

Republic of Iraq  
Federal Supreme Court  
Ref. 119/ federal /media/ 2014



Kurdish text

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The Federal Supreme Court (F.S.C.) has been convened on 21.4.2015 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen whom are authorized in the name of the people to judge, they made the following decision:

**The plaintiff:**

General manager of the Iraqi General Reinsurance Company/  
being in his post, his agent the legal official (alif. beh. ain.).

**The defendant:**

Director of Basra Municipality/ being in this post – his agent  
the legal official (nun. nun.).

**The claim:**

The agent of the plaintiff claimed that her client initiated the lawsuit no.(761959) before the judicial committee in Basra demanding the value of the property no.(2/795 Alqblaa) that was registered by her client name which is one of the finance ministry formations, the defendant office Basra Municipality did a property transfer under the letter of the internal ministry no.(3688 on 27.7.2000) without the knowledge of her client, it has been divided into housing plots and distributed to the members of the former

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army of Iraqi. The lawsuit was dismissed formally on 5.2.2008 under the claim that it is not covered with article (4) of the committee law no.(2) for 2006 the decision was ratified by cassation and correction. as the plaintiff is considered to be usurper of the property, therefore the lawsuit 1765/beh/2012 was filed with the Basra Court of First Instance which dismissed the lawsuit as it already has been decided by the judicial committee in the property claim committee. As the subject of the lawsuit is demanding compensation which was rejected by the mentioned bodies, the plaintiff resort to the F.S.C. to demand the compensation or to compensate the plaintiff with similar plot as it is not fair to not compensate him, the plaintiff agent also requested to repeal the decision of Basra Court of First Instance, and rule to compensate her client the value of the plot or similar plot in term of size and position. The defendant was informed with the case petition with it files, the defendant agent responded with the answering draft dated on 28.12.2014 which included that the plot no.(795/2 Alqblaa) was appropriated according to the decision 117 of 2000 then sorted and distributed on the army members, the plaintiff company has filed the lawsuit before the property claim committee and was dismissed because it is not covered with the committee' law as the two parties are of the state departments, then the plaintiff filed lawsuit no. 1765/beh/2012 before Basra Court of First Instance which also was rejected as the plaintiff is legal person not person, and requested to reject the lawsuit. The date 21.4.2015 was scheduled for the argument, the parties was informed, the agent of the plaintiff and the agent of defendant attended. the court found that the case is

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complete for reasons of judgment then decided to close the argument and issued the following decision.

**The decision:**

During scrutiny and deliberation by the F.S.C. the court found that the Iraqi General Reinsurance Company owned the plot no.(2/795 Alqblaa) in Basra, then it was appropriated under the decision 117 of 2000 and registered under the name of Basra municipality which had sorted and cut it into housing plots and distributed to the members of the former army of Iraqi, the plaintiff company initiated the lawsuit no.(761959) before the judicial committee demanding the value of the plot, the lawsuit was dismissed formally, the plaintiff company initiated the lawsuit 1765/beh/2012 before the Basra Court of First Instance demanding the value of the plot which was dismissed, the decision was ratified by cassation the correction request was rejected according to the attached files, the plaintiff company initiated the lawsuit before the F.S.C. requesting to repeal the decision of Basra Court of First Instance, substitute plot, or the compensation for it. The lawsuit is binding to be rejected from the aspect of jurisdiction as the F.S.C. is not competent to monitor the courts decisions, also not competent to consider compensation requests for plots that was appropriated by the dissolved revolutionary command council decision no.117 of 2000, as its jurisdictions are listed in article (93) of the constitution and article (4) of it law no.(30) for 2005. accordingly the court

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dismissed the plaintiff case and to burden him the expenses and the advocacy fees for the defendant' agent amount of (one hundred thousand) IQ.D. This decision has been issued unanimously and publicly on 21.4.2015 .