

In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 197/federal/media/2018



Kurdish text

The Federal Supreme Court (F S C) has been convened on 9.10.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Mohammed Saib Al-nagshabandi, Michael Shamshon Qas Georges, Hussein Abbas Abu AL-Temman, Mohammed Rajab Al-Kubaisi and Mohammed Qasim al-Janabi who authorized in the name of the people to judge and they made the following decision:

Request :

Rafidain Bank / Public Administration request from the FSC under the letter No. (3/6/3258) on 2/10/2018 the text as the following:

Greeting

At the date 3/8/2017 Your Honorable Court issued No. (57/federal/2017) the judge is unconstitutional the decision of Revolutionary Command Council the dissolved No.(120) of 1994 and cancel it. Please kindly inform us whether this decision relates to the case before your court and applies to its parties only or whether the decision contained in all the cases that were judged in accordance with the decision of the Revolutionary Command Council dissolved No.(120) of 1994 where it has already been judged on the convicted (ha. ghain. kaf. & ha. beh. ain.) under the decision of the Criminal Court in Rusafa No. (122/jim3/2015- The accompanying photo is folded) in accordance with the provisions of article (444/11) of the Penal Code, with an obligation to pay an amount of (625,685,788,908) six hundred and twenty-five billion six hundred and eighty-five million seven hundred and eighty eight thousand nine hundred and eight dinars) Not to release her until

after payment of the said amount pursuant to the provisions of the Revolution Command Council resolution referred to above and that the circulation of what is stated by the decision of your honorable court No. (57/federal/2017) on all cases lead to the bank did not obtain its rights by releasing the convicted after the end of their sentences for the futility of the executive procedures the right of the sentenced to the fact that all those who seized large amounts smuggled abroad, despite the use of the Integrity Commission / Refund Department, however, no funds were found to recover a small portion of the amounts recovered, while activating the decision of the dissolved Revolutionary Command Council No. (120) of 1994 is a guarantee for the recovery of the funds of Rafidain Bank, which represents public funds as a government bank and that the recovery of his assets acquired is a service for the public good... with respect. The application is subject to scrutiny and deliberation by the FSC and reached the following decision

The Decision :

For scrutiny and deliberated by FSC found that the (Rafidain Bank / General Administration) request from this court to indicate whether the decision issued in the case No. (57/federal/2017) on 3/8/2017 the judge is unconstitutional the decision of Revolutionary Command Council the dissolved No.(120) of 1994 and cancel it applies to its parties or applies to all cases under which it was sentenced. The FSC finds that, under its above-mentioned ruling, it ruled unconstitutional the decision of the Revolutionary Command Council the dissolved No. (120) on 1994 decided to cancel it. According to it the decision No. (120) on 1994 became canceled from the date of issued the decision refer above on 3/8/2017 the above judgment decision issued obligated to all authorities according to the wording of article (94) of the Constitution and it is effective from the date of its entry and the collection of the amounts acquired from the convicted can be recovered by operational and legal methods and the decision was issued by agreement obligated on 9/10/2018.