

The In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 116/federal/media/2015



Kurdish text

The Federal Supreme Court (F S C) has been convened on 25/11/2015 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-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges and Suleiman Abd-Allah Abd-Alsamad who authorized in the name of the people to judge and they made the following decision:

The Request:

Sheik (feh. kha. beh.) member of the Iraqi Parliament, requested from the FSC under the letter No. (216) on 16/11/2015 issued from His office as the following:

Sub. / clarify the article (13) of the
Retirement Unified Law No. (9) of 2014

Good Greeting

The letter issued from National Pension Committee No. (79) on 28/1/2015 attached with the copy of it (which is an answer on a citizen to inclusion by retirement) please clarify the mentioned above article So that those included can obtain their pension rights, since the National Pension Committee has forms of non-inclusion of those described as being deposition, dismissed, left or resigned from the pension benefit, knowing that they have a service of twenty years and have completed 50 years of age. Are they inclusion by law or not? Please judge and inform us of the result so that we can inform the

citizens with a lot of thanks and appreciation. The request was put under scrutiny and debated by the FSC and reached the following:

The Decision:

When scrutiny and deliberation by FSC found that the article (93) of the Constitution of the Republic of Iraq for the year 2005, they defined the competencies of the FSC, not including these competencies, requesting clarification the text law (clarify the above mentioned article of the Retirement Unified Laws No. (9) of 2014) on the one hand. On the other hand, only the official authorities have the right to ask this court to decide on the legality of a provision in a law, a legislative decision, a system, instructions or an order, and send the request by letter signed by the competent minister or the head of the body not associated with the ministry. According to the provision of article (5) of bylaw of the FSC No. (1) of 2005. As a result the request was submitted outside the jurisdiction of the court, it was rejected and the decision was unanimous issued on 25/11/2015.