

Republic of Iraq
Federal supreme court
Ref. 136 unified with 137/federal/2017



The Federal Supreme Court (F S C) has been convened on 2.5.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed Al-Sami, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Aboud Salih Al-Temimi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temmen and Mohammed Qasim AL-Janabi who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Hasan Halboos Hamza Nussayef AL-Shammri.

The Plaintiff: Hasan Touran Baha'a AL-Deen – their agent the barrister Usama Hussein Salih.

The Defendant: the Speaker of the ICR Saleem Abdullah Ahmed AL-Jubori/ being in this capacity- his agents the two official jurists Salim Taha Yaseen & Haytham Majid Salim.

Third party: the Head of High Judicial Council/ being in this capacity- his agent the official jurist Esam Fadhil Hilwas.

The Claim

The agent of the plaintiff claimed before the FSC in the case No. (136/federal/2017) that the defendant issued the decision No. (45) for 2017 which related to approving the Higher Judicial Council law, and because unconstitutionality of this law, the agent of the plaintiff requested from the honorable court to judge by unconstitutionality of the law No. (45) for 2017 and annulling it, as well as voiding all the traces based on it or because of it which issued by the defendant, and for the following reasons: first: article (2) of the challenged law stipulated on ((the Higher Judicial

Council consist of the Head of the cassation court as a President)). This matter is a clear contradiction with article (89) of the constitution which stipulated on ((The federal judicial power is comprised of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, and other federal courts that are regulated in accordance with the law)). Therefore, the constitutional article clearly regarded the Higher Judicial Council as one of the Judiciary power components which is it a body specialized in administrating the Judges affairs, and regarded the cassation court as another formation of the Judicial power components not a body supervised, cared or belongs to the Higher Judicial Council. The Higher Judicial Council is an administrative body and the cassation court is a judicial body, whereas it is not possible to gather between administration and judiciary, and because it is unconstitutional which is it clear to the justice of the court. The cassation court is an independent body of the Higher Judicial Council not a part of it. Second: article (2) of the law No. (45) for 2017 had violated article (89) of the constitution, because it regarded the Presidency of public prosecution and the Judiciary oversight committee as a part of the Higher Judicial Council components, while it is of the Higher Judicial Council components. Third: the Iraqi constitution and in article (60) of it stipulated on that the bills shall presented by the President of the Republic and the Cabinet, also the law suggestions presented by (10) of the ICR members or by one of its specialized committees, while in the law No. (45) for 2017 in article (2) tenth of it, which authorized the Higher Judicial Council to suggest bills for the judicial federal power contrariwise of the constitution which restricted the process of enacting law or suggesting it in a specific bodies determined by article (60) of the constitution, and this matter is an obvious violation of the constitution. Fourth: article (61/4th) of the constitution restricted the process of approving the agreements and treaties by the ICR, and it enacted that by a law. This matter shall be enacted by majority of tertiary ICR's members, and this law till now is not enacted. Whereas the Higher Judicial Council challenged law No. (45) for 2017 stipulated in the 3rd article clause (11) on authorizing the Higher Judicial Council the right of

concluding and agreements and follow up its implementing contrariwise of the constitution which may put the state in a commitments, burdens, financial and contractive whirl. Fifth: article 3rd clause/3rd/ of the law (45) for 2017 stipulated on the right of the Higher Judicial Council to nominate the members of the FSC, while this article is violates the constitutional article (91) which authorized and granted the rights of the Higher Judicial Council did not mention the nomination of the FSC members at all, but administrating the Judiciary affairs and nominating the Head and the cassation court members. This matter violates the constitution clearly. Sixth: we confirm to your honorable court that the law (45) for 2017 has been issued contrariwise the constitution, and one these clauses is assigning the administration and presidency of two establishments which the constitution stipulated on independently by one person. Accordingly, and for other reasons your honorable court may sees. The agent of the plaintiff requested from the FSC to judge by unconstitutionality of Higher Judicial Council law No. (45) for 2017, and to annulling it with voiding all the traces based on it or because of it, and to burden the defendant/ being in this capacity all the Judicial expenses. The agents of the defendant answered the petition of the case with an answering draft dated on (12.12.2017) as following: first: the plaintiff did not prove the availability of the legal conditions in it, and if it was direct, urgent and effective interest in his legal, financial and social position in the subject of the case, as well as he did not present any evidence that there is a real damage effected on him from enactment which required to annul it. Also he did not mentions the conditions which the damage shall characterized with, which article (6) of the FSC bylaw No. (1) for 2005 detailed it. While there is no urgent or effective interest against the plaintiff may be achieved, the case must be rejected formally. Second: the plaintiff indicates to existence of a numbers of violations in the law (challenge subject) and we answer each a suspicion of it with the following detail: the plaintiff indicates to that the ICR had enacted the law (challenge subject) and list in article (2) of it ((the Higher Judicial Council consist of the Head of the cassation court as a President)). The plaintiff claims that there is an obvious contradiction with article (89) of the constitution which stipulated

