

(Translated From Arabic)

In The Name Of God The Most Gracious, Most Merciful

Republic Of Iraq

Federal Supreme Court (Emblem)

(Kurdish Text)

Ref: 63/Federal/Media/2017

The Federal Supreme Court has convened in 18.9.2017, 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 , Farooq Mohamed Al-Sami , Mohamed Qasem Al_Janabi and Abood Saleh Al_Temime who are authorized to judge in the name of the people. And it issued the follow decision:

The Plaintiff: Salah Al_Deen Governor/ being in his post his agent the legal consulter (Noon. Alf. Noon.) .

The Defendant: The Prime Minister/ being in his post his agent the legal consulter (Ha'. Alf.) .

THE CLAIM:

The agent of the plaintiff claims that the defendant issued it decision no.(141) on 18.5.2016 to postpone the authorities transfer from the Ministries to the governorates

Federal Appeals Court issued it decision no.(2043/2044/3099/Appeals Commission/2016) on 13.1.2016 that judge the invalidity of the previous Karkuk Governor in withdrawing the real estate's that covered by this the two decisions (994) for year 1985 and (94) for year 1987 and his authorities restricted in decision (42) for year 1986. As the two Appeal decisions was unfair to the plaintiff and violating the Law, the two unfair decisions applied on the plaintiff in Karkuk Appeal Court in it decision no.(113/Seen/repealed/2016).

According to the aforementioned the plaintiff lead the impeaching in the two decisions for the reasons mentioned in the case petition.

After registering the case a date for proceeding dated and the two parties informed; the agent of the plaintiff attended and the agent of the defendant didn't beside that he was informed. The agent of the plaintiff repeated his saying and requests and request to judge by the case petition,

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whereas the agent of the defendant didn't attend beside he was informed the Court decided to proceed with his absent according to article (11) of FSC Bylaw no.(1) for year 2005.

As there was nothing left to say, the follow decision made clear.

THE DECISION:

In the deliberation and discussion the FSC found that the plaintiff impeaching in the unconstitutionality of the two appeal decisions no.(2043/2044/3099/Appeals Commission/2016) issued on 13.1.2016 and Karkuk Appeal Court decision no.(113/Seen/repealed/2016). And the invalidity of the previous Karkuk Governor in withdrawing the real estate's that covered by this the two decisions (994) for year 1985 and (94) for year 1987 and his authorities restricted in decision (42) for year 1986. When reviewing the competences of the FSC stipulated in article (4) of FSC Code no.(30) for year 2005 and article (93) of the Constitution for year 2005 , it was found that the FSC has no competence in supervision the judicial decisions and judgments issued by the Iraqi Courts or amend these decisions or cancel it. Therefore the case lost it legal proof and the FSC decided to reject the case for it is out of the court competence and burden the plaintiff the expenses and the fees of the case. The decision was made unanimous according to article (94) of the Iraqi Constitution and made clear in 5.6.2017.