five ordinary meetings and from the beginning of the meeting to its adjournment, the talks about (parliament affairs, the problems of citizens and the existing problems of the current time) took only 13 hours and 31 minutes; and that is too short period and inadequate.
3. This is one of the shortfalls of Rules of Procedures of Parliament which did not set the meetings during each week, thus this point should be stood at and amended by law.

Table (2)
Number of Paragraphs of the Implemented Agendas in Autumn Session (2015)

N	Meeting's number and date	Number of paragraphs	Implemented paragraphs	Deferred paragraphs	Projects implementation percentage
1	Opening ordinary session No.1 on (2/9/2015)	2	2	0	100%
2	Ordinary session No.2 on (16/9/2015)	1	1	0	100%
3	Ordinary session No.3 on (20/9/2015)	1	1	0	100%
4	Ordinary session No.4 on (21/9/2015)	1	1	0	100%
5	Ordinary session No.5 on (6/10/2015)	1	1	0	100%
6	Ordinary session No.6 on (7/10/2015)	2	1	1	50%
	Total	8	7	1	87.5%

Most Prominent Notes about Table (7):

1. During five sessions of KP, only 8 paragraphs of its agendas were presented; seven of them were accomplished on time and one of them was deferred and not accomplished on time. That means that the sum of the agendas' paragraphs is 8 - (100%).
2. The sum of the accomplished paragraphs is 7 - (87.5%).
3. The sum of paragraphs that were not accomplished is 1 - (1.5%).

Table (8)
Parliament Work Summary within Two Months

N	The title	Number
1	Number of parliament's meetings	6
2	Number of paragraphs of the agendas	8
3	Number of paragraphs of the agendas – the implemented	7
4	Number of paragraphs of the agendas – not implemented	1
5	Number of law projects that parliament did first reading for, since it has initiated its tasks	155
6	Number of the approved laws	0
7	Number of the approved decisions	0
8	Number of parliament's notifications	3
9	Number of Ministers' Council members who were called to the parliament by PMs	2
10	Number of Ministers' Council members who attend at the request of PMs	0
11	Number of Ministers' Council members who were called to the parliament by PMs and did not attend	2
12	Number of Ministers' Council members who attend the parliament hall at their own request	0
13	Number of interrogations of Ministers' Council members	0
14	Number of committees' meetings	33
15	Number of reports that committees wrote about law projects	117
16	Number of reports that committees did not write about law projects	254
17	Number of members' questions directed to the government	0
18	Number of the answered questions	0
19	Number of the unanswered questions	0
20	Number of members' absences for the meetings	114

The Legal Breaches of the parliament

* The speaker of parliament Youssef Mohammad left Sulaymaniyah back to Erbil where his workplace on (12/10/2015), and when he arrived to Kopre (Perde) checkpoint he was not allowed to enter Erbil and was forced to go back to Sulaymaniyah. According to the Change Movement's statement that was declared at that time, this action was a result of the KDP's political office decision to expel Change Movement's ministerial team and parliament members in addition to the parliament president, who is from Change Parliamentary Bloc, from Erbil.

* This action is illegal because the speaker of parliament is the second personal after KR president with a position of a sovereign, and he was prevented from entering the region's capital.⁽²⁰⁾

* After returning back to Sulaymaniyah, the speaker held a press conference on the same day with representatives of (Change Movement, PUK, Islamic Union, Islamic Group) blocs. He announced to reporters that road-blocking the speaker and blocs' members from entering Erbil is a kind of coup; He indicated that what happened would have serious impact on the whole political process and therefore it will go to an end with dire consequences because the speaker and PMs took legitimacy from the people. "Kurdistan is our workplace and we will work fully our will wherever we are", he said. He added, "hindering parliament work will not change the region's dire situation but it will compound the accumulated problems from months ago that are embodied in the financial crisis and the mandate of the president; and now more than ever, we need a political dialogue thus we will not give in to any coup against the parliament and the legitimacy".

The speaker said that "the political process dimension of the real path will not solve the problems and I remind all the political parties and forces that KR is now going through a difficult stage that might lead us towards the abyss; Thus, we all have to strive to find just and logic solution for all the outstanding issues and do our effort to ease the tension and go back to the dialogue table and resort to reason".

