



The Federal Supreme Court (F.S.C.) convened on 2.11.2021 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haidar Jaber Abed, Haider Ali Noory, Khalaf Ahmad Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali, who are authorized to judge in the name of the people, they made the following decision:

The plaintiffs:

1. Faiza Ahmed Nowruz.
2. Aram Imran Khan Muhammed.
3. Akram Muhammad Ali.
4. Sardar Muhammad Ali Farag.
5. Ghaleb Ghafoor Musa.
6. Bahia Karim Bawa Murad.
7. Ali Mohamed Adel.

Their agent is the lawyer Amin Bakr Mohammed.

The defendants:

- 1- Federal Prime Minister/in addition to his position/deputy, Legal Adviser Haider Al-Sufi.
- 2- Minister of Finance of Kurdistan Regional Government of Iraq / in addition to his post / his agent, the legal employee, Dallaor Rajab Hussein.

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The claim:

The plaintiffs claimed, through their attorney, that they were employees of the departments of the Kurdistan Regional Government and that they had been unfairly affected by the application of the Federal Budget Law and were deprived of their salaries. Whereas, the Budget Law for the year 2019 published in the Official Gazette issue No. (4529) on 11/2/2019 is stipulated in Article (tenth/ c) on (the federal government is obligated to pay the dues of the Kurdistan region, including the compensation of the region's employees, and the amount of damage will be deducted from the region's share if it does not deliver the share of oil specified in item (A)). The regional governorate in accordance with its constitutional duties, should have to pay the wage of its employees in return for their work and services in public institutions, and since the Minister of Finance had stated during a press conference that the specified amounts would be delivered to the regional government, however, the regional government paid the salaries of four months out of a total of seven months, and after they demanded the rest, the regional government announced that the funds allocated under Article (ten/c) above is not sufficient to cover the salaries of all the region's employees, and they blamed the federal government and attributed the reason to it, while the region's employees were denied in the previous years, from half to a quarter of their dues, which led to the spread of poverty and the increase in family problems. The application of the federal law and the procedures of the regional government led to the lack of equality

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between the employees of the region with their peers in Iraqi institutions outside the region, which violates the constitution in Articles (14, 15 and 16) of it, which stated the principles of (equality between Iraqis, the right to life, security, freedom, and equal opportunities are enshrined), and that the defendants are obligated to provide proper income for citizens under Article (30/first) of the Constitution, which stipulated (the state shall provide appropriate income....) and that this deprivation of salaries violates Article (46) of the Constitution, which states: (restricting or limiting the exercise of any of the rights and freedoms stipulated in this Constitution shall only be by a law or based on it, provided that such limitation and restriction does not affect the essence of the right or freedom.), For all of the above, the plaintiffs requested from the Federal Supreme Court (the ruling to obligate the Federal Prime Minister/ in addition to his position to take the necessary action to ensure that their salaries arrive in accordance with Article (10 / c) of the Budget Law, and the ruling obligating the regional government to pay their salaries similar to their peers in the governorates that are not organized in a region and address the unconstitutional effects resulting from the application of the budget law). After registering the case with this court and collecting the legal fee for it based on Article (1/Third) of the Federal Supreme Court's internal system No. (1) of 2005, the defendants shall be notified of the lawsuit petition and its documents, based on Article (2/First) of the aforementioned internal system. The first defendant in the answer list dated 25/8/2019 that the consideration

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and adjudication of the dispute between the federal government and individuals falls outside the jurisdiction of the esteemed court stated in Article (93/Third) of the Constitution and Article (4/First) of its Law No. (30) of 2005 and the plaintiffs' claim has no basis in the constitution, because his client exercised his duties and responsibilities in accordance with Article (80/Third) of the Constitution, and in implementation of Article (10/Second/C) of the Budget Law, he paid the region's employees' compensation to the Kurdistan government according to the approved exchange contexts, and he replied The third defendant is the Minister of Finance of the Kurdistan Regional Government / in addition to his post with a reply list that included that the amounts funded by the Federal Ministry of Finance to cover the salaries of employees of the Kurdistan Regional Government of Iraq for the period from (1/1/2019) to (23/7/2019) are seven payments under the books p Management from the Ministry of Finance in the Federal Government No. (958 on 01/15/2019), (3320 on 3/13/2019), (5416 on 3/11/2019), (8751 on 04/17/2019) and (10990 on 14/5/2019), (13264 on 16/6/2019) and (16350 on 23/7/2019), and the total of these payments is (3,172,100,930,000) three trillion, one hundred and seventy-two billion, one hundred million nine hundred and thirty thousand dinars. And the amounts sent from the Federal Ministry of Finance were not sufficient to cover salaries, but were supplemented by the local revenues of the region, and the Ministry of Finance and Economy of the Kurdistan Regional Government of Iraq at the beginning of 2019 paid (seven)

