

In the name of God most Gracious most Merciful

Republic of Iraq
Federal supreme court
Ref.58/federal/media /2013



Kurdish text

The Federal Supreme Court (F S C) has been convened on 28. 8. 2013 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 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 Request:

The President of the Basra Labor Court requested under the letter No. (3235) on 2/6/2013 ruling on the unconstitutionality of article (120/2nd) from the valid labor law concerning the authority of the Minister of Labor and Social Affairs or who authorizes him, according to the report of the inspection committee, it is decided to refer the employer whose project has been registered as a violation to the competent labor court in accordance with the provisions of the law, this authority violates article (87) of the Constitution, which stipulates that " The judicial power is independent. The courts, in their various types and levels, shall assume this power and issue decisions in accordance with the law". The application was put under appeal by the FSC at its session on 28/8/2013 and reached the following:

The Decision:

After scrutiny and deliberation by the FSC found that the request made by the President of the Basra Labor Court to rule on the unconstitutionality of article (120/2nd) of the applicable labor law was not based on a pending case before the Basra Labor Court and was not based on the payment of one of the litigants during the hearing of a case before the court above, since such an appeal, as it is presented, is the subject of a lawsuit before the FSC, he decided to reject the application and notify the Basra Labor Court to observe this, and the decision was unanimous 28/8/2013.