The parliament secretary Fakhr Al-Deen Qadir said, "such situations are not acceptable and I condemn what happened to the speaker of parliament".⁽²¹⁾

(20) - In this occasion, Ari Hirseen (a KP member from KDP bloc) announced that the reason behind preventing the speaker from entering Erbil is just to keep his life. He also said, "Preventing Youssef Mohammad from going to the parliament and entering Erbil was for the safety of his life because what happened to our comrades in Sulaymaniyah made their families and relatives in a state of anger and grudge, and I believe that there are many persons might take revenge from him since they believe him to stand behind what happened in Sulaymaniyah and other places".

(21) - The speech of the parliament's secretary: Kurdistan Parliament as it is known is the highest legislative authority which won the legal legitimacy from Kurdistan people; as well as for the Parliament Presidency Commission which took the legal legitimacy from parliament's members of all components. Based on this fact, any obscenity that might touch the sanctity of parliament and its presidency commission is considered an insult to Kurdistan people. At the time in which KR is going through a difficult stage where there is a set of problems and crisis came as an inevitable result of the

* On the same day, eight parliamentary blocs of (PUK, Change Movement, Islamic Union, Islamic Group, Islamic Movement, and Turkmen Front, Sons of Mesopotamia, and Freedom bloc) condemned in a statement this illegal action towards the speaker.⁽²²⁾

* On the other hand, KDP bloc spokesman announced: “we were trying not to get things to go this far but the Change Movement forced us to take such a decision. So Yousef Mohammad is no longer a speaker of parliament and his post will go to someone else.”⁽²³⁾

bad experience of the regime, our people are gingerly looking and waiting for a political and legal solution for the current situation. However, today (12/10/2015) unfortunately the speaker of parliament was not allowed to go to Erbil at the Perde checkpoint to attend meetings and to perform his duties, which is considered to be illegal and not acceptable by any legal or humane logic. So I deeply condemn this action and when I went to the parliament and were told of what happened, I left parliament hall immediately in condemnation of what was happening. KDP must reconsider this action because such an action surely does not serve the party, on the contrary it effects negatively on it on both the internal and external fronts, whereas the current situation requires dealing with a spirit of national responsibility at the time where the parliament was our first reference to resolve our disputes. Resorting to a partisan decision to resolve such disputes is just a clear breach of law which reminds us of the internal war that was burning everything. We have to work together to reject all the differences and promote Kurdistan towards the horizon and support the Peshmerga forces which are the protectors of homeland and its real and solid back.

Fakhir Al-Din Qadir Aaref

Kurdistan Parliament Secretary

(12/10/2015)

(22)- The statement of the eight blocs about road-blocking the speaker: Today (12/10/2015) in unexpected event and unfortunately the speaker of parliament was road-blocked to go to Erbil where his work location is. This action is nothing but a serious sign that threaten our people's future and it does not work with the struggle and the sacrifices that our resistant people offered. At the same time it is an insult to the parliament legitimacy knowing that the parliament members and the speaker were elected by the votes of all Kurdistan people and they won their trust. It is known that Kurdistan Parliament is the only legal and political reference in the region to resolve the disputes that might happen between the parties and other political components. Kurdistan belongs to the all Kurdistan people and it is not owned by a certain party or political force; that's why we condemn any step that goes towards dismantling and cutting the unity of the Kurdistan home and its political parties. We support the demands of the citizens and we call for solving all the political and economic problems of KR as well as resolving the disputes and conflicts between the parties and the

political forces by peaceful means and with the language of understanding and tolerance without resorting to violence. (12/10/2015)

(23) - The spokesman of KDP, Mohammad Ali Yaseen announced, “We tried a lot not to get things to this case but we had to take such a decision towards the Change Movement”. He also said, “Understanding and compatibility were the best choices we had as previously when the government was formed, and we were confident that we can work hard along with our comrades within a national government to serve the people. But we did not find a glimmer of hope from the Change Movement”. He added, “The Change Movement used the deteriorating political circumstances of Sulaymaniyah city and suburb for its own interest and tried a lot to get those events to Erbil and other places but we were on the lookout for them”. He also said, “If we were asked: By which law you excluded Yousef Mohammad from his post as a parliament speaker? We will ask too: By which law you burned our offices in Sulaymaniyah and other places? And in his sayings, the spokesman of the yellow bloc

* In fact, we find that each of (Socialist Democratic Party, Third Direction, Al-Rafidain, Council of Chaldean Syriac and Assyrians, Advance Turkmen, Erbil Turkmen, Turkmen Change and Renewal, and Armenian) lists did not express their opinion or take a formal stand about that.

* This incident had wide echoes in the global media where it left a negative impact externally. Here we indicate to some of those media's viewpoints:

* Reuters reported, "Region Security Forces prevented KP's speaker from entering Erbil, at the time when region lives in unstable and squalid conditions".

