

In the name of God most Gracious most Merciful

Republic of Iraq  
Federal supreme court  
Ref. 31/federal/media /2014



Kurdish text

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The Federal Supreme Court (F S C) has been convened on 4.5. 2014 headed by 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, Aboud Salih Al-temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu AL-Temman who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Prime Minister - being in this capacity - Legal Adviser  
(ain. ain.).

The Defendant: Speaker of House of Representatives- being in this capacity- his Jurists (sin. ta. yeh.) and (ha. mim. sin.).

The Claim:

The plaintiff's agent claimed before that the Council of Ministers the Budget bill has already been sent to the House of Representatives for discussion and approval, but the Speaker of the House refrained from including it in the agenda and submitted it to the House of Representatives for discussion and approval despite the demand sought by many members of the House of Representatives (fifty members) and more than once. Since the Speaker of the Council does not have the power to refrain from submitting bills passed by the Council of Ministers, such as vital projects such as the Budget bill, which results in the annulment of its adoption to disrupt public life, the disruption of

public life, the disruption of the affairs of the country, the harm to the Iraqi people and the insecurity, is also a repudiation of the constitutional responsibilities imposed on the Speaker of the House of Representatives in the course of the council's work to ensure the running of the affairs of the country and ensure the sustainability of public life and other responsibilities in the regularity of the work of the state and its facilities and institutions and the maintenance of the state and its sovereignty. Because the powers of the Speaker of the House of Representatives are contained exclusively in article (23) of the rules of procedure of the House of Representatives, not including the sole authority to disrupt the work of the Council and refrain from the presentation of bills. Moreover, the deliberate refrained to discuss and approval the bill in the House of Representatives exposes the person responsible to legal liability that rise to personal criminal liability. The plaintiff's agent/ being in this capacity requested invitation of the defendant/ being in this capacity to argument and rule by the obligation to submit the budget bill to the House of Representatives for discussion and legislation and to charge expenses and the fees of the lawyers, the defendant/ being in this capacity was informed of the case and answered by his draft on 18/3/2014 that the case was an interference in the work of an independent authority that exercises its functions in accordance with the Constitution, is the House of Representatives No authority has the right to interfere in its procedures, and the subject of the case is a matter of regulation that is the discretion of the Speaker of the House of Representatives, and the plaintiff is trying to show that the House of Representatives is late in including the draft budget, while it was the government that delayed its dispatch and exceeded the time limit set out in the Financial Management and Public Debt Law No. (94) of 2004 and that the Council was asking the government through the Minister of State for The Affairs of the House of Representatives to send the budget bill and this is fixed in the minutes of the Council. (94) Days after the time limit set for its dispatch, the budget was sent in 2014 for the first

time to the House of Representatives under the letter of the Secretary of State for The Affairs of the House of Representatives on 16/1/2014. The government did not attach the final accounts for the fiscal year ending in 2013 in violation of the provisions of article (62/1<sup>st</sup>) of the Constitution, so on the day of the budget arrival on 16/1/2014, the defendant included the bill on the agenda of session (8) and was referred to the Finance Committee to proceed with the legislation as soon as possible and even before the Finance Committee submits its report on the bill, the defendant then included the draft law of general budget on the agenda of the session on 28/1/2014, despite the objection of the deputies to include it in the form that reached the Council and then inserted it again in the session on Thursday, 30/1/2014, and then draft the bill in a session on 3/2/2014 and then put it in the agenda of 16/3/2014 and entered the parliamentary blocs in large discussions as a result of the problems contained in the budget bill. The defendant's agent claimed that the budget bill was sent by the government sent by three times after the first bill arrived for the first time on 16/1/2014 and then the minister of state for the affairs of the House of Representatives received a letter referring to the decision of the Council of Ministers No. (34) of 2014 including the amendment of the budget law two weeks after the draft was sent and then received the Council the letter of the Minister of State for The Affairs of the House of Representatives on 3/3/2014 stating that the budget bill should be amended again in line with Cabinet Resolution (74) of 2014 adopted at its meeting on 18/2/2014. Finally, the defendant's attorney stated that the plaintiff's case was an obstruction of the work of the House of Representatives, that the government was causing the disruption of the federal budget, that the defendant retained the government's prosecution, requested the dismissal of the case, and then the defendant's attorney filed an additional draft on 31/3/2014, which stated that the second reading of the 2014 Federal General Budget Bill had been included in the agenda of hearing No. (15) on 30/3/2014, and the defendant also requested to

reject the case and the parties had repeated their statements. The court concluded the argument and issued the next decision publicly.

### The Decision:

After scrutiny and deliberation by the FSC found that the plaintiff/ being in this capacity is requesting that the defendant Speaker of the House of Representatives/ being in this capacity by introducing the Federal Budget Law to the House of Representatives for discussion and approval. Since the Presidency of the Council has submitted the draft Federal Budget Law of the Republic of Iraq for fiscal year 2014 to the House of Representatives and entered it on the agenda of the Council for several sessions under which the first reading of the draft was conducted and then entered the start of its agenda in the session No. (15) held on 30/3/2014 for the second reading, as it stated the minutes of the court extruded and preserved in the case file. Therefore, the defendant/ being in this capacity have made this legal obligation required in the petition to present the draft budget mentioned in the schedules of the House of Representatives' sessions. Accordingly, the plaintiff's case becomes a must-rejected by this party, and charged expenses and the fees of the lawyer of the defendant's agent amounting to one thousand dinars (100,000 dinars) and the decision was made by unanimously on 4/5/2014.