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The Federal Supreme Court has convened in 20.6.2017, headed by the Judge Medhat Al-Mahomood and the membership of the Justices Jaefar Naser Hussain , Akram Taha Mohamed , Akram Ahmed Baban , Mohamed Saeb Al-Naqshabnde , Mikaeel Shamshon Qas Qourqis , Hussain Abbass Abo Al-timen , Abood Salih Al-Temimi and Farooq Mohamed Al-Sami who are authorized to judge in the name of the people. And it issued the follow decision:

The Plaintiff: (Fa'. Alf. Fa').

The Defendants:

1. The ICR Speaker/being in this post, his agent the legal official (Ha'. Meem. Seen.).
2. The President of the Bar/in proxy, his agent the lawyer (noon. Kaf.).

### THE CLAIM:

The agent of the plaintiff claims that the Bar which is represented by the previous Bar President or the current Bar President making decisions to appointing the Delegate of law firms according to article (87) clause (4) of Lawyers Code no.(113) for year 1965/amended , that make clear violation to article (13/second) of Constitution (No law that contradicts this Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this Constitution shall be considered void.) as article (13/first) of Constitution stipulate on (This Constitution is the preeminent and supreme law in Iraq and shall be binding in all parts of Iraq without exception.) and article (2) clause (first/Ba'.) stipulate on (No law may be enacted that contradicts the principles of democracy.) , as the Delegate of law firms represent at least (1000) lawyer and according to the democracy principles a group of people can't be presented only by the elections; assigning the Delegates of law firms is like the establishment of a dictatorship. And that what happened in the Bar elections on 2016 where the Delegates of law firms were imposed by assigning them to re-elect the Bar President (the previous) .

For all the aforementioned the plaintiff request from the Court to judge in the unconstitutionally of clause (4) of article (87) of the Lawyers Code no.(173) for year 1965/amended in application of article (13/second) and (2/first – Ba'.) of Constitution.

The agent of the first defendant answered the case petition that the direct supervision is done by the Union Council on the law firms and the delegate is a connection lope not a source for decision making, also the impeached Code did not stipulate on making an elections or voting on choosing the delegates; what the plaintiff action in impeaching that Code consider a legislative intervention by requesting to amend the Lawyers Code. Therefore the case lost it legal proof and should be rejected.

The agent of the second defendant answered on the case petition that preamble of the case petition violated the general bases of directing the litigation, as the phrase mentioned was (which is represented by the previous Bar President) "or the current Bar President" when it did not mentioned the defendant clearly and that violate article (4) of Civil Proceedings Code that requires the clearly of litigation. And the Union Council is the legal represented of the general committee; one of his tasks is to choose his delegates of the law firms considering their efficiency and ethics standard, and the impeached Code was legislative according to the Constitution; therefore it can't be judged void. So the agent of the second defendant request to reject the case.

After completing the legal procedures stipulated in article two of the FSC Bylaw no.(1) for year 2005 and registering the case according to article (1) clause (third) of the mentioned Code , a day 20.6.2017 appointed as a date for the proceeding, on it the Court convened, the plaintiff himself attend (which he is a lawyer) and the agents of the first and second defendants attended, and started the public proceeding ; the plaintiff repeated what is mentioned in the case petition and requested to judge by it.

As the case is ready to be judged the Court decided to end the proceeding and the follow decision made clear.

### THE DECISION:

In the deliberation and discussion the FSC found that the plaintiff requesting to judge in the unconstitutionally of clause (4) of article (87) of the Lawyers Code no.(173) for year 1965/amended in application of

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article (13/second) and (2/first – Ba'.) of Constitution for year 2005. When the Court reviewed article (87) of the Lawyers Code it found that it is stipulate on the Union Council competences, among these competence what is mentioned in clause (4) of it which is supervision on the law firms and delegating whom were chosen by the Union Council to direct this law firms out of Baghdad, from that it become clear that appointing whom directing the law firms out of Baghdad is done directly by the Union Council, the impeached decision doesn't mentioned compelling the Union Council to return to the lawyers in the Law firms to tack their opinion in whom delegated to direct these law firms. The directing in this case means a lot of what is related to the lawyers rights so that they will have an opinion in choosing who direct the administrative affairs for the law firms according to article (2/first/4) of constitution and article (38/first) of constitution. One of these means the right to elect whom is represent the lawyers to direct there affairs out of Baghdad as application to the constitution articles aforementioned. According to that the FSC find that clause (4) of article (87) of the Lawyers contradict with article (2/first/Ba'.) and article (38/first) of Constitution, as article (13) of Constitution prohibited enacting a law that contradict with it; therefore the Court decided to judge in the unconstitutionally of clause (4) of article (87) of the Lawyers Code no.(173) for year 1965/amended and burden the first defendant the expenses and the fees. And reject the plaintiff case on the second defendant because he isn't who legislative the impeached Code and doesn't have the authority to change it and burden the plaintiff the expenses of the agent of the second defendant amount of money (100000) Iraqi Dinar.

The decision was made unanimous according to article (94) of Constitution and made clear in 20.6.2017.