"Preventing the speaker from entering Erbil was KDP's reaction assuming that the Change Movement was behind the violence in south KR cities on the last few days, since the speaker is one of the senior members in the Change Movement", Reuters also reported.

* The Daily Mail mentioned on its website, "Deterioration of the political status between the ruling parties is originally due to the speaker of parliament crisis".

* Middle East Online said, "Barzani's party asked ministers and members of the Change Movement (KR former opposition) to leave Erbil the capital because of the unstable internal conflicts, and at the same time it road-blocked the speaker of parliament from entering Erbil the capital".

* Daily Star write, "Because of tensions, instability and violence that KR was going through last days, the security forces road-blocked the speaker of parliament (one of senior members of Change Movement) from entering region's capital, and this is basically related to the last days incidents. KDP the first power in the region accuses Change Movement of being involved in violence occurred in Sulaymaniyah city and outskirts".

* Sky News Agency reported in breaking news, "Speaker of the parliament were not allowed to go to Erbil and forced to return to Sulaymaniyah, and he announced from there that what happened to him is a coup on the legal legitimacy".

* After day (12/10/2015), the breaches rolled one after another and parliament's work was frozen. Those breaches reflected on articles and paragraphs from these laws and decisions as following:

mentioned, "The parliament legitimacy is still linger except for that Youssef Mohammad is no longer the speaker of parliament, and we will appoint a new speaker in his place in accordance with the other parties. As we will reconsider the portfolios and positions that the Change Movement takes".

First, breaking decision No.1 for (2005) of KP

Article No.1

KRP is the only political and constitutional reference for deciding on fateful issues and topics of Kurdistan people.⁽²⁴⁾

Second, breaking law No.1 for (1992) of KRP's elections

Article No.39

A member is not to be asked about views he/she showed or facts he/she cited while practicing his/her work in the parliament.⁽²⁵⁾

Article No.40

1. A member cannot be chased or arrested because of a crime during the sessions, only in the case of flagrante felony.
2. A member cannot be chased or arrested outside the sessions without a permission of the speaker of parliament, only in the case of flagrante felony.⁽²⁶⁾

Article No.43

The membership in parliament ends in these cases:

1. Expiration or dissolving the parliament.
2. Member's resignation and it is considered valid since the date of its acceptance by the parliament with majority of attendance.
3. Absence of one of the terms of nomination for parliament's membership, and parliament decides that with presence of two-third of the members.
4. Absence of a member from three consecutive sessions without legitimate excuse.
5. The member's death.⁽²⁷⁾

(24) - This article was breached and the road was blocked in front of the speaker of the parliament (which is the only political and constitutional reference) to do his job, and the rejoin now is without legal and legitimate reference.

(25)- There are a number of parliament's members who were threatened and beaten because they presented their views, plus many members had records called against them and were defamed in the media because they followed their duties.

(26) - On day (15/8/2015) many parliament members were road-blocked and prevented from entering Erbil, on day (12/10/2015) the speaker were road-blocked too without applying any paragraph from this article. So this is a flagrant breach of the law and legitimacy.

(27) - Preventing the speaker from going to his office was not based on any legal article and this isa flagrant breach of the law.

Article No.45

The parliament is convened in Erbil and it can be convened anywhere else when it is required.⁽²⁸⁾

Article No.56

The parliament exercises the following functions and powers:

1. It makes the laws.
2. It adopts conventions and decides on the fateful issues of Kurdistan people, plus determining the legal relationship with the central authority.
3. It names the executive authority president who has power to name the authority's members from among parliament members or others.
4. It gives confidence to the executive authority or drags it from it.
5. It acknowledges general budget and development plans.
6. It monitors the executive authority works.
7. It constitutes committees to investigate in anything it is suspicious in.
8. It sets its rules of procedure, determines its facilities, approve the budget, and appoint employees.
9. It constitutes permanent and temporary committees out of its members in accordance to the rules of procedure.
10. It sets the rules of accusation and trial for its members in case they breach the oath that they swore in.
11. It separates in the appeal verdicts of validity of its members' election, and the membership will not be invalidated unless two-thirds of the attendant members decided on it.⁽²⁹⁾

(28) - The parliament can, in normal circumstances and in accordance to the rules of procedure, hold a meeting outside of its building by the parliament's approval. However, now the parliament presidency is not allowed to hold a meeting inside parliament building. In 1994 during the internal war, the parliament held its meeting in Dare Ban village, and now the speaker wants to go to the parliament building in Erbil but he is not allowed to. So he has the right to hold a meeting in anywhere he finds it appropriate. But this is not convenient at the time being in order not to worsen the relationships and not to deteriorate the political situation in the region.

