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The Federal Supreme Court (F S C) has been convened on 11.3.2018 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, 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:

Plaintiff / President of Maysan Governorate Council / being in this capacity and his attorney the tow human rights officers (alif. haa.) and (sin. ra.)

Defendant/Speaker of the House of Representatives / being in this capacity his attorney the tow human rights officers (sin. taa. jaa.) and (haa. mim. sin.)

Claim:

The plaintiff claimed that the House of Representatives on 14/1/2018 the third amendment to the law of governorates not organized by Region No. (21) of 2008 , there are articles in it that violate the constitution and ask to abolish them , the articles (7/9<sup>th</sup>/1) for the nomination of senior office holders in the governorate mechanism , and the article (1/4<sup>th</sup>) which was limited to the definition of the local council in the Judicial Council without mentioning the district council and article (11) which provided for the cancellation of article (12), which includes the abolition of the powers of the district council and article (45/3<sup>th</sup>), which obliged the governorate to abide by the general policy of the Council of Ministers . In the opinion of the plaintiff that the texts contested unconstitutional contravenes constitutional provisions (110,112,113,114)

Which dealt with the exclusive and joint jurisdiction of the federal Government , and also violate the article (115), which provided for the exclusive jurisdiction of the region and the governorates not organized in a territory, was also violated . After the case was registered and the defendant / being in this capacity was notified of the petition of the case, he responded with a dated plea 19/2/2018 requesting that the case be rejected because the amendment contested as unconstitutional was not published in the Official Gazette until the date of the lawsuit on 11/2/2018 , after informing the parties of the date of the appeal on 11/3/2018, the court was formed and the parties were notified the agents of the plaintiff and the agents of the defendant and began to plead presence and public, both parties reiterated their earlier statements and requests. The plaintiff's agent added that the law on bait was not published in the Official Gazette and saw the content through the website of the House of Representatives and did not remain what is said the conclusion of the pleadings was understood and the court issued its following judgment :

#### The Decision :

For scrutiny and deliberated by FSC found that the plaintiff, the President of Maysan Governorate Council / being in this capacity challenged the unconstitutionality of some of the articles contained in the Law of the Third Amendment to the Law of Governorates not organized in a region after the legislation of the House of Representatives before being published in the Official Gazette requesting the cancellation of those materials. Since the law contested with some of its articles was not published in the Official Gazette when the case is brought until it was effective also complies with this article (129) of the constitution. The consideration of the appeal of material outside the jurisdiction of the FSC whose competence in this area is limited to considering the constitutionality of laws and regulations in force . Accordingly, it was decided to dismiss the case by the competent authority and to charge the plaintiff with the expenses and fees of the lawyer and the defendant's agent. The ruling was issued by agreement

and agreement based on the provisions of article (94) of the constitution and the article (4) of the FSC law No. (30) of 2005 It was publicly understood on 11/3/2018 .