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Salaries for the employees of the Kurdistan Region of Iraq every (30) days until the date (7/28/2019), i.e. approximately (5,881,429,339,000) five trillion, eight hundred and eighty-one billion, four hundred and twenty-nine million, three hundred and thirty-nine thousand dinars, and as for the late salaries, it goes back to (3) Three months of 2018, whose payment was postponed at the time due to the suspension of funding (salary benefits for the region's employees) by the Ministry of Finance in the federal government, and that the Ministry of Finance and Economy of the Kurdistan Region of Iraq is fully prepared to pay the salaries of the employees of the Kurdistan Region of Iraq, depending on its funding from The Ministry of Finance in the Federal Government, based on the applicable Federal Budget Law, and the reasons for the request for dismissal of the case. The second defendant replied, the Prime Minister of the Kurdistan Region, in addition to his post, with an answer sheet in which he requested that the case be dismissed for the same reasons mentioned in the list of the third defendant (KRG Finance Minister / in addition to his post), and added that the Federal Ministry of Finance had submitted the request of the Kurdistan Regional Government of Iraq regarding the payment of The salary entitlements of the region's employees for the three months mentioned through a memorandum to the Federal Prime Minister as mentioned in item (Seventh) thereof (but given that the federal government has not paid those entitlements so far, the payment of salaries of employees in the region for the three months has been

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delayed). The Ministry of Finance and Economy in the region is fully prepared to pay the salaries of the three months if it is funded for this purpose. After completing the required procedures in accordance with the provisions of the aforementioned Federal Supreme Court bylaws, the court set a date for pleading and notifying the parties of it, based on Article (2/Second) of the aforementioned system, and on the appointed day the court was formed. The Federal Council of Ministers/ In addition to his post as his deputy, Legal Counsel Haider Ali Jaber, and the Minister of Finance of the Kurdistan Regional Government attended on behalf of the third defendant, in addition to his post, the legal employee, Dawar Rajab Hussein. Considering the case to another date, in which the court was formed as before. The plaintiff's attorney repeated the petition of the case and requested a ruling accordingly. He also requested the nullification of the petition against the second defendant, the Prime Minister of the Kurdistan Regional Government / in addition to his post, and based on Article (88) of the Civil Procedures Law No. (83)) of 1969, as amended, the court decided to nullify the petition for the second defendant, the Prime Minister of the Government of the Kurdistan in addition to his post. The first defendant's representative responded to the Federal Prime Minister in addition to his post, requesting that the case be dismissed for the reasons stated in his answer list dated 25/8/2019. The third defendant's representative also answered the Minister of Finance of the Kurdistan Regional Government in addition to his post, requesting that the case be dismissed on behalf of his client for

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the reasons stated in his list submitted in response to The petition of the case, and since there is nothing left to be said, it decided the conclusion of the pleading, and 2/11/2021 was set as the date for the issuance of the decision, in which the court was formed and issued the decision of the following judgment in public.

The decision:

Upon auditing, deliberating, and reviewing the plaintiffs' lawsuit and the summary of their requests, it was noted that the plaintiffs are employees of the departments affiliated with the Kurdistan Regional Government and that they were harmed because they were denied payment of some of their salaries for the year 2019 despite the fact that the budget law published in the Iraqi Gazette No. 4529 on 11/2/2019 stipulates in Article (The tenth / c) of it (the federal government is obligated to pay the dues of the Kurdistan region, including the compensation of the region's employees, and the amount of damage will be deducted from the region's share in the event that it does not deliver the specified share of oil in item (A)), and after informing the two defendants (the first is the Federal Prime Minister in addition to for his position and the second Minister of Finance of the Kurdistan Regional Government of Iraq in addition to his post) Second / c) of Law No. (1) of the Federal General Budget of the Republic of Iraq for the fiscal year 2019 and pay compensation to the employees of the region according to the approved contexts for disbursement, and that the defect in the performance of h Kurdistan