(29) - This article was completely breached because the speaker was not allowed to go to his work and practice his duties and powers, and the legislation process was completely stopped. The general financial budget was not sent to the parliament to be discussed and approved since three years ago. Monitoring the executive authority was not in full swing and the accountability of the ministers was not as required. Special committees for following up and handling the problems and development of events in the region were not constituted; even if they were constituted they have not bear any fruits.

Third, breaking the rules of procedure of KP

Article No.16

1. In case of resignation of one of the presidency commission members, it will be approved by parliament with the majority of attendants' acceptance.
2. In case of vacancy of the parliament's (speaker, deputy speaker or secretary) for any reason, the parliament elects a successor in accordance to the rules of procedure in the first session that it holds after the vacancy.⁽³⁰⁾

Article No.17

The parliament speaker exercises the following powers and functions:

1. He applies the law and the rules of procedure of the parliament.⁽³¹⁾
2. He opens, heads, concludes, postpones, and sets deadlines of the parliament's sessions and meetings.⁽³²⁾
3. He manages the discussions and maintains their regularity.
4. He takes necessary measures to keep order and security inside the parliament and has the right to determine the statutory power for that and which will be under his command.⁽³³⁾
5. He signs minutes of the meetings with the two members of presidency commission.⁽³⁴⁾
6. He manages everything relates to the parliament including legal actions and administrative and financial works, and he has can authorize other members from the presidency commission for this purpose.
7. He signs all the formal correspondences with executive authority and other authorities from inside or outside the region.
8. He signs all the messages and intelligences issued by the parliament or any of its committees after stamping them with his seal.

(30) - The speaker did not resign his post; however he was forcibly excluded without any legal justification or in accordance to any certain legal article that allow it.

(31) - The speaker failed to practice his legal powers and apply elaborately the rules of procedure. There were reasons which prevented that to happen and part of them was related to the restructuring of parliament; whereas the other part was related to obstructing the speaker's role and another part was related to the capacity and experience of the parliament presidency's performance.

(32) - Was breached because the parliament was not allowed to hold a meeting.

(33) - Was breached because the security forces surrounding the parliament were not under the command of the speaker

(34) - The parliamentary work process was stopped and there was no draft decision to be approved.

9. He sets parliament's quorum with the help of the two members of the presidency commission.
 10. He broaches things for the parliament to vote on where necessary.
 11. He supervises the works of the parliament's committees.
 12. He represents the parliament in national celebrations and other occasions, and he can authorize any other member to do so.
13. He issues laws, decisions, and regulations that the parliament approves on.

Article No.18

The deputy speaker exercises the following powers and functions:

1. He exercises all the speaker's powers in his absence, and the speaker can entrust him with certain tasks.
2. He participates in the works and functions of the Parliament's Presidency Commission as a member of it.
3. He pursues the committees' works and reports them to the speaker.⁽³⁵⁾

Article No.20

The Parliament Presidency Commission does the following functions:⁽³⁶⁾

1. It organizes agendas for each session of parliament's sessions and reports it to the members and Ministers Council's members with the projects, suggestions, and reports of the discussion's subject before at least two days from convening the parliament.
2. It separates and resolves conflicts of jurisdiction between committees about the issues that are referred to them.
3. It sets special rules about editing and organizing the sessions' minutes.
4. It reads the summary of last session's minutes in the next session.

Article No.21

Parliament's Presidency Commission holds a meeting at the invitation of the speaker whenever the need arises; and it has to organize the meetings' minutes with the offered topics, views, and decisions to be signed by the members and be reserved with parliament's documents.⁽³⁷⁾

(35) - This article was breached too; because the deputy speaker could not practice his powers as required since the absence of the speaker was not voluntarily or in accordance to any legal article but it was forcibly. So the deputy speaker could not practice his powers because his duties are limited to holding special periodic meetings for the parliamentary committees. Though the meetings were scheduled by the deputy speaker, but they were not held because the (PUK, Change Movement, Islamic Union, Islamic Group) blocs withdrew from the meetings and did not attend.

(36) - Disabling the presidency commission and not enable it to perform its duties.

(37) - In accordance with this article the speaker practiced his powers with the two meetings of days (23/6/2015) and (19/8/2015).

