

In the name of God most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 4/federal/media /2015



Kurdish text

The Federal Supreme Court (F S C) has been convened on 4.5.2015 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 Q as Georges and Hussein Abbas Abu AL-Temman who authorized in the name of the people to judge and they made the following decision:

The Plaintiffs: (heh. sin. ain. kaf.) his general agent (ain. jim. nun. kaf.).

The Defendant: Chaldean Patriarchate Babylon her patriarch (lam. sin.)
the Supreme Church Authority of Iraq.

The Claim:

The plaintiff's agent claimed in the petition, that there is a sharia Christian religious court in Baghdad under the name of (first instance court of Baghdad Unified Ecclesiastical) and linked to the defendant and has branches in other provinces, it handles the special cases (the secret of marriage) which are parties of Christians and are led by Christian clerics (priests) and have established and informed departments, letters, seals and speeches that belong to them and issue their decisions in accordance with the (set of laws of the Ecclesiastical) issued by His Holiness the Pope of the Vatican, its decisions are filed with the courts of first instance (personal resources) and according to

venue jurisdiction, these courts, which are under the authority of the Court of Cassation, are considered and scrutinized by the Court of Cassation, and there are also (25) evangelical churches in Baghdad, each led by (one priest), some of whom form ecclesiastical court alone and are reviewed by their parishioners, and that these courts issue ecclesiastical decisions, most of which lead to separation and divorce, in view of the absence of the legitimacy, legal and constitutional intimacy of these courts, the sectarian ecclesiastical and the fact that it is not part of the formations of the Higher Judicial Council and the outrageous and approved mistakes and forgery committed in its decisions, which lead to the destruction and dismantling of Christianity in Iraq and manipulated with the fates and honor peoples and the fact that its decisions are contrary to the will of Jesus Christ (Peace be upon him.), which is contained in the Bible of Matthew and Luke, which includes the prohibition of divorce in Christian law, is that ((what therefore God has joined together, don't let man tear apart)) and for these courts to commit the crime of forgery against the plaintiff, and he's badly damaged, therefore, he asked his agent to dissolve these courts, the Iraqi church operating in Baghdad and the provinces, and for the objective reasons shown below, which are: Positive reasons: **1-** A- It was mentioned in the Constitution of Iraq in Chapter Two of it (Rights and Freedoms / Chapter One / Rights) article (14) as stipulated (Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status). B- It was mentioned in the Constitution too in article (19) – 6th – of it as stipulated (Every person shall have the right to be treated with justice in judicial and administrative proceedings). C- Article stipulated (95) of the Constitution that (The establishment of special or extraordinary courts is prohibited). The reality of the situation confirms that the Iraqis are not equal before the law or the constitution, as all Iraqi Muslim brothers are subject to the authority of the (Personal Status Courts) official only, with regard to issues of marriage and

divorce, while all (Christians) Iraqis are subject to two judicial powers in this regard: The first is the authority of the courts of first instance the united church or evangelicalism churches and the second is the official (personal) courts and that all the Iraqi Church courts operating are sectarianism exceptional sectarian courts, and only for Christians, it is constitutionally prohibited and based on the text of article (95) of the constitution above, and this irregular legal and humanitarian situation exposes Christians in Iraq to great injustice and transgression, with an outrageous contradiction in justice and the proper application of the law This requires intervention and treatment in the light of the constitutional articles binding above and the approval of the dissolution of all the church courts above and to make everyone under one official judicial authority authorized only. **2-** The Iraqi personal status courts are administered by official judges who are graduates of recognized Iraqi, Arab or foreign law schools and also holders of higher degrees. After years of judicial practice, they take a long basic course at the (Judicial Institute), while the ecclesiastical courts (Iraqi priests) only finish primary school and attend religious schools to study priesthood, learn religious matters of Christianity, study the Bible and perform prayers, and prayers in funerals, feasts and other rituals of their own. All their ecclesiastical studies do not mean that they understand the official legal and legal affairs, and that most of their actions and judicial decisions are characterized by temperament, sectarianism and individual personal relationships that are far from justice and truth. **3-** Christian priests/ being in their capacity practice them in ecclesiastical courts and they're not full-time to the work of the courts, such as the judges of the official courts in The Iraqi states and the priests practice it for the sake of luxury and joy. **4-** In terms of association, the ecclesiastical courts are linked to the Chaldean Patriarchate in all respects, including priests and religious leaders, who's less than their modest legitimacy and legal experience is what their fellow priests of the ecclesiastical courts do. While the courts

