

Republic of Iraq  
Federal Supreme Court  
Ref. 152 /federal /2019



Kurdish text

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The Federal Supreme Court (F.S.C.) has been convened on 15/12/2019 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 Request:**

The Bank of Rafidain/ general management requested the Federal Supreme Court by it letter No. (3/6/4169) dated on 27/10/2019 the following:

**Sub / the convict (Abo Baker Hama Saheh)**

((Best regards

According to the decision of your estimated court No. (57 of 2017) the convicted (Abo Baker Hama Saheh) was released after the end of his sentence period, even though his protection is still occupied by our bank with amount of (90.000 \$) (ninety thousand dollars), accordingly, we request your estimated court to exclude those convicted of crimes on banks' funds from the aforementioned decision for the serve of the public interest and the protection of state funds.

With appreciation ...))

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**The decision:**

The listed request above has been set under scrutiny and deliberation by the F.S.C. and it decided the following:

The mentioned decision in the letter of the financial ministry has based on its constitutional reasons listed in it in accordance with the international conventions of human rights to which Iraq was a party in it, and the decision was issued final and binding to all authorities according to the provision of article (94) of the constitution and article (5) of the F.S.C. law No.(30) for 2005 and cannot be amended by adding or deleting, with refer to that collecting the government debts dues including bank debts, has been guaranteed to be collected by number of legislations including the law of collecting the governmental debts dues and the law of implementation in case that the debtor convict is in prison, and after the end of his sentence period and getting out of the prison by tracking his movable funds and property and collecting the debts out of it worth, and that depends on the activity and follow-up of the creditor during or after the debtor being in prison. And that is the decision for issuing the mentioned decision above and it obligatory reasons. The decision has been issued unanimously on 15/12/2019.