Article No.26

A member is not to be asked about views he/she showed or facts he/she cited while practicing his/her work in the parliament.⁽³⁸⁾

Article No.27

1. A member cannot be chased or arrested because of a crime during the sessions, only in the case of flagrante felony.⁽³⁹⁾
2. A member cannot be chased or arrested outside the times of the sessions without a permission of the speaker of parliament, only in the case of flagrante felony.
3. A permission request is applied to the speaker by the concerned judicial body, attached with court papers of the case that needs measures to be taken.
4. The speaker includes the mentioned request in the nearest session's agenda and submits it to the parliament to decide on it in accordance to the cases contained in paragraph (1) of this article.
5. The parliament looks in the request not according to the availability of the accusation's evidences but according to the seriousness of the case in achieving justice or its maliciousness in abuse of the member.

Article No.30

- A. The membership in the parliament ends⁽⁴⁰⁾ :
 1. The expiration of the parliament or dissolving it.
 2. In case of death.
- B. The member loses his membership in parliament in these cases:
 1. The resignation of the member and accepting it.
 2. Absence of one of the nomination's terms for parliament's membership, and parliament decides that with presence of two-thirds of the members.
 3. Absence of a member from three consecutive sessions without legitimate excuse.

(38) - There were cases where the members were threatened and beaten because they presented their views, in addition to other cases where members were defamed in the media because they followed their formal duties.

(39) - There were cases where members were road-blocked and prevented from entering Erbil On day (15/8/2015) when some of the members wanted to pass but they were not allowed to pass Digelle checkpoint. On day (12/10/2015) the speaker were road-blocked too without applying any paragraph from this article.

(40) - Preventing the speaker from going to his office was not based on any legal article and this is a flagrant breach of the law.

Article No.33

The member submits his written resignation to the speaker of parliament and it would be read in the first session after that.⁽⁴¹⁾

Article No.79

1. The budget is delivered to the parliament in the beginning of October before the fiscal year.⁽⁴²⁾

2. Laws' projects of the general budget and the final account for each year are to be referred to the finance and economic affairs committee in the event of receipt to be verified and discussed.⁽⁴³⁾

Article No.91

1. The parliament has private guards under the authority of the speaker.
2. The speaker determines size and number of persons of the forces that he sees it is enough to maintain order and guard inside the parliament.
3. Firearms and weapons of prey are not allowed inside the parliament building.
4. Except for the parliament's guards, no armed person or armed force is allowed to enter the parliament's building or stay near to its gates without the speaker's approval.⁽⁴⁴⁾

(41) - The speaker was forcibly excluded from his post without an announced memorandum note of resignation or something like that.

(42) - The annual budgets for the years (2014, 2015, and 2016) were not sent.

(43) - The final accounts for the years (2014, 2015, and 2016) were not sent.

(44) - Was breached because the existent forces inside the parliament and around it were not under the command of the speaker.

The Most Prominent Notes about the Two Months of Work of the Parliament- During the Autumn Session 2015

First, five ordinary sessions were held during this session; however the parliament was not committed to the rules of procedure in strolling the works as required; as it was breached in several cases.

Second, the Kurdistan Parliament within its fourth term since its election and up to preparing this report (it took one year and ten months to be completed), approved only on 18 laws knowing that it completed the first reading of 155 law projects.

Third, the parliament could not follow up the process of selling oil and its revenues or view on the merits of contracts between the government and foreign companies.⁽⁴⁵⁾

Forth, a request was formally submitted to the government by a number of the parliament members about calling a number of ministers in order to be questioned; however they did not respond to the request and none of them attend at the parliament hall. This indicates that the government did not pay attention to the parliament (the only legislative constitution in the region) and to its laws and decisions.⁽⁴⁶⁾

Fifth, the parliamentary committees so far could not complete their tasks concerning monitoring the government's performance as required, and they did not follow up the allocated budget projects as the office of financial supervision had to follow up such allocations.

Sixth, from the five mentioned sessions 114 parliament members were absent, 98 members were absent by official leave requests and 16 members were absent without leave requests.

Seventh, none of the ministers attend the parliament hall in order to be questioned during this current session.

(45) - Article No.2 of the rules of procedure includes:

A- The permanent committees have the right –through the deputy speaker- to demand the official departments and the public and vocational organizations to provide the information needed in order to discuss the issues put in the agendas without evasion or delay.

B- If the previously mentioned departments and organizations disavowed providing the information, the head of ministers' council would be informed about that by the speaker of parliament to interfere. And if the departments refrained and did not give the information during fifteen days, then the subject would not be submitted to the parliament to be decided on.

