



The Federal Supreme Court (F S C) has been convened on 3/6/2018 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-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:

Plaintiff / (ra. jim. Jim. mim) Head of The Divn of Endowment of Christian and Yezidi Religions and Sabeen Mandaean Agency/ being in this capacity his Deputy General Director of Human Rights (alif. waw. kaf.) .

Defendant/ 1-Prime Minister/ being in this capacity his deputy assistant legal advisor (ha. sad.).

2- Speaker of the House of Representatives/ being in this capacity his two human rights officers director (sin. ta. yeh) and the Assistant Legal Counsel (heh. mim. sin).

3- Minister of Finance / being in this capacity his agent is a human rights officer (sin. alif. kaf.)

Claim:

The agent of the plaintiff claimed that the House of Representatives issued Federal Budget Law No. (9) of 2018, the law contains violations of some articles of the constitution and the unfairness against The Divn. Accordingly, the plaintiff challenged two aspects: expenditure and grades, with regard to expenses, the plaintiff believes that the allocations of The Divn contained in the law of the provisions came very little

compared to the allocations made to the Sunni Waqf and the Shiite Waqf bureau, there is an unfair distribution of funds. As for the grades, the plaintiff believes that there is a large disparity in the provision of the suspension (plaintiff) and what was allocated to the Sunni and Shiite suspension of degrees of functionality this is unfair, the small number allocated to them is not commensurate with the functions of The Divn and the work it carries out , In addition, the budget law guarantees the suspension of appointments and the deletion of grades within the personal items when a vacancy is due to dismissal or assignment to retirement, resignation or death. In the light of the above, the appeal brought by the plaintiff is based on: 1- Increase the allocations for the amounts of expenses and justice to be distributed among the ministries and independent bodies for the year 2018 and subsequent years. 2- Increase the number of manpower with the provision of financial allocations for the newly created degrees of The Divn and justice to be distributed between the ministries and independent bodies for the year 2018 and subsequent years. On the appointed day of the hearing, the agent of the plaintiff was present and the defendant's agents the first and the second, the third defendant's agent attended, the plaintiff's agent repeated his requests to judgment according to the petition. The defendants' agents repeated their statements and previous requests, as was the case with their regulations they requested to reject the case for the reasons given by the regulations submitted by them and after the completion of the court for its actions and view of the regulations exchanged and repeated parties to the case of our complaints and requests before it and where nothing is said and understood the conclusion of the pleading and understood the ruling publicly.

The Decision :

For scrutiny and deliberated by FSC found that the plaintiff / being in this capacity challenges some articles of the Federal Budget Law No. (9) of 2018 determine of article (2) of Chapter (1st/2), which relates to the allocation of expenses to the O The Divn ffice of Endowments of Christian, Yezidi, Sabeian and Mandaean Religions with The Divn of the

Inspector-General, the plaintiff / being in this capacity believes this amount is estimated at six billion six hundred and thirty-one million eight hundred and sixty-six thousand dinars, which is very small compared to the appropriations of the Sunni and Shiite Waqf and there is an unfair distribution of amounts, the plaintiff also challenges article (11/1st) of the Budget Law, which set the number of the labor force of the Divn to 429 employees only, a very small number of the employees of Divn and the Sunni and Shiite Waqf accordingly, it sets out its requests: 1- increase allocations of expenditure amounts to the Bureau and to achieve justice in the distribution between the ministries and independent bodies for the year 2018 and subsequent years. 2- Increase the number of manpower with the allocation of financial allocations to the newly created degrees of The Divn and to achieve justice in the distribution between the ministries and independent bodies for the year 2018 and subsequent years. From the investigation of the case from the FSC, we find that its terms of reference are defined in Article (93) of the Constitution of the Republic of Iraq for the year 2005 and Article (4) of the FSC Law No. (30) of 2005 not including the plaintiff / being in this capacity requests. Therefore, the FSC is not competent to hear the case, this is for the second defendant Speaker of the House of Representatives / being in this capacity, as for the defendants, the first prime minister/ being in this capacity and the third minister of finance/ being in this capacity the FSC, by reference to article (4) of Civil Procedure Law No. (83) of 1969, stipulates that: (The defendant shall be subject to a deduction resulting from the approval of a judgment with the assessment of the approval of him and be sentenced or bound by something to assess the case), since the defendants above are not competent to legislate the laws and the appeal is based on the budget law, the dispute is not directed for them and the suit is required to respond for them. The FSC decided to reject the plaintiff's claim from the jurisdiction of the second defendant, the Speaker of the House of Representatives, and responded by the rivalry for the defendants the first prime minister/ being in this capacity and the third minister of finance / being in this capacity and the plaintiff to charge the costs and fees lawyers defendants agents amount of one

hundred thousand dinars divided among them according to the law.
article (94) of the Constitution and article (5) of the FSC Law of
3/6/2018.