



The Federal Supreme Court (FSC) has been convened on 19.11.2018, headed by the Judge Madhat Al-Mahmood and the membership of Judges Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temmen and Mohammed Rajab Al-Kubaise who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff : deputy Head of iraqi national general intelligence-being in this capacity- his agents the legal officials (Ta,Ain,Ain) and (Waw,Yeh,Waw).

The Defendant : ICR Speaker- being in this capacity- his agents the legal officials , the manager (Sin,Ta,Yeh) and the assistant counselor (Heh,Mim,Sin)

The Claim :

the plaintiff being in this capacity claimed that the ICR issued the federal budget law for year 2018 No.(9), the law in the article (13/3<sup>rd</sup>) of it, allows for the plaintiff's office as for exclusively and exceptional to place the government employers for working in the plaintiff's office in necessity and according to the legal sequences which is texted for this matter. It was better if the legislator as considering the work of the general intelligence gave it the right of assignment in addition to the placement , and added that to the article text (13/3<sup>rd</sup>) to benefit from the military and intelligence experiences. Whereas The legislator didn't pay attention to that and based on it the plaintiff being in this capacity requested compel the defendant being in this capacity to add the assignment word before placement word in the article (13/3<sup>rd</sup>) from the law. The Defendant answered the claim by draft dated on 5.9.2018 included his defenses he summarized it that the plaintiff didn't proof the violation of the challenged article for any constitutional text, and the FSC. isn't specialized by compelling the ICR to amend the legislations by adding a word to the laws texts which issued from it. That would be whether presenting a law bill either proposal law for amendment. The article (93) from the constitution has no competence for the court in this matter, after the case registration and appointing a day for the

argument the court has been convened and the agents of both parties presented and repeated their previous sayings and requests. as the case reached the decision point the argument has been understood. The court issued the following decision.

The Decision :

During scrutiny and deliberation from the FSC. The court found the plaintiff being in this capacity has been claimed that the Defendant issued the federal budget law No.(9) for 2018 and he allows in the article (13/3<sup>rd</sup>) for the Plaintiff's office as for exclusively and exceptional in necessity to place the government employers for working in the Plaintiff's office, and according to the legal sequences which is texted in this matter. It was better if the legislator as considering for the work of the general intelligence gave the office the right of assignment in addition to the placement , and added that to the challenged article (13/3<sup>rd</sup>). from scrutiny of the case we found that the competences of the FSC determined in the article (93) from the Constitution of Iraq republic for 2005. And the article (4) from its law No.(30) for 2005 , hearing the plaintiff's requests isn't one of its. Based on that the FSC. Decided to reject the Plaintiff's case -being in this capacity- from competences side and to burden him the expenses and fees of the advocacy of the Defendants agents-being in this capacity- amount of hundred thousand Iraqi dinar divided between them equality. The decision has been issued relying on the article (1/80) from civil argument law unanimously, decisively relying on the article (94) from the Constitution and the article (5) from the FSC law on 19.11.2018.