

IN THE NAME OF GOD, MOST GRACIOUS, MOST MERCIFUL

Republic of Iraq
Federal Supreme Court
Ref. 69/federal/media/2015



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 13/7/2015 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abu Al-Temmen who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: (alif.ain.mim.nun.).

The Defendant: the speaker of the council of representative/ being in this post.

The Claim:

The agent of the plaintiff claimed before the court of the administrative judiciary in the case No.687/qaf/2015 that the Iraqi council of representative (I.C.R.) has decided in the date 28/5/2015 to dismiss his client from his post –as (Governor)- of Nynawa governorate, were as the I.C.R. decision has violated the law he requested in his case petition before the administrative judicial court to rule by repealing, revoking and rescission the decision of his client dismissal from his post and to burden him/ being in this post the expenses and the advocacy fees, in the session dated on

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6/7/2015 the court decided to refer the case to the F.S.C. by majority to consider it according to its jurisdictions, the date 13/7/2015 was scheduled for argument before this court, the agents of the parties was informed by the date of the argument, the case submitted to the F.S.C. by the letter of the administrative judicial court No.687/qaf/2015 on 7/7/2015, and was registered by the number 69/federal/2015, the decision of the referral was set under scrutiny and deliberation and the court issued the following decision:

The Decision

During scrutiny and deliberation by the F.S.C., the court found that the administrative judicial court on the argument session dated on 6/7/2015 decided to refer the case No.687/qaf/2015 to this court by majority to consider it under the claim that it lack the jurisdiction to consider it and the F.S.C. is the competent party to consider it, because the dispute the subject of the case is between central government and local government therefore the case is within the jurisdiction of the F.S.C. according to its jurisdiction that are stipulated in article (93/4th) of the Iraqi republic constitution for 2005. The F.S.C. found that the case was filled by the plaintiff (alif.ain.nun.)/ being in this post against the speaker of the I.C.R./ being in this post without noticing that article (2) of the law No.(15) for 2015 first amendment to the law of the governorate unassociated into a reign No.(21) for 2008 has repealed paragraphs (4 and 5) of clause (8th) of article (7) of the same law and was replaced with the following: fourth (the Governor could challenge the decision of dismissal before the court of administrative judicial within fifteen

days from the day that he was informed...etc.) accordingly the referral of the challenge to the F.S.C. was contradict to the provision of the mentioned law text. Therefore the referral of the case to this court was wrong to appraise and violated the mentioned law text. Accordingly the court decided to return the case to the court of administrative judicial to decide what it see consistent about the case. The decision has been issued decisively and unanimously on 13/7/2015.