

Contract of the KCK Union of Communities in Kurdistan

PART EIGHT: JUDICIARY (p.22-23)

Article 27

Judicial System

The independence of the judiciary forms the basis for democratic popular justice. It represents the people's morality and conscience. Under existing conditions, there shall exist three kinds of judicial systems: the Supreme Court of Justice, which is responsible for defending the people's honour and liberty, the Administrative Courts, which shall be competent to maintain the disciplinary and functional order, and the People's Courts, which shall be competent to settle problems among the people. The Supreme Military Court shall hear offences in the military sphere. The KJB judicial organs shall hear specific matters from within the KJB Convention.

Every KCK citizen shall have the right to defend him/herself, or to appoint an attorney to defend him/her, in the face of accusations raised against him/her.

Article 28

Supreme Court of Justice

a- It shall serve to defend the people's honour and liberty, to defend the democratic popular system set out in the KCK Convention, to halt breaches of the convention and to settle disputes, to try surrender and treason and to ensure that the KCK convention is applied in the judicial sphere.

b- The Supreme Court of Justice is the most senior institution of democratic popular justice. It shall be the cassation authority with respect to decisions of other judicial organs. Decisions of the Supreme Court of Justice shall be final.

c- It shall examine files and objections emanating from the Kongra Gel Chair Tribunal, Management Council and the KCK system. Furthermore, it shall examine and rule on objections emanating from individuals with respect to decisions of the Administrative-Justice Court and the Supreme People's Court.

d- It shall consist of seven persons who are selected from among KCK citizens and possess professional competence and members shall be nominated by the Kongra Gel Chair Tribunal and approved by the General Assembly or intermediary assembly.

e- The Supreme Court of Justice's working principles shall be laid down in its own set of rules.

Article 29

Administrative Courts

a- The Administrative-Justice Court shall try administrative offences committed in the general organs of the KCK system. It shall also be the cassation authority with respect to cases emanating from the administration-justice councils. It shall hear breach of discipline, abuse or neglect of position cases and those concerning positions. On this basis, it shall examine and rule on complaints emanating from the Chair Tribunal, Management Council and individuals. Its decisions shall be binding on all organs and individuals. Its working principles shall additionally be laid down in its own set of rules. The cassation authority with respect to its decisions shall be the Supreme Court of Justice.

The Administrative-Justice Court shall consist of a three-person prosecuting authority appointed from among KCK citizens and a five-person panel of judges. The prosecuting authority shall be appointed by the Management Council, and the panel of judges by the Chair Tribunal.

b- Administrative-Justice Councils: They shall be competent to hear and rule on administrative matters such as breach of discipline and abuse of position within their own areas. The cassation authority with respect to its decisions shall be the Administrative-Justice Court.

Administrative-Justice Courts shall consist of a three-person prosecuting authority appointed from among KCK citizens and a five-person panel of judges. The prosecuting authority shall be appointed by the area management, and the panel of judges by the area assembly tribunal.

Article 30

People's Courts

These shall be obliged to hear and rule on events and problems arising among the people, attacks made on the security of life and property among the people, and serious disputes arising in the economic, social, political, cultural etc, spheres.

a- Supreme People's Court: This shall be the cassation authority for the People's Courts. The Supreme People's Court shall consist of five members appointed from among KCK citizens by the Kongra Gel Chair Tribunal. The cassation authority with respect to its decisions shall be the Supreme Court of Justice. Its working principles shall be laid down in its own set of rules.

b- People's Courts: These shall consist of one prosecutor and three judges. They shall be established and operate on a city and town basis. The prosecution authority shall be appointed by the city or town management. Judges shall be appointed through nomination by the Free Society Assembly Chair Tribunal and approval by the same assembly.

c- People's Courts' trial procedure and offences and punishments shall be laid down in greater scope and detail in sets of rules.