on (the federal judicial power is comprised of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, and other federal courts that are regulated in accordance with the law)), As well as the agent of the plaintiff claimed that the cassation court is a Judicial body and the Higher Judicial Council is an administrative body, and it is not possible to gather between administration and Judiciary. We answer this point as following: (alif) there is no contradiction about carrying out of the Head of cassation court the Presidency of the Higher Judicial Council, because the ICR sees that assigning the Presidency of the Council to the Head of cassation court is better and more logic because it has a direct and daily touch with courts and the other bodies, and it represent the Higher Federal Judicial Council which supervising most of courts' works in the state which the task of implementing the laws over the quarrels burdens on it in the first place. Therefore, it means task of accomplishing the justice in the community, otherwise the ICR finds the Judicial pure form in the cassation court. So, it is closer to the work of the courts and more comprehending of it. In addition to the custom which occurred by assigning the Head of cassation court to heading the Higher Judicial Council according to the state's administration law for the transitional stage, as well as occupying the Presidency of Higher Judicial Council obliging to take in considerations the experience, efficiency and well administration, and this matter is coincides on the Presidency of Federal cassation court. As for what listed in claiming of the plaintiff that the cassation court is a Judicial body and the Higher Judicial Council an administrative body, and it is not possible gather between administration and Judiciary. This saying is a point against him, because the law did not mention that the Higher Judicial Council (administrative committee), and it is a Judicial committee administrates the Judiciary affairs as article (90) of the constitution judges with according to its formation which consist of the senior judges, and one of its tasks is to suiting the judges disciplinal, and saying contrary of that is violates the principle of separation between powers which distinguish between the Judicial committees and the administrative committees. This matter allows the influenced parties to challenge its decisions

before the executive power, therefore, it will unbalancing the principle of Judiciary independence which stipulated on in articles (19/1st) and (47) and (78) of the constitution. (beh) claiming that the law violates article (89) of the constitution because it regarded the Public Prosecution Department and the Judiciary Oversight Commission as a part of Judiciary Council components, while it is part of Judicial power component, is not true. Whereas article (91) of the constitution stipulated on ((the Higher Juridical Council shall exercise the following authorities: First: To manage the affairs of the judiciary and supervise the federal judiciary, and send those nominations to the ICR to approve their appointment)). This matter means that the Head of federal cassation court, Head of public prosecution and Head of Judicial oversight commission are a part of the federal Judiciary and the Higher Judicial Council is the body which administrate its affairs, supervise its components and propose the annual budget for the federal Judicial power. So, there is no contradiction between what listed in the law and the text of article (89) of the constitution. (jim) claiming that article (3/10th) aforementioned law violates article (60) of the constitution. We answer this point that the standards which the regular enactor must follows is not to issuing the law that related to the judges affairs but with a suggestion or consultancy from Judiciary men. In this case the Judicial power will guarantees its independence faraway from any attempt to penetrate it by wasting the Judiciary guarantees or touches its regulatory situations. Therefore, the ICR does not seeing any advantage of granting the Judiciary power the right to prepare or suggest a listed unified bills for the Judiciary power components as implementing for provisions of article (89) of the constitution to be a replacement of the laws which regulate the Judiciary power component, and responds to the changes that occurred to avoid unbalancing the Judicial stability which built since (2003). (dal) claiming that article (3/clause 11) of the aforementioned law violates article (61/4th) of the constitution. We answer this point that the ICR does not seeing any advantage of granting the Judiciary power the right of concluding agreements which related to the Judicial affairs, and follow up its executing to care of granting the Judiciary an enough space to complete its independence. (heh) as for what related to unconstitutionality of

