



The Federal Supreme Court (F S C) has been convened on 11.3.2018 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-nagshabandi, Aboud Salih Al-temimi, 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:

Plaintiff / (nun. nun. ain.) her agent (alif. kaf. ghain.) .

Defendant / Nyjirfan Barzani/ being in this capacity his agent (rah. kha. mim.)

Claim:

The agent of the plaintiff claimed that the defendant issued an order on 1/1/2016 to implementing the savings system for employees and retirees so that salaries fell by 50% every 60 days , which negatively affected the standard of living of my client, knowing that my client and in 2015 did not receive four months to half the salary, this decision has become effective since that date and because article (11) of the constitution is equal to Iraqis before the law as well as articles (15 and 16) , and because this continent was issued individually by the head of the provincial government without reference to the Parliament of the region in the adoption violation to the constitution . Therefore the plaintiff's agent requested that the decision and the defendant's obligation to fulfill the rights of his client be ruled unconstitutionally from the date of the decision retroactively. The defendant has been informed of the petition and its documents, and he replied with a

pleading date 22/2/2018 which states that the plaintiff challenged the unconstitutional decision of the Council of Ministers of the Kurdistan Region No. (64) on 3/2/2016 On saving part of the financial dues of employees in the region and explained the following : That the decision contested is an administrative decision issued on the basis of the law of the Council of Ministers of the Kurdistan Region No. (3) of 1992 is a temporary decision is justified for the financial crisis repercussions of the war with terrorism and the containment of a large number of displaced. The decision specified certain procedures for not losing the financial entitlements of staff and fulfilling them as soon as possible. The defendant explained that article (121/1st) of the Constitution of the Republic of Iraq ruled that the authorities of the province exercise the legislative, executive and judicial powers. Article (93/1st) of the constitution restricted the competence of the FSC to hear appeals issued by the federal authorities and not issued by the authorities of the province with the presence of judicial authority in the region So the case is out of jurisdiction of the FSC, which issued several decisions in this direction. The case was dismissed for lack of jurisdiction. On the appointed day of the hearing, the agent of the plaintiff was present and the agent of the defendant and began public and public advocacy, the prosecutor of the plaintiff repeated the petition and requested the verdict as stated therein the, defendant's agent repeated pleaded and requested to reject the case . Both sides repeated their statements. Repeated the words of the two sides and said nothing was said and understood the conclusion of the pleadings and the decision was read publicly.

The Decision :

For scrutiny and deliberated by FSC found that the case of the plaintiff, it is summarized that the defendant/ being in this capacity has been issued on 1/1/2016 in his capacity as President of the Kurdistan Regional Government to implement the system of savings for employees and retirees so that salaries fell by 50%, which negatively affected the level of living for the plaintiff. The plaintiff claimed that she did not receive half a salary for four months from 2015 and that the decision is

violation to the articles (14,15,16) of constitution. And that this decision was issued without reference to the Parliament of the region. Therefore the plaintiff's agent requested that the said decision be unconstitutional and oblige the defendant to perform the rights of his client from the date of the decision and retroactively. The defendant / being in this capacity present in his pleading date 22/2/2018 that the plaintiff challenge the decision of Council of Ministers of Kurdistan Region No. (64) on 3/2/2016 of saving part of the financial dues for the staff at the region. That decision is administrative decision issued on the basis of the law of the Council of Ministers of the Kurdistan Region No. (3) of 1992 a temporary decision justified by the financial crisis and the repercussions of the war with terrorism and the containment of a large number of displaced. The resolution specified certain procedures for not losing the financial dues of employees and fulfill them as soon as possible. The defendant explained that article (121) of the constitution of the Republic of Iraq ruled that the authorities of the region exercise legislative, executive and judicial powers, article (93) of the constitution limited the jurisdiction of the FSC none of them is issued by the authorities of the region with a judicial authority in the region, the defendant claimed that the case was outside the jurisdiction of the FSC and requested its rejection. The FSC found that finds its competence in article (93) of the constitution and article (4) of the FSC Act No. (30) of 2005. And since the matter contested is not a federal law, but is an administrative decision issued by an administrative body is the Council of Ministers of the Kurdistan Region. Accordingly, the FSC is not competent to hear the appeal, so the court decided to dismiss the plaintiff's claim and to charge the expenses and the fees of the attorney for the defendant's agent in the amount of one hundred thousand dinars. The decision was made on the basis of Article 99 of the Constitution and by agreement on 11/3/2018.