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The Federal Supreme Court (F.S.C.) has been convened on 5.5.2014 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:**

(teh. Zin. Feh.) – his agent the attorney (ain. jim. sin.).

**the Defendants:**

- 1- Minister of Finance/ being in this post.
- 2- Minister of Justice/ being in this post.
- 3- General Director of Real Estate Registration/ being in this post.

**The claim:**

The agent of the plaintiff claimed that first defendant has transported the ownership of his property no. (11/8) county (3) Talha, registered under his client name in the of Real Estate Registration department in al-Zubaier on 8.10.1997 dossier 240, according to the decision of the dissolved revolutionary



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command council no.(103) on 11.8.1997 without referring to the judicial. As the mentioned decision is form of confiscating the privet properties, it lack the constitutional legitimacy, contradicts the provisions of articles (23/2, 100) of the constitution of 2005, and violate the provision of article (16) of the temporary constitution of 1970. Therefore, he requested to rule the unconstitutionality of that decision, repeal it, and to burden the defendant all expenses and advocacy fees. The court call upon the parties, the plaintiff agent, first defendant agent, second defendant agent all attended, the agent of third defendant didn't attend despite the inform, the in presence public argument started with the absence of third defendant. The court reviewed the answering draft presented by the defendant agent (finance minister- being in this post) dated on 14.1.2014 requested to dismiss the lawsuit and to burden the plaintiff the expenses because decision no. (103) of 1997 didn't submit to any amendment, the governorates not mentioned in the decision, the in-kind compensation was done under the provision of decision no.(222) of 1977 by the Appropriation Committee formed in the farming directorates of Baghdad, Wasit and Diyala. These decisions included all the appropriation procedures in all governorates in that time except Kurdistan region. The Federal Cassation Court has issued a decision to dismiss the plaintiff



lawsuit, also the plaintiff office is an executive office that implement decisions and laws issued by supreme parties. The court reviewed the answering draft submitted by the defendant agent (justice minister- being in this post) dated on 15.12.2013 requesting to dismiss the lawsuit as the F.S.C. is not competent to consider the lawsuit, the subject of the lawsuit represent privet status of the plaintiff within the competences of the normal judiciary if it needed, requested to burden the plaintiff the expenses and advocacy fees. The court reviewed the answering draft submitted by the plaintiff agent dated on 9.2.2014 and 4.3.2014 as answer to the answering drafts, requesting to rule according to the case petition. whereas nothing left to be seed , the argument is closed, the decision issued publicly.

### **The decision:**

During scrutiny and deliberation by the F.S.C., it found that the plaintiff agent requested the F.S.C. to rule the illegitimacy of the decision of the dissolved revolutionary command council no.(103) on 11.8.1997 because the plaintiff the minister of finance being in this post transported the ownership of his property no. (11/8) county (3) Talha, without referring to the judicial, in violation to articles (23/2, 100, 16) of the constitution of 2005, he filed the lawsuit against the defendants being in their

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Kurdish text

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posts for that, as the defendants are not fit to be litigant in this lawsuit because article (4) of the civil procedures law no. (83) of 1969 has define the litigant as (the defendant must be a litigant. His admission lead to a judgment by assessing issuing an admission from him, and he also must be convicted or obliged by something if the case was approved), as the lawsuit included a request to rule unconstitutionality of the decision of the dissolved revolutionary command council no.(103) on 11.8.1997, therefore the defendants litigants is not directed therefore, the court by itself shall dismiss the lawsuit without reviewing it bases under article (80/1) of the civil procedures law no.(83) of 1969, also the decision subject of challenge was implemented and no longer in force. Accordingly the F.S.C. decided to dismiss the plaintiff lawsuit and to burden him the expenses with the advocacy fees for the defendant agents amount of (one hundred thousand) IQ.D. This decision has been issued unanimously, final and publicly on 5.5.2014.