

IN THE NAME OF GOD, MOST GRACIOUS, MOST MERCIFUL

Republic of Iraq
Federal Supreme Court
Ref. 74/federal/media/2015



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 17/11/2015 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: Chairman of the Integrity Commission/ being in this post -his agent the legal official (ha.ain.ain).

The Defendant: the Speaker of the council of representative/ being in this post -his agents the legal officials (Sin.Ta. Yeh.) and (Heh.Mim.Sin.).

The Claim:

The agent of the plaintiff claimed in the case no.(74/federal/2015) that the National Accountability and Justice Commission law no.(10) for 2008 has already been legislated, and stipulated in

Federal Supreme Court - Iraq - Baghdad
Tel – 009647706770419
E-mail: federalcourt_iraq@yahoo.com
Mailbox- 55566

Atchraa

chapter four (the procedures) in article (6) paragraph (9) ((referring all those who did not included by the law of service and retirement to work in the State departments except (the three presidential bodies), the Judicial Council, the ministries, security and foreign agencies)), the I.C.R when enacted the law should have included the Integrity Commission of what mentioned above from exclusion, as the work of the Integrity Commission is monitoring work that is not less important than the work of the listed bodies in the article, especially that the monitoring work conducted by the Integrity Commission include information and a prominent role in the fight against corruption and spoilers, which requires the Commission to be among the excluded, in addition, its work include all ministries and state institutions, which makes its sensitive status the same level of seriousness of the bodies that the law prohibits work in for those who include by its provisions, he finally requested to judge to obliged the speaker of I.C.R./ being in this post to amend the text of article (6) paragraph (9) to include the Integrity Commission within the mentioned exclusion, and to burden the "plaintiff" (as stated in the case petition)/ being in this post the expenses and fees. After registering the case before this court according to paragraph (3rd) article (1) of the F.S.C. Bylaw and completing the required procedures, the date 17/11/2015 was scheduled for the argument, the F.S.C. listened to their statements, as the F.S.C. has completed its investigations the argument is closed and issued the following decision.

The Decision

During scrutiny and deliberation by the F.S.C., the court found that the plaintiff has filed the case no.(74/federal/2015) requesting to judge to obliged the speaker of I.C.R./ being in this post to amend article (6) paragraph (9) of the National Accountability and Justice Commission law no.(10) for 2008 to include the Integrity Commission within the exclusion stated in it, as the work of the Integrity Commission is important monitoring work that is not less important than the work of the listed bodies in the article that stipulated the following ((referring all those who did not included by the law of service and retirement to work in the State departments except the three presidential bodies, the Judicial Council, the ministries, security and foreign agencies)), when referring to the stipulated jurisdictions of the F.S.C. in article (4) of its law no.(30) for 2005, and article (93) of the Iraqi republic constitution, we found that it didn't include the jurisdiction to amend laws that are legislated by the I.C.R. (the subject of the case) unless it contain constitutional violation, what was listed in the text the subject of the case is an legislative option to the I.C.R according to its legislative jurisdictions, the plaintiff could request the executive authority (the president of the republic or the council of ministers) to submit law bill to the I.C.R. contain the required amend with its causes as stipulated in article (60/1st) of the constitution, therefore the case lack it legal substantiation from the point of jurisdiction. Accordingly the court decided to reject the case, and to burden him the expenses and advocacy fees for the agent of the plaintiff amount of one hundred thousand Iraqi dinars. The decision has been issued unanimously on 17/11/2015.