

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.53 /federal/media/2019



Kurdish text

The Federal Supreme Court has been convened on 9/6/2019 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-Nagshabndi, Abood Salih AL-Tememi, 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 appellant: Bassam Mohammed Taqi- his agent the barrister Mohammed Ibraheem Al-Ameed

The appellant against:

- 1.ICR speaker/being in this capacity.
2. The decision of the personal status court in AL-Kadhimiya that issued on (4/3/2019) in the case No.(432/Shin/2019).

The Cassation Body:

The barrister Mohammed Ibraheem Alameed agent of the plaintiff (Bassam Mohammed Taqi) has submitted in AL-Sharia case No.(432/Shin/2019) that established before the personal status court in AL-Kadhimiya, an entitled case to FSC via the personal status court in AL-Kadhimiya against the defendant the ICR speaker being in this capacity, the plaintiff challenges the Law No.(188) for 1959 by its unconstitutionality, the legal fees had been collected on (3/3/2019) , and the personal status court in AL-Kadhimiya noticed that in the session that dated on (4/3/2019) and decided to send a ratified copy of the case file with the submitted case of challenging the law

Federal Supreme Court - Iraq - Baghdad

radhaa

Tel – 009647706770419

E-mail: federalcourt_iraq@yahoo.com

Po.box55566

by its unconstitutionality to the FSC to try it according to the competence and because discontent of the plaintiff's agent by the mentioned decision he challenged it appealingly in his draft that dated on (13/3/2019). The federal cassation court of Baghdad/AL-Karkh issued on (24/3/2019) and in No.(51/personal/2019) a decision of submission the cassation case petition with the case file to the federal cassation court to try it according to the qualitative competence and to notify the personal status court in AL-Kadhimiya by that, and the federal cassation court had decided according to its decision No.(133/civil extended body/2019) on (17/4/2019) to submit the appeal petition and the case file to this court to try it according to its competence and to notify the federal appeal court of Baghdad/ AL-Karkh by this. When the challenge had been listed the FSC put the appealing challenge subject under scrutiny and deliberation and it reached the following decision:-

The Decision:

During the scrutiny and deliberation from the FSC, the court found that the decision of the personal status court in AL-Kadhimiya that dated on (4/3/2019) of sending the appeal petition which submitted by the agent of the appellant in Al-Sharia case No.(432/Shin/2019), the plaintiff challenges in it the unconstitutionality of the Law No.(188) for 1959 and entitled to the FSC, via it, The decision is a preparatory decision that is not subject to challenge appealingly according to the article (216/2) from the law of the civil argument No.(83) for 1969 (amended) and the article (4) from the FSC bylaw No.(1) for 2005. So the FSC decided to reject the appealing challenge and to burden the appellant the appeal fees. The decision had issued decisively, unanimously according to the article (94) from the Constitution and the article (5/2nd) from the FSC law No.(30) for 2005, and to return back the AL-Sharia case file No.(432/Shin/2019) to its court on 9/6/2019.