of articles and personal status are linked to the presidencies of the federal appeals courts in Al-Karkh and Al-Rasafa for Baghdad and the presidencies of the appeals in our other provinces, all of which are linked to the Federal Court of Cassation and the Higher Judicial Council, Which includes commanders, scholars, and leaders of the Iraqi judiciary, who are internationally recognized for their experience, integrity and professionalism in legal affairs and holders of higher legal certificates. **5-** Iraqi law requires anyone who attends the judicial institute and graduates and works as a judge in Iraqi courts to be (married) because marriage gives him the experience and stability that leads him to make fair decisions. While the (priests) in the ecclesiastical courts are also known as (single) and unmarried, they lose the first and most honest experience in learning the secrets of married life and the proper ways known and that most of the experiences of these priests in this field are hearing and external accumulated and confused and incomplete and away from the framework of the sanctity of marriage. **6-** The continuation of the work of the Iraqi ecclesiastical courts above all There is a dedication to abhorrent (sectarianism) that all honest Iraqis decided to confront and break free from and that their existence gives an unnecessary inferior look towards the Christian brothers partners in the country through the domination and overcome of the ecclesiastical men on their own fates and marital secrets. **7-** The continued existence and work of the ecclesiastical courts above encourages adultery, collapse, vandalism, social, family and moral disintegration, and through the acquisition of one of the opposing spouses to the wrong and unjust ecclesiastical decisions and in the wrong ways and to achieve religious ends, this is not in line with the morality of the judiciary, the venerable Iraqi and the religion of the Islamic state. **8-** The existence of the above ecclesiastical courts constitutes a breach and disorder with clear violations affecting the prestige, authority and performance of the respected Iraqi judiciary. **9-** The priest the chief and members of the

(first instance court of Baghdad Unified Church) and in conjunction with leaders and symbols (Chaldean Patriarchate of Babylon) in the hands of the false ecclesiastical decision in absentia (904) on 7/8/2003 against the plaintiff, whose marriage is invalid. To achieve sordid goals against him with the aims and purposes of his Chaldean wife (alif. alif. alif.), who fled after it was revealed that she was ordered to commit fraud with them, the Iraqi judiciary has revealed their falsification, recklessness, the shame of their work and their crime of honor against the plaintiff and the case (22/articles/2003 on 31/1/2007) with the court of articles and personal in Baghdad Al – jadida which was a privileged decision and in favor of his client (for the benefit of the plaintiff) in 2003, the forged priests had already squandered the right of the legitimate plaintiff to appeal, cassation and retrial retry the fraudulent ecclesiastical decision against him, which cost him the right of the valid court's law. **10-** The fraudulent church decision Issued against the plaintiff by the group of priests and bishops of the Chaldeans forged and for the benefit of the Chaldean wife and it came in violation of the rules of the sharia (Syriac sect) of the plaintiff, which allows for physical separation only with the remaining marital documents, This is not considered a final divorce at all, and this matter, with its details and the above decisions, is all linked to the case file. **11-** The Chaldean Ecclesiastical Court and Patriarchate practiced above the highest degree of arbitrariness and substitution to pass their crime (forgery) to the Iraqi courts and judiciary, claiming before them that their decisions are decisively, final and obligating on them and that their association with the Vatican only, according to several letters linked to this case, they also mediated and called on the American invaders and others to cover up their heinous crime , with holding the file of the ecclesiastical (577) in their possession and committing the above forgery for many years... They also insulted respected Ph.D. Judge (beh. mim. ra.), who has judicially challenged their fraud and public abuse of the esteemed

