

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.112 /federal/media/2015



Kurdish text

The Federal Supreme Court has been convened on 8/11/2015, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami , Jaafar Nasir Hussein , Akram Taha Mohammed ,Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges , and Hussein Abbas Abu Al-Temman, who authorized in the name of the people to judge and they made the following decision :

The Request:

Baghdad court of appeal/ federal Risafah/ office of the appeal head- referred to the FSC according to its letter No.(3154Mim) dated on (26/10/2015) the request of (Ain.Ha.Sin)/ member of the executive office of agricultural societies dated on 20/10/2015, he requested the deciding on the interpretation of the legal text in the article (46) from the law of the agricultural societies No.(56) for 2002 which stipulated ((a commission shall be convened that supervises on the elections of the associations and societies headed by the competent judge of the first instance court and the membership of the competent head of the administrative unit or who is allowed and the representative of the Arab Socialist Baath Party)) and to overture the council of higher judiciary in order to stop the procedures of the work by its letter to nominate the judges No.(807) on 21/4/2015 to supervise on the elections of the agricultural societies according to the aforementioned article until the amending of the law. With all appreciation. The request had been put under scrutiny and deliberation by the FSC and reached the following decision:

The Decision:

During the scrutiny and deliberation by the FSC, the court found from the scrutiny of the request that its subject relates to the interpretation of the text of the article (46) from the law of agricultural societies No.(56) for 2002 and to issue the decision of stopping the work procedures by the letter of the council of higher judiciary No.(807) on 21/4/2015 included the nomination of the judges to supervise on the elections of the agricultural societies, the court found that this request is out of the FSc competences that been stipulated in the article (93) from the Constitution of the Republic of Iraq for 2005 and the article (4) from the law of the FSC No.(30) for 2005 because it doesn't relate to the interpretation of one of the Constitution texts, so the FSC decided to reject the request from the competence point and the amendment of laws is a competence of ICR. The decision was issued unanimously and decisive on 8/11/2015.