

Republic of Iraq
Federal Supreme Court
Ref. 303/ federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 30/1/2023 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: President of the Supreme Judicial Council/ being in this capacity – his agent the official jurist Labeeb Abbas Jaafar.

The Defendant: Speaker of the ICR/ being in this capacity – his agents, the Director-General of the legal department Sabah Jumaa Al-Bawi, and the official jurists Saman Muhsin Ibrahim and Aseel Sameer Rahman.

The decision:

The plaintiff, through his agent, challenged before this court the constitutionality of Article (7/12th) of the State Shura Council Law No. (65) of 1979, as amended by Law No. (71) of 2013, which stipulates ((If the jurisdiction of the Administrative Court or the Personnel Justice Court conflicts with the jurisdiction of a civil court, the reference shall appoint a body called the (Authority for the Appointment of the Reference) consisting of (6) six (3) members three selected by the President of the Federal Court of Cassation from among the members of the Court and (3) three others selected by the President of the Council of State from Among the members of the Council, the Commission shall meet under the chairmanship of the President of the Federal Court of

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Cassation, and the decision of the Commission issued by agreement or majority shall be final and binding. He requested a ruling of its unconstitutionality and its annulment for the reasons stated in the petition, after registering the lawsuit and informing the defendant of the Speaker of the Council of Representatives, in addition to his job, of its petition and documents in accordance with Article (21/I and II) of the Court's Rules of Procedure No. (1) of 2022, his agent responded with the regulation dated 11/12/2023, and requested to dismiss the lawsuit for the reasons stated therein, and after completing the procedures required by the Court's Rules of Procedure, a date was set for the pleading in accordance with Article (21/3rd) thereof, and the parties were informed of it, in which the court was formed, so the parties' agents attended and began to conduct the public presence pleading, the court noted that the plaintiff's attorney submitted on 25/12/2023 which requesting the annulment of the petition, the defendant's attorney replied that he had no objection to doing so, therefore, and due to the approval of the request for the law, the court decided to annul the lawsuit petition based on the provisions of Article (88/1) of the Civil Procedure Law No. (83) of 1969, as amended, and to charge the plaintiff the advocacy fees of the defendant's agents an amount of one hundred thousand dinars distributed in accordance with the law. The decision has been issued final according to the article (94) of the Republic of Iraq Constitution for 2005. The decision has been edited in the session dated 18/Rajab/1445 Hijri which coinciding 30/January/2024 A.D.

Judge
Jassim Mohammed Abbood
President of the Federal Supreme Court

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