clause (3rd) of article (3) of the law which related to the specialty of the Higher Judicial Council in nominating the Federal Supreme Court members of judges. The FSC previously judged with its unconstitutionality in the case No. (19/federal/2017) on (4.11.2017). Therefore, the request of the plaintiff is not important anymore because the court took a decision about it. The ICR sees that enacting this law is a legislative choice does not contradicts with the provisions of the constitution, but it comes as a correct implementing to it according to the provisions of article (61/1st) of it, and this choice does not touch the principle of separation between powers, and it also does not burden any additional financial commitment on the government, and it never forms a contradiction with its general policy or touches the Judiciary independence. This matter is what the constitutional Judiciary in Iraq settled on as a base when enacted the laws which represented by the FSC in many of issued judgments from it, and for example in the case No. (21/federal/2015) and its unified issued on (4.14.2015) and the case No. (85/federal/2017) on (10.10.2017) for the reasons and multi challenges which presented to the honorable court. As a target to stabilize the enactments and the legal situations based on it, and for what your honorable court sees. He requested to reject the case, and to burden the plaintiff all the Judicial expenses. After answering the petition of the case, and according to the provisions of article (2/2nd) of the FSC bylaw No. (1) for 2005. A date for pleading was set, so the agent of the plaintiff the barrister Usama Hussein Salih attended, as well as the agents of the defendant attended. The public in presence pleading proceeded, and the agent of the plaintiff repeated what listed in the petition of the case and requested to judge according to it, with burdening the defendant all the expenses and advocacy fees. The agents of the defendant repeated what listed in the answering draft on the petition of the case, and they requested to reject the case with burdening the plaintiff all the expenses and advocacy fees, and the agent of the plaintiff repeated the illustrative draft dated on (1.21.2018) which presented to the court. After reviewing the draft was kept in the dossier of the case. The court scrutinized the case No. (136/federal/2017) which initiated by the representative Hassan AL-Shammri against the defendant the Speaker of the ICR,

and it also found that there is a later case of the first one which is it the case No. (137/federal/2017) which initiated by the representative Hassan Touran against the defendant the Speaker of the ICR. And by scrutinizing the last case, the court found that its subject is similar to the subject of case No. (136/federal/2017) and it was initiated against the same defendant, and to briefing the time and effort and according to provisions of clause (2) of article (76) of civil procedure law. The court decided to unify the case No. (137/federal/2017) with the case No. (136/federal/2017) and regards it the original because it was initiated in the beginning. The agent of the plaintiff in the unified case repeated what listed in the petition of the case and in the illustrative petition which attached with it, and he requested to judge according to it. The agents of the defendant answered and they repeated what listed in the answering draft, and they requested to reject the case for the reasons mentioned in the draft. After scrutiny, the court decided to introduce the Head of Higher Judicial Council as a third party in the case to ask about what requires to take a decision in it. The agent of the third party the official Jurist Essam Fadhil Hilwas presented an illustrative draft about the case's No. (136/federal/2017) subject with its unified (137/federal/2017). He clarified in it, as for clause (1st) of the case's draft that the counting listed by article (89) of the constitution which related to the Judiciary power components. The enactor meant by it is to clarify the components of this power from the Judicial committees, but it does not mean independent from each other, and for example (alif) the enactor stipulated in article (90) of the constitution on (The Higher Juridical Council shall oversee the affairs of the judicial committees... and the Judicial committees (except the Federal Supreme Court) which a special text was listed for it in article (92) which is mentioned in article (89) including the federal courts, so what is the mean of Judicial committees?. (beh) article (91/2nd) stipulated on the competence of the Council of nominating the Head and Members of cassation court, as well as the Head of public prosecution and Judicial oversight commission. This means the Heads of the commissions which mentioned in article (89), so if it was independent from each other why the enactor stipulated on the Higher Judicial Council competence in nominating its Heads?.

