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The Federal Supreme Court (F S C) has been convened on 6.2.2019 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, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temmen and Mohammed Rijab AL-Kubaisi who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: the Head of Maysan governorate Council/ being in this capacity – his agents the official jurists (alif ha.mim.kha) and (sin.ra.ghain).

The Defendants: 1. The Prime Minister/ being in this capacity- his agent the legal consultant (ha.sad).

2. The federal Minister of finance/ being in this capacity- his agent the official jurist (ya.sad.alif).

### The Claim

The agent of the plaintiff/ being in this capacity claimed that the governorates unassociated into a region law No. (21) for 2008 and in article (44/7/8) stipulated (the financial revenues of the governorate consist of half revenues from southern border points, as well as five dollars for each crude oil barrel produced in the governorate and five dollars for each crude refined oil barrel in the governorate refineries). In spite of that, articles related to Maysan governorate dues of (petrodollar) allocations of the years (2014, 2015, 2016, 2017) weren't executed. According to article (78) of the Constitution and the Ministry of finance law No. (92) For 1981, the Prime Minister and the federal finance Minister are the direct responsible of general financial, executive and development policy in Iraq. This mean they

are the direct responsible of not executing and implementing the items of federal general budget, this led to cease the drive of development in the governorate. Whereas the federal government represented by the Ministry of finance didn't issue a treasury bonds to refund due amounts of productive governorates. Accordingly, the plaintiff/ being in this capacity is requesting to oblige the defendants/ being in this capacity to treat articles related to dues of Maysan governorate from (petrodollar) allocations for the years (2014, 2015, 2016, 2017) and the dues of the governorate from Al-Sheeb border point for the same years above-mentioned, and to issue a treasury bonds to refund dues in the custody of the federal government. As answering the claim, the agents of the defendant/ being in this capacity presented an answering draft, the first one from the first defendant dated on 2.12.2018, and the second from the second defendant/ being in this capacity dated on 2.12.2018. These drafts included their defends which they requested to reject the case for the reasons they listed. After the case was received and registered, and a date for argument were set. The Court has been convened, and the parties of the case has attended, the agent of the plaintiff repeated his previous sayings and requests and he requested to judge according to the petition of the case. The agents of the defendants repeated their previous sayings and requests, and they requested to judge by rejecting the case. Each party repeated their sayings, whereas nothing left to be said. The Court decided to make the end of the argument clear, and the decision was recited in the session publicly.

### The Decision

During scrutiny and deliberation by the FSC, the Court found that the plaintiff the Head of Maysan governorate Council/ being in this capacity is requesting in his case initiated before this Court to treat the legal articles which related to dues of Maysan governorate from allocations of (petrodollar) for the years (2014-2017) and its allocations from Al-Sheeb border point for the aforementioned years, or issuing treasury bonds by the dues of the governorate with any mean. He litigated in his case each of the defendants the Prime Minister, and the federal Minister of finance/ being in their capacity. The FSC finds that trying the requests of the plaintiff/ being in this

capacity is out of the Court's competences stipulated in article (4) of its law No. (30) For 2005, and article (93) of the Constitution. Therefore, the case must be rejected for incompetence. The Court decided to reject the case, and to burden the plaintiff/ being in this capacity the expenses and advocacy fees of the agents of the defendants amount of one hundred thousand Iraqi dinars. The decision has been issued unanimously and decisively according to article (5) of the FSC's law, and article (94) of the Constitution. The decision has been made clear on 6.2.2019.