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Region's pile of not paying the plaintiffs' salaries makes it responsible before the Council of Representatives according to what was drawn up by Article (61/second) of the constitution, and that his client is not competent to do so, and the litigation towards him is not directed. 2019 to the Kurdistan Regional Government, which is the number 958 on 15/1/2019, 3320 on 13/2/2019, 5416 on 11/3/2019, 8751 on 17/4/2019, 10990 on 14/5/2019, and 13264 on 16/6/2019, And 16350 on 23/7/2019. As for the second defendant's deputy, the Minister of Finance of the Kurdistan Regional Government, in addition to his post, he acknowledged receiving the salaries sent to the regional government from the Federal Ministry of Finance and that the unpaid salaries dating back to three months of 2018, and through requests and mutual defenses For the parties to the case, this court finds that the Federal Ministry of Finance has fulfilled its obligations stipulated in Article (10/second/c) of Law No. (1) the federal general budget of the Republic of Iraq for the fiscal year 2019 and has sent the amounts allocated for compensation to employees of the region to the regional government and this is what was acknowledged pain agent The third was called upon by the Minister of Finance of the Kurdistan Regional Government / in addition to his post. As for the issue that the three months that have not been paid date back to 2018, according to what was mentioned in the list of the deputy of the second plaintiff, the Minister of Finance of the Kurdistan Regional Government, this payment is not productive and is not related to this lawsuit as the salaries claimed It is for the

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months that go back to 2019, so the case against the first defendant, the Prime Minister of the Federal Council / in addition to his post, has no basis in the constitution or the law, and it deserves a response towards him. As for the plaintiffs' case against the second defendant, the Minister of Finance of the regional government, for not paying some of the plaintiffs' salaries for the year 2019, this case, and assuming it is proven, does not fall under the jurisdiction of this court, because the jurisdiction of the court under Article (93/Third) of the Constitution of the Republic of Iraq for the year 2005, on which the plaintiffs relied in their case and according to the clarification of their representative in the minutes of the 29/9/2021 session, prevails over Issues that arise from the application of federal laws, decisions, regulations, instructions and procedures issued by the federal authority and not the procedures taken by the regional government or governments The local authorities, which are the subject matter of this case, especially since the region, according to Article (121) of the Constitution, paragraph (first), includes the legislative, executive and judicial powers, with the exception of the exclusive powers of the federal authorities. This court finds that it is not competent to hear the case regarding the second defendant, the Minister of Finance of the Kurdistan Regional Government, in addition to his post. Sardar Muhammad Ali Faraj, Ghaleb Ghafoor Musa, Bahiya Karim Bawa Murad, and Ali Muhammad Adel against the first defendant, the Prime Minister of the Federal Council, in addition to his post because it is devoid of constitutional and legal support. Considering the

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subject matter of the case in relation to it and charging the plaintiffs with judicial expenses and attorney fees for the first defendant's attorney, in addition to a post-Legal Counsel Haider Al-Sufi, as well as the deputy of the second defendant, the Minister of Finance of the Kurdistan Regional Government, in addition to his post as a legal employee, Dolor Rajab Hussein, an amount of one hundred thousand dinars, distributed between them according to the legal ratios, and the agreement was issued a final and binding judgment for all authorities based on Articles (93/Third and 94) of the Constitution Republic of Iraq for the year 2005 and Articles (4) and (5) of the Federal Supreme Court Law No. (30) for the year 2005 as amended by Law No. (25) for the year 2021 and publicly understood on (26 Rabi' Al-Awwal /1443 AH) corresponding to 2/11/2021 AD.

Signature of
The president

**Jasem Mohammad
Abbood**

Signature of
The member

**Sameer Abbas
Mohammed**

Signature of
The member

**Ghaleb Amer
Shnain**

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Signature of
The member

Signature of
The member

Signature of
The member

Haidar Jaber Abed

Haider Ali Noory

Khalaf Ahmad Rajab

Signature of
The member

Signature of
The member

Signature of
The member

Ayoub Abbas Salih

**Abdul Rahman
Suleiman Ali**

**Diyar Muhammad
Ali**

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