

Republic of Iraq  
Federal Supreme Court  
Ref. 321 / federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 9/1/2024 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: Ali Khadhim Abid Al-Ghizi.

The Defendant: Minister of Interior/ being in this capacity.

### **The Claim**

The plaintiff claimed in his petition that the National Card Law No. (3) of 2016 had already been issued, and the objectives of the law were defined under Article (2) thereof, and among those objectives was what was included in paragraph (2<sup>nd</sup>/Jim) thereof, that one of the objectives of the law is (issuing the Iraqi national card to replace the nationality certificate document, civil status card and residence card), and Article (35/1<sup>st</sup>) of it stipulates that: (The national card is adopted by governmental and non-governmental bodies to prove the identity of its owner and identify his Iraqi nationality and be an alternative to the Iraqi nationality certificate, civil status identity and residence card...) Article (44/I) also stipulates that (the Minister shall issue a statement to be published in the Official Gazette that includes the suspension of the issuance of the Iraqi nationality certificate, the civil status card, the residence card, its records and files...) However, the residence card is still in force and issuance, therefore, this court was asked to oblige the

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defendant to cancel the issuance of the residence card, and to issue a statement to suspend its application, and not to request them by the official departments, which helps in the application of the law and facilitate administrative procedures for the citizen. The case was registered with this court No. (321/Federal/2023) and the legal fee was collected for it, and the defendant shall be informed of its petition and documents in accordance with Article (21 / first and second) of the rules of procedure of the court No. (1) for the year 2022, and for the end of the period required for the answer, a date was set for the consideration of the lawsuit without pleading in accordance with Article (21/3<sup>rd</sup>) thereof, in which the court was formed and the lawsuit began to be heard, the court scrutinized the plaintiff's requests and substantiations, and after completing its scrutinies, the end of the minutes has been made clear, and the court issued the following judgment:

**The decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff Ali Kazem Abdel Ghazi filed this lawsuit against the defendant, the Minister of Interior, being in this capacity, requesting a ruling obliging him to cancel the issuance of the residence card, and to issue a statement to suspend its application, and not to request it by the official departments, which helps in applying the law and facilitating administrative procedures for the citizen, for the reasons mentioned in the lawsuit petition. The Federal Supreme Court finds that its jurisdiction is limited by Articles (52 and 93) of the Constitution of the Republic of Iraq for the year 2005, and by Article (4) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021, and other special laws, and not among those jurisdictions what is stated in the plaintiff's requests in the petition, which makes his claim

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better to be rejected for lack of jurisdiction. Therefore, the Federal Supreme Court decided to dismiss the plaintiff's lawsuit for lack of jurisdiction and to charge him fees and expenses. The decision has been issued unanimously according to the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and Articles (4 and 5) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been edited on the session dated 25/Jamada Al-Akhira/1445 Hijri coinciding 8/January/2023 AD.

**Judge**

**Jassim Mohammed Abbood**  
**President of the Federal Supreme Court**

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