

Republic of Iraq  
Federal Supreme Court  
Ref. 115 / federal /2022



Kurdish text

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The Federal Supreme Court (F S C) has been convened on 11/5/2022 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Ali Noori, Hayder Jaber Abid, Khalef Ahmed Rajab, Ayoob Abbas Salih, Abdul-Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Applicant: the Representative Khadhim Al-Fayadh/ Member of the ICR.

The Subject of the Request: Complaint on behalf of the residents of Al-Rifae city and neighboring cities in Northern Dhi Qar Governorate for the damages affected them by the resurgent gases and accompanying Oil extraction in the Al-Gharaf field which may destroy the future of the city and deport its residents.

### **The Request**

The Representative Kadhim Al-Fayadh, a member of the Iraqi Parliament, requested from the Federal Supreme Court under the letter issued by his office in the number (286) on April 20, 2022, entitled (complaint), the following reads: (based on authorization The people are ours in representing them before government institutions for the purpose of completing the oversight role, we put in your hands a complaint on behalf of the people of Rifae city and its neighboring cities north of Dhi Qar Governorate regarding the death sentence of asphyxiation with the gases emitted and accompanying the extraction of oil in the Al-Gharaf oil field and the elimination of the future of the city which may lead to their displacement of its children into the unknown, hoping that this complaint would be of

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the utmost importance in order to avoid public opinion reaching a stage that would lead to the closure of this field and damage to public money and the country's economy, and on the basis of the above, the application was made in accordance with its report.

### **The decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the request to this court lies in its conclusion to file a complaint on behalf of the residents of Riffae city and its neighboring cities north of Dhi Qar Governorate for damage caused by the accompanying gases and emitted from the extraction of oil in the Al-Gharaf oil field in accordance with the detail referred to in the application, and therefore the request is the duty to respond because of the lack of jurisdiction, as the jurisdiction and powers of this court are defined by articles (52 and 93) of the Constitution of the Republic of Iraq 2005 and the article (4) of the Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021 and some other special laws, which did not include those terms and powers, is the jurisdiction of the Federal Supreme Court under which complaints are received and accepted, on a particular subject, as that jurisdiction is held for the penal courts of the ordinary judiciary on the basis of what is established under the articles and provisions of the Law of Criminal Procedure No. (23) of 1971 amended through which these courts are able to receive, investigate and take action on news and complaints, except for the jurisdiction of this court under article (93/6<sup>th</sup>) of the Constitution and article (4/6<sup>th</sup>) of the amended Federal Supreme Court Act, which goes to adjudicate charges against the President of the Republic, the Prime Minister and ministers

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exclusively, and does not exceed that jurisdiction to adjudicate charges against others, nor does that jurisdiction go beyond accepting complaints in general. Therefore, the FSC decided to reject the request. The decision has been issued unanimously according to the provisions of the articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and articles (4 and 5/2<sup>nd</sup>) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been made clear on 9/Shawal/1443 Hijri coinciding 11/May/2022 AD.

**Signature of**  
**The president**  
**Jasem Mohammad Abbood**

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