

Republic of Iraq
Federal Supreme Court
Ref. 145 /federal /2018



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 12/11/2019 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 who are authorized in the name of the people to judge and they made the following decision:

The plaintiff: the Governor of Ninawa/ being in this post -his agent the legal official Khalid Abd Allah Baha Aldin.

The defendant: Minister of reconstruction, housing and public municipalities/ being in this post.

The claim:

The agent of the plaintiff claimed in the case petition that the defendant has issued several administrative orders which are (mim. Kha./2746 on 7/6/2018, 2560 on 28/5/2018, 2738 on 7/6/2018, and 2725 on 6/6/2018) which included that his client's office has no power on appointing and releasing the director of Al-Mosul's municipality and the director of Ninawa water's office, by that the defendant has ignored the amended law of governorates that are not

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incorporated into a region No.21 for 2008 and what listed in it of powers granted for the Governors such as the power to release and appoint who occupies high level posts in the governorate under the provision of article (7/9th) in paragraphs (1, 2) which granted his client's office these powers, that was ratified by the presidency of the council of ministers/ the supreme governorate coordination body by it letter No.12/932 on 11/7/2018, and also the decision of presidency of Ninawa governorate council No.217 on 27/6/2018. For the mentioned reasons the agent of the plaintiff requested the F.S.C. to issue a decision to compel the defendant to follow and implement the amended law of governorates that are not incorporated in a region No.(21) for 2008, and to revoke the mentioned administrative orders, and to implement the administrative orders issued by the plaintiff's office as it came under the granted powers by the Law. The defendant was informed with the case petition, his answer to it was not received, after completing the required procedures according to the F.S.C. Bylaw No.(1) for 2005 the date 12/11/2019 was scheduled for the argument, the court convened the agent of the plaintiff the legal official Khalid Abd Allah Baha Aldin has attended, the defendant didn't attend despite the informing by the law, the court decided to continue with the argument with his absence, the plaintiff's agent repeated the case petition and requested to revoke the letter issued by the Ministry of municipalities. The court scrutinized and found

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that the case is completed for reasons of judgment, the argument is closed and the decision is issued publicly.

The decision:

During scrutiny and deliberation by the F.S.C. the court found that the plaintiff/ being in this post has requested in the case petition to revoke the mentioned administrative orders issued by the defendant/ being in this post, and also to compel him to follow and implement the provision of the Law No. (21) for 2008 (law of governorates that are not incorporated in a region). The F.S.C. finds that considering both requests is out of the F.S.C jurisdictions that are stipulated in article (93) of the constitution and article (4) of its Law No.(30) for 2005. Accordingly the court decided to reject the case of the plaintiff/ being in this post and to burden him the expenses and the advocacy fees for the agent of defendant/ being in this post amount of one hundred thousand Iraqi dinars. The decision has been issued unanimously and final according to the provision of article (94) of the constitution and article (5) of the F.S.C. law No.(30) for 2005 and issued publicly on 12/11/2019.