judiciary. **12-** The plaintiff filed a criminal case against all the forgers priests and bishops and the false ecclesiastical decision above All the forged priests interested in the judiciary and before Judge Mr. (The Court of Inquiry of The Resafa) have acknowledged that their courts are informal and that their decisions and judicial processes are normal and that this is cassation. This ecclesiastical reality reflects the magnitude of the tragedy and injustice that Christians have been living in Iraq for decades and until now, these unofficial ecclesiastical bodies have tampered with their fates and honor people. **13-** The three presidencies in Iraq thanked the support and support of the respected Iraqi judiciary in order to achieve justice in this case and to confront the forgeries . **14-** The forgery, injustice, tyranny, and widespread and direct harm inflicted by the President and members of the Chaldean Ecclesiastical Court and the Patriarchate against the plaintiff by issuing the false decision with the constant hostility against him to the grave and great harm suffered by him, which he continues to suffer from. **15-** The Committee on Human Rights, the Committee of Martyrs, Victims and Political Prisoners, the Parliamentary Integrity Committee have kindly approached the Esteemed Higher Judicial Council to inquire about the officially and association of the ecclesiastical courts above. The Council answered them by letters (281/office/2012) on 20/3/2012, (389/ain qaf/2013) on 20/10/2013 and (417/ain qaf/2013) on 27/10/2013 including the fact that these ecclesiastical courts are not among the court formations of the Higher Judicial Council which is stipulated in Article (11) of the Judicial Regulation Law No. (160) of 1979, and after registering the case with the FSC in accordance with paragraph (3rd) of article (1) of its Bylaw No. (1) of 2005, completion of the procedures required in article (2), paragraph (2nd) of the aforementioned system. On 4/5/2015, a date was set for the hearing of the case, in which the court was formed, the plaintiff attended and apologized for the presence of his agent (ain. jim. nun. kaf.) and did not attend the defendant despite the

notification and decided to conduct the argument, and since the case is valid for judgment, he decided to proceed. The court examined the petition and its documents and the plaintiff added that he requests the ruling to dissolve the ecclesiastical courts in accordance with the petition and where there is nothing left to say the end of argument has been made clearly, the decision had made clear public.

The Decision:

After scrutiny and deliberation by the FSC found that the plaintiff claims in his petition that there is a Shariah Christian religious court in Baghdad under the name (first instance court of Baghdad Unified Ecclesiastical) and is linked to the defendant and has branches in other provinces It handles the cases of the secret of marriage, which are Christian and led by Christian clerics (priests) It has established and informed departments, letters, seals and speeches that belong to them and issue their decisions in accordance with the (set of ecclesiastical laws) issued by His Holiness the Pope of the Vatican and that its decisions are filed with the first instance court (personal articles) and in accordance with venue jurisdiction, where they are subject to scrutiny by these courts, which are under the authority of the Court of Cassation. Baghdad also has (25) evangelical churches, each led by (one priest), some of whom form a church on its own and review his parishioners and that these courts issue church decisions most of which lead to separation and divorce. The plaintiff goes that the absence of legitimacy, legality and constitutionality of these sectarian ecclesiastical courts and the fact that they are not among the formations of the Higher Judicial Council and the outrageous and deliberate mistakes and forgery committed in its decisions, which lead to the destruction and dismantling of Christianity in Iraq and tampering with the fates and honor of the people. The fact that her decisions are contrary to the will of Jesus Chris (Peace be upon him) in the Gospel of Matthew and Luke which includes the prohibition of divorce in the Christian law as a (what therefore God has joined together,

don't let man tear apart). Accordingly, the agent of the plaintiff claim in his petition is one of the reasons for the latest request to dissolve the Iraqi ecclesiastical courts operating in Baghdad and other provinces (the subject of this case). The FSC finds that the ecclesiastical courts challenged by their illegality for the reasons in the petition and to be sentenced to be dissolved, were established in accordance with the jurisprudential rules and rules and the set of ecclesiastical laws of each recognized Christian community in Iraq. In accordance with the system of care of religious communities No. (32) of 1981 in order to resolve disputes between their nationals in matters (marriage, separation and nullity of marriage). Whereas the FSC's jurisdiction of reference are determined to article (4) of its Law No. (30) of 2005 and article (93) of the Constitution of the Republic of Iraq in 2005, it does not include the jurisdiction to dissolve the ecclesiastical courts (the subject of this case). The FSC decided to reject the case from the jurisdiction and to charge the plaintiff expenses and fees and the decision was decisively on the provisions of article (94) of the Constitution and article (5/2nd) of the FSC's Law No. (30) of 2005 with unanimously, the decision had made clear public on 4/5/2015.