(dal) the Federal Supreme Court was mentioned in article (89) of the constitution, even if its mentioning in this article means independence (as the plaintiffs pretend), so why the constitutional enactor individualize a special text for it in article (92/1st) when he described it as a financially and administratively independent Judicial committee. From aforementioned texts, it is clear that commissions which listed in article (89) (except the Federal Supreme Court) which mentioned especially in article (92/1st) is not independent from each other, but according to the nature of Judicial work, and they complete each other. Whereas the Federal Courts in its different levels, and the public prosecution are associating in issuing the decisions which the cassation Court is specialized in trying it. The behavior of the judges and public prosecution members whom associating in that, are submitting to monitory of Judicial Oversight Commission (except the cassation Court), and all these commissions which associating in trying the cases were listed in article (89) of the constitution. This mean that its work complete each other, and it also means they are not independent from each other (as the plaintiff claims). (heh) as for the assumption of the plaintiffs about not to gather between administration and Judiciary in pretence that the cassation court is independent from the Higher Judicial Council. It has not any clear constitutional substantiation in addition to the nature of the Judicial work in all courts with its different levels are includes gathering between administrative work of these courts and the Judicial work. In addition to that, the assumption of the plaintiffs contradicts the result which they wants to reach in case that the law was rejected, or returns the assignment of the Higher Judicial Council to the Head of the Federal Supreme Court which is it one of the components were mentioned in article (89) of the constitution. Here we like to ask why the plaintiff are satisfied by gathering between administration and Judiciary as much it is related by the FSC?. (second): as for what listed in clause (2nd) of the case's draft, it is rejected for the same reasons which listed in the clause abovementioned. (third): as for clause (3rd) of the case's draft which indicates to the law's violation (case's subject) in article (2/10th) of it about suggest the bills, whereas article (2) of the challenged law does not contain a clause with umber (10th), and if

they meant article (3/10th) the FSC took a decision about the argument about according to its decision issued on (4.11.2017) in the case No. (22/federal/2017) which became proof of what it discussed. This challenge must not be mentioned again because there is a decision were token about it. (fourth) as for clause (4th) of the petition's draft, we clarify that article (47) of the constitution stipulated on that the Judicial power is one of the Federal powers beside the Legislative and Executive powers. Article (110/1st) of the constitution stipulated on the competence of the Federal powers (the Judicial is one of it) on negotiating about the treaties, International agreements, and policy of loaning and signing it. But the role of the ICR in article (61/4th) is to regulates the process of approving these treaties and International agreements with a law. Therefore, there is not a constitutional violation about article (3/11th) of the challenged law, especially that the FSC had resolute the debate about this subject according to its decision dated on (4.11.2017) in the case No. (22/federal/2017) because it already solved. (fifth): as for clause (5th) of the case's draft, we like to clarify that clause (3rd) of article (3) of the challenged law previously been rejected and became Non-existed according to the decision of the FSC No. (22/federal/2017) on (4.11.2017). (sixth) as for clause (6th) of the case's petition, we repeat what listed in clause (1st) of this draft, and the Higher Judicial Council and the cassation court are not independent of each other but it was mentioned for counting the Judicial power components, and if that counting was meaning the separation and independence, there will not be an individual article concern in the FSC (we mean by that article 92/1st) which shown the independence of the FSC financially and administratively of the Higher Judicial Council. Also there is not a true constitutional text were violated by the challenged decision, and includes impossibility of gathering between the Presidency of cassation court and the Presidency of the Higher Judicial Council. The Presidency of cassation court for the Higher Judicial Council was settled on in all previous laws which related to Judiciary, includes the Judicial power law No. (26) for 1963 and the law No. (35) for 2003 and the present text in the challenged law is quoted from these texts (previously) were already being challenged because of unconstitutionality of some of the