(46) - Article No.69 includes:

A- If a parliament member wants to question a member of the executive authority then he/she has to direct a written note to him/her.

B- The questioning is to be delivered to the executive authority through the speaker after including it in the first session's agenda after the reporting, and the discussion would be scheduled after a week in case if the parliament rushed in its order and the person concerned from the executive authority accepted.

Eighth, among the 362 projects which were referred to the committees and had to be reported each according to the kind of the project, only 117 reports were reported to the parliament; which mean that 245 reports were not been processed and this was incompatible with the rule of procedure.

Ninth, the committees held meetings 33 times during these two months and 54 members were absent from those meetings.

Tenth, 18 laws and 7 decisions were legislated by the parliament during six months.

Eleventh, It is noticed that the parliament's role in the political arena concerning the important and fateful events in KR is not as required in fact it is kind of marginalized; as the decision No.1 for (2005) confirms that the political leadership of the region have to go back to the parliament to decide on the fateful decisions, however the mentioned decision was a dead letter.

Twelfth, in accordance to law No.4 for (2015) of drafting the Constitution of KRI, the committee in charge of drafting the Constitution supposed to complete its duties within three months; however the term ended and the Constitution was not finished. Now the committee and its works are waiting for the parliament to take a decision on the Constitution. As if it did it!

The Results

Road-blocking the speaker of parliament from acting his duties and the decision of paralyzing the parliament might have resulted in the following results:

1. It is known that the members of the KP which is the highest legitimate institution were elected by Kurdistan people in a democratic free and fair process; however what happened to the speaker and members of the parliament undermined and underestimated the process of democracy; which indicates to the loss of confidence between the voters and the political system in the region.
2. Marginalizing the parliament in this way led to decline the march of democracy and legal legitimacy in KR on both internal and external levels.
3. Paralyzing the parliament led to losing the confidence in it as the highest legislative institution in the region, thus people lost confidence in the process of voting and election.
4. Laws legislation process was disrupted.
5. The process of monitoring the executive authority was disrupted.
6. The region's budget of three years was not sent to the parliament.
7. The parliamentary meetings and the committees' works stopped.
8. Constituting the Constitution is one of the important issues; however it is still stuck and extending the work of the competent committee needs the parliament's approval.
9. The region's presidency is one of the main causes of the problems which are still stuck without solution.
10. The process of exporting oil is one of the causes of problems; as putting oil revenues fund law was approved on by the parliament, however forming a special committee and giving confidence to its members was not completed yet.
11. The government's decision of incubating the excluded ministers' positions is a void decision; unless the minister died or formally and willingly resigned. This decision was forcibly issued; and any decision is taken by force is considered void decision and it is breaking the law.
12. Marginalizing the parliament's role by the political parties and not taking its decisions, views and recommendations seriously especially those concerning the region's presidency issue.
13. The parliament was no longer able to practice its main duties which are embodied in questioning the government; as it could not bring the head of ministers' council and any of his deputies or ministers to the parliament for interrogation and accountability.
14. The executive authority did not perform the decisions, laws and recommendations that were issued by the parliament.
15. There was a tendency to defame the parliament's status and its members' reputation by the media especially that belong to a certain political parties.

Recommendations and Suggestions

1. Restoring the political climate to what it was used to be before (12/10/2015).
2. Allowing the speaker of the parliament to go back to his office and activating the parliament's performance to act its ordinary functions.
3. Overriding this current political state could be worked on by concerting the efforts of all the parties based on the historical responsibility's principle; as the government is a national partnership government and the authority cannot be monopolized by one political party or force where all the political blocs are under culpable and no one can shirk from the national responsibility.
4. The political blocs have to work with the spirit of dedication, self-denial and discarding partisan interests; they also have to recognize the seriousness of the current stage where the region is facing enough problems and crisis.
5. The parliament has to focus on the government's performance in more wider and accurate way.
6. The parliamentary committees have to complete their works, report them on its specific dates and hold more meetings.
7. The political parties which have representatives in the parliament have better to support the parliament as a national institution formed to legislate the laws and to monitor the executive authority instead of overlooking and marginalizing.
8. The main political parties have to be more shoulder to shoulder and make more concessions to each other in order to protect the compatibility that they desire.
9. Addressing the presidency issue in accordance to the law and finding an access for the region to safety.
10. Speed up writing a draft constitution for Kurdistan Region and submitting it for a vote right on time.



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