

**In The Name Of God, Most Gracious, Most Merciful**

**Republic of Iraq  
Federal Supreme Court  
Ref.12 /federal/media/2014**



**Kurdish text**

---

The Federal Supreme Court has been convened on 4/5/2014, 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 Plaintiff:** minister of finance- being in this capacity- his agent- senior manager (Kha.Alif.Nun.)

**The Defendant:** ICR's speaker- being in this capacity- his two agents the legal officials (Sin.Ta.Yeh.) and (Heh.Mim.Sin.)

**The Claim:**

The plaintiff claimed that the defendant enacted the Law No.(15) of 2010 (the law of the first amendment for the law of governorates incorporated into a region No.(21) of 2008). the law decided retirements' rights to members of the municipal's councils (districts and quarters). The plaintiff's agent submitted a request to the court for deciding the unconstitutionality of the Law No.(15) of 2010 (the law of the first amendment for the law of governorates incorporated into a region No.(21) of 2008), because it violates the Iraqi Constitution, what the Constitutional judiciary settled on. Furthermore, it forces financial burdens without taking the governorate's opinion. Also, it didn't take into consideration the public principle that included by the unified law of retirement and the previous laws of retirements about the mechanism of deserving retirement's rights in terms of age, retirement's

service. After the court completed its procedures, selected a date for the argument, it called upon the two parties to the argument. The two parties attended, the argument started publicly and presently, they repeated their sayings, the plaintiff agent requested the decision based on the case petition, the defendant agent requested from the court to reject the case because of the included reasons in the draft which dated on 19/2/2014. Where is nothing left to say, the court made the end of the argument understood, the decision was understood publicly.

### **The Decision:**

During the scrutiny and deliberation by the FSC, it found that the plaintiff agent requested in his case petition to decide the unconstitutionality of the Law No.(15) of 2010 (the law of the first amendment for the law of governorates incorporated into a region No.(21) of 2008) Regarding retirements' rights to members of the municipal's councils (districts and quarters), for violating provisions of the constitution and what the Constitutional judiciary settled on. It was clarified that the unified law of retirement No.(9) of 2014 item (1<sup>st</sup>) from the article (38) stipulated to annul all the legal texts included by legislations and orders which decided for the retired or the one who deserves a retirement salary or payment contrary to the law. One of these legislations is the law of governorates incorporated into a region No.(21) of 2008 (amended) which decides retirement's rights to those covered by its provisions. Whereas the unified law of retirement No.(9) of 2014 became valid from 1/1/2014 based on the article (42), and the challenged law by its unconstitutionality became annulled according to the aforementioned law, the plaintiff's case must be rejected. So, the court decided to reject the case and to burden the plaintiff all the expenses and fees of the advocacy for the defendant two agents, the legal officials (Sin.Ta.Yeh.) and (Heh.Mim.Sin.), amount of hundred thousand Iraqi dinars divided between them equally. The decision was issued unanimously and in attendance, it was understood publicly on 4/5/2014.