law's articles, and in some clauses of it. The FSC had detailed in its decision No. (19/federal/2017) on (4.11.2017) in the case No. (22/federal/2017) on (4.11.2017), and if the law was completely unconstitutional as the plaintiffs pretend, so the FSC will decide according to its competence which stipulated on in article (93) of the constitution to the last word mentioned in it. (eighth) the challenged law became valid on (1.23.2017) and the plaintiffs presented the case on (12.3.2017) which means nearly a year of the law's validity, and this matter will produce many traces (spite of there is no time fence to present the constitutional case). But while the plaintiffs are members in the ICR, did they discovered that the law violates the constitution after this period as a result of a personal attitudes occurred with each of them and stimulate the idea of unconstitutionality with them?. The representative the plaintiff Hassan Touran sent a complaint to the Higher Judicial Council about the Turkmen component in Kirkuk, and after investigating in this complaint, we found inexactitude of what he sent (we attach the primaries of the complaint and the answer of the Higher Judicial Council). The plaintiff the representative Hassan AL-Shimmari initiated a case and he is legally not a party of it, and the specialized court issued a decision to trying it not in his interest (attachment 6-7) with noticing that the plaintiffs are members in the legal committee in the ICR, and they participated in issuing the challenged law in the form they challenges it, now after one year of its validity. The jurisprudence base stipulates on (who strive to diminish what be done by his hands. Its strive will reflects on him). Accordingly, the agent of the third party requested to reject the case and to judge by unconstitutionality of the law. This means they agree with the request of the defendant's agents in the case in his request to reject the case with burdening the plaintiff all its expenses. He attached with the petition of the case a copy of the complaint which presented by a number of barristers in court of Kirkuk which presented to the Higher Judicial Council from the representative Hassan Touran on (7.20.2017), and a copy of the decision issued by the Federal cassation court Ref. (285/transferred appeal committee/2017) on (8.16.2017) which judged by approving the decision issued by AL-Risafa'a appealing court on (5.25.2017) Ref. (990/994/sin2/2017) the appellant in it the representative Mr.

(Hassan Halboos Hamza AL-Shammari). After reviewing the presented draft and its attachments, it were annexed to the dossier of the case. Each party repeated its sayings and previous requests. Therefore, whereas nothing left to be said. The end of the pleading made clear and the decision recited publicly.

The decision:

After scrutiny and deliberation by the FSC, the court found that the plaintiffs in the original case and in the unified case with it had challenged unconstitutionality of articles (2/1st/1/3/4) and (3/3rd/10th/11th) of Higher Judicial Council law No. (45) for 2017, and by scrutinizing aforementioned articles in its clauses and items as well as reviewing reciprocal drafts. The FSC reached the following: first- as for challenge listed on clause (3rd) of article (3) of Higher Judicial Council law which includes the Council's authorization in nominating the FSC members of Judges, so, this clause (challenge subject) in the case number 19/federal/2017 which the FSC judged by its unconstitutionality because it violates the provisions of article (92/1st/2nd) of the constitution in the judgment issued by it on 4.11.2017. Therefore, reviewing the challenge listed in for the second time is not significant according to provisions of article (94) of the constitution which regards the judgments that issued by the FSC decisive and obligatory for all powers, as well as for clause (2nd) of article (3) of Higher Judicial Council which stipulates on that the Council carrying out suggesting the annual budget of the federal Judicial power which mentioned in article (91/3rd) of the constitution. The FSC judged in the same judgment issued by it on 4.11.2017 of its contradiction with the constitutional reality. This authority was inspired from a legal text in state's administration law for the transitional period and when the Head of the FSC is the Head of the Higher Judicial Council, but after issuance of the Higher Judicial Council law aforementioned which commissioned the Presidency of the Higher Judicial Council to the Head of federal cassation court. Therefore, setting the budget of the federal Judicial power by the Higher Judicial Council includes the FSC's budget is contradicts and violates provisions of article (92/1st) of the constitution which ruled that the FSC is financially and administratively independent

Judicial committee, and this matter requires to sets its annual budget by itself. Therefore, the FSC judged by unconstitutionality of clause (2nd) of article (3) of Higher Judicial Council law. As for challenge listed on clause (10th) of article (3) of Higher Judicial Council which granted the right to the Higher Judicial Council to suggest bills that related to federal Judicial power affairs. The FSC found, and in the judgment it issued in a previous challenge on this clause Ref. 22/federal/2017 on 4.11.2017 it does not violates the constitution because it finds its substantiation in articles (47) & (89) of the constitution. Therefore, the court decided to reject it because of unconstitutionality in the aforementioned case, so trying the challenge of clause (10th) of article (3) unconstitutionality of Higher Judicial Council law became Non-productive for the reason abovementioned, as well as for the challenge listed on clause (11th) of article (3) of Higher Judicial Council law which allowed the Council to conclude Judicial agreements and follow up its executing in coordination with the Ministry of Justice which is was a subject of previous challenge about this clause in the case number 22/federal/2017, and the FSC judged by judgment issued by it on 4.11.2017 it does not contradicts with the constitution because it meets its substantiation in articles (47) & (89) of the constitution. It is worthy to mention that the meant agreements in the text (challenge subject) is what related to the Judicial affairs not the treaties with political nature which article (61/4th) of the constitution meant. As for challenge listed on article (2/1st) o Higher Judicial Council by making its Presidency to the Head of federal cassation court which is it one the federal Judicial power components and stipulated on in article (89) of the constitution. This matter made the federal cassation court according to article (2/1st) of Higher Judicial Council law (challenge subject) with unconstitutionality under patronage of supervision of the Higher Judicial Council which is it an administrative body and the federal cassation court is a Judicial body, therefore, it is not possible to combine between Judiciary and administration. As well as for public prosecution department and Judiciary oversight commission, the FSC finds about this text it was a legislative choice for the ICR according to his authority which stipulated on in article (61/1st) of the constitution, and the meant administration in the text (challenge

