



The Federal Supreme Court (F.S.C.) was convened on 20.6.2022 headed by the Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haidar Jaber Abed, Haider Ali Noory, Khalaf Ahmad Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali who are authorized to judge in the name of the people, they made the following decision:

The applicants for the issuance of the state order:

Ammar Jaber Khalil/ his attorney, Saif Maher Ibrahim.

The state order is against:

Ismail Khudair Halloub - Deputy Governor of Salah al-Din/ in addition to his capacity.

The Request:

The applicant for the issuance of the state order claimed, through his agent, that the Prime Minister had previously decided to approve his dismissal and approached the House of Representatives according to the book No. (3002/2292262) on 04/26/2022 signed by the director of his office despite his knowledge of the limitation of his powers under the decision of the Federal Supreme Court No. (121/Federal /2022) dated 5/15/2022, which explained (the conduct of business) and clarified the prime minister's inability to appoint and dismiss, and despite that, the decision to dismiss him was taken in contravention of the aforementioned court decision and the law of

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governorates that are not organized in a region No. (21) As a result of that, Parliamentary Resolution No. (11) of 2022 was issued and circulated in accordance with the letter of the Secretariat of the Council of Ministers No. (Q/2/5 /42/2216) on 05/24/2022, addressed to Salah al-Din Governorate/ Governor's Office and its content is the Parliamentary Resolution, the aforementioned, and accordingly, the person requested to issue the state order against him exploited him in violation of the law and the constitution and appointed himself as governor of the governorate according to Administrative Order No. (1108) for the year 2022 issued (3715) on 25 5/2022 and he is aware of the appeal submitted by the applicant for the issuance of the state order of the dismissal decision, and based on the provisions of Article (7/VIII/4) of the law, which granted the continuation of the dismissed governor to conduct business until the outcome of the appeal and that what is required to issue the state order against him is considered dangerous precedent in establishing himself and signing the administrative order mentioned by him without adopting what was drawn up by law, the appointment decision, and issuing the republican decree, in order to preserve the rights, security and stability of the province, and the republican decree issued to request the issuance of the state order No. (67) on 1/9/2018, which is still in force, and in implementation Because of the decision of the Federal Supreme Court to draw and interpret the powers of the Prime Minister, so the request for the issuance of the state order requested from this court to issue a state order urgently that includes stopping

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the work of Administrative Order No. 5/2022 until the outcome of the lawsuit filed before this court, No. (135/Federal/ 2022).

The decision:

Upon examination and deliberation of the Federal Supreme Court, it was found that the applicant for the issuance of the state order, requested through his agent, in the lawsuit filed before this court, to issue an urgent wilaya order to stop the work of the administrative order issued by the person required to issue the state order against him, Ismail Khudair Halloub - Deputy Governor of Salah al-Din / in addition to his capacity , No. (1108) for the year 2022, No. (3715) on 5/25/2022 according to the letter of the General Secretariat of the Council of Ministers No. (Q/2/5/42/2216) on 05/24/2022 attached to Parliament Resolution No. (11)) on 05/19/2022, which included (assigning Ismail Khudair Haloub, the Deputy Administrative Governor, the tasks of the Governor of Salah al-Din as an agency) until the outcome of the lawsuit filed before this court in No. (3002/ 2292262) according to the aforementioned detail), and the Federal Supreme Court finds that the issuance of an urgent wilaya order based on an independent or implicit request in the constitutional cases brought before it has not been addressed, nor has it been addressed. It is dealt with in the Federal Supreme Court Law No. (30) of 2005 as amended, nor the internal system of workflow procedures in the Federal Supreme Court No. (1) of 2005, and thus it is subject to the provisions referred to in Articles (151 and 152) of the Civil Procedures Law No. (83) For the amended year 1969, and to the extent that is commensurate with the nature and privacy of the constitutional case, based on the provisions of Article

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(19) of the internal system of workflow procedures in the aforementioned Federal Supreme Court, which stipulated that ((the provisions of the Civil Procedures Law No. (83) of 1969 shall be applied And Evidence Law No. 107 of 1979 regarding which no special text is provided in the Federal Supreme Court Law and in this system)) and in the context of Article (17) thereof, which stipulates (the judgments and decisions issued by the court are final and not accept any method of appeal..) On the basis of the foregoing, the issuance of a wilaya order by the Federal Supreme Court is governed only by the controls and conditions that must be met for its issuance referred to in the Civil Procedures Law, for the finality of the decisions issued by this The court and not being subject to the methods of appeal, which lies in submitting a request in two copies including the facts, evidence and documents, the availability of the urgency, and not entering into the origin of the right and deciding on it, and since the audit of the request for the issuance of the state order by this court has proven that there is no urgency in it nor the state of necessity. In addition to the foregoing, responding to its content means entering into the origin of the right and giving a prior opinion on the constitutionality of the aforementioned (administrative order), based on the lawsuit filed to challenge it in the number (135 / federal / 2022), and that this contradicts the established judicial norms in the districts. The constitutionality of Arab and foreign countries and with what the Iraqi judiciary has settled on, both constitutional and ordinary, and what is included in the well-established judicial applications in this field based on the provisions of the constitution and the laws in force, based on the realization of truth and justice and fairness away from tendencies, whims, arbitrariness and flattery, so there is no blame for the blame for what was truly said Or he did, and

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thus, deciding on the request of the person requesting the issuance of the wilaya order is obligatory to respond for two reasons: The first: It is the absence of the character of urgency in it, The second is that deciding on it means entering into the principle of the right and giving a prior opinion of the constitutionality of the aforementioned administrative order, and when the Federal Supreme Court decided to reject the request of the applicant for the issuance of the state order, the decision was issued by agreement conclusive and binding on all authorities based on the provisions of Article (94) of the Constitution of the Republic of Iraq for the year 2005 and Article (5) of the Federal Supreme Court Law No. (30) for the year 2005 amended by Law No. (25) for the year 2021 and issued in the session dated 20 / Dhu al-Qa'dah / 1443 AH corresponding to 06/20/2022 AD.

Signature of
The president

Jasem Mohammad Abbood

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