



The Federal Supreme Court (F.S.C.) has been convened on 28.4.2013 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 whom are authorized in the name of the people to judge, and it issued the following decision:

The Request:

The Federal Supreme Court has received the letter of the Public Relations and Legal Affairs Department of the Supreme Judicial Council No. (Ta'. /5/824) of (3/13/2013), which includes the request of the Department of Public Relations and Legal Affairs in the Supreme Judicial Council to approach the Presidency of the Federal Supreme Court based on the request of the Najaf Investigation Court by Book No. (1797) dated (3/12/2013) To clarify the opinion on whether the decision issued by the Najaf Governorate Council No. 78 of 2011 was constitutional or not.

When referring to the book of the Najaf Investigation Court referred to above, it was found that it included the following:

Based on the decision taken by this court on (3/12/2013) and according to the requirements of the case numbered (248/Qaf.

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Kurdish text

10/2012), your esteemed court is kindly requested to approach the Federal Supreme Court as to whether the decision of the Najaf Governorate Council No. (4/181) in 29/6/2011 which includes insuring an amount of (2375685000) two billion three hundred seventy five million six hundred and eighty-five thousand dinars to buy cars for members of the Najaf Provincial Council, a type of Toyota Jxr from another account, due to the delay in receiving the amount from the Ministry Finance and the stipulation to return those sums to the account from which they were withdrawn after receiving them from the Ministry of Finance.

And as stated by Decree No. 78 of 2011 attached hereto in accordance with a law and authorizes the Najaf Governorate Council to dispose of local revenues without referring to the central government or not. Thank you for your cooperation with us, with the assurances of highest consideration.

The request was put under deliberation and the court issued its follow decision:

The decision:

During scrutiny and deliberation by the F.S.C., it found that Najaf Investigation Court requests from this court according to the book No. (1797) dated (3/12/2013) through the Presidency of the Najaf Federal Court of Appeal (Administrative Affairs Section) No. (Ta'./5/824) dated (3/13/2013) and by the Public Relations and Legal Affairs Department of the Supreme Judicial

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Council (Relations Department) by letter No. (473/4/2013) on 3/18/2013 to clarify the opinion on whether the decision issued by the Najaf Governorate Council No. 78 of 2011 attached hereto approved accordance with a law and authorizes the Najaf Governorate Council to dispose of local revenues without referring to or not to the central government.

The Federal Supreme Court finds that its jurisdiction is defined in Article 93 of the Constitution of the Republic of Iraq for the year (2005) and in Article (4) of the Federal Supreme Court Law No. (30) for the year 2005, and none of them includes the statement of opinion on the subject of the Najaf Investigation Court's request mentioned above

Therefore, the Federal Supreme Court is not competent to consider the application, and therefore the court decided to reject the request from the point of lack of jurisdiction.

The decision has been issued decisively and by agreement on ٢٨/٤/2013.