subject) is related to administrate the Judiciary affairs and oversight the federal Judiciary not administration which meant in the executive power. As for the rest of the Judicial power components which mentioned in the challenge which is it public prosecution department and Judicial oversight commission, and are they part of Higher Judicial Council and part of federal Judicial power components, so this matter will be discussed when discussing the other clauses of article (2) of Higher Judicial Council. As for challenge listed on items (3) & (4) of clause (1st) of article (2) of Higher Judicial Council law, whereas the plaintiffs claimed that this article violated the article (89) of the constitution because it regarded the public prosecution department and Judicial oversight commission a part of Higher Judicial Council components, while these bodies are parts of federal Judicial power components not a part of the Higher Judicial Council as article (89) of the constitution stipulates on. Accordingly, the FSC scrutinized items (3) & (4) of clause (1st) of article (2) (challenge subject), and found article (2) of the law had counted the titles which the Higher Judicial Council consist of, includes the Head of public prosecution and Head of Judicial oversight commission, and it did not stipulates on that public prosecution department and Judicial oversight commission are part of the Higher Judicial Council. The public prosecution department is regulated by its law No. (49) for 2017, and article (1) of it stipulated on that this body is one of federal Judicial power components and enjoys financial and administrative independence and exercising the tasks commissioned to it according to its law. As well as for Judicial oversight commission which regulated by its law No. (29) for (2016) and it also enjoys the personal entity and performs the tasks it commissioned for according to its aforementioned law, and it regarded one of federal Judicial power components which stipulated on in article (89) of the constitution like public prosecution department. As for that the Head of public prosecution and the Head of Judicial oversight commission are members in the Higher Judicial Council, this matter does not makes these two bodies as a part of Higher Judicial Council because their tasks are differs of Higher Judicial Council tasks which stipulated on in article (3) of the Council's law, and their associating in the Council's membership which targets to

represent their bodies in it to show what it has according to their responsibilities stipulated on in their aforementioned law. Their associating in the Higher Judicial Council's membership does not make their bodies a part of Higher Judicial Council regards to clarity of article (89) of the constitution's provision which stipulated on that the public prosecution department and Judicial oversight commission are part of federal Judicial power components not a part of Higher Judicial power as the challenge says. Accordingly, the challenge about unconstitutionality of items (3) & (4) of clause (1st) of article (2) of Higher Judicial Council law has not a substantiation from the constitution. Accordingly, and for the reasons listed beside each item of challenge items listed in the two original cases which unified with it, and after verifying that the FSC took a number of decisions in some of it in two previous cases were listed aforementioned and initiated before the FSC, and the other part of the challenges were a legislative choice for the ICR according to its competence which stipulated on in article (61/1st) of the constitution. As for the last part of the challenges which listed in the cases, the FSC finds that it is not contradicts with the constitutional provisions. Therefore, the SFC decided to reject the case (136/federal/2017 and the case unified with it – 137/federal/2017), and to burden the plaintiffs in these cases the expenses and advocacy fees for the agents of the defendant/ being in this capacity and the agent of the third party amount of one hundred thousand Iraqi dinars for each one of them. The decision issued decisively and unanimously according to provisions of article (5/2nd) of the FSC's law No. (30) for 2005 and article (94) of the constitution. The decision was recited publicly on 2.5.2018.