

In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 80/federal/media/2016



Kurdish text

The Federal Supreme Court (F S C) has been convened on 27.9.2016 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed AL-Sami, Jaafabhr Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Aboud Salih Al-temimi, Hussein Abbas Abu AL-Temman, Aad Hatif Jabaar and Mohammed Rajab Al-kubisi who authorized in the name of the people to judge and they made the following decision:

The Request:

The Directorate General of Law in the Ministry of Interior requested from the FSC in its letter (21180) on 20/9/2016 the following is the text:
We give you the best greetings we offer to your esteemed court that the Shura State Council explained by its decision No. (81/2016) on 14/8/2016 the opinion on our inquiry about (the possibility of continuing to arrest the policeman who was issued against him liability judge by a competent court when he is unable to pay the amount of the liability in accordance with the decision of the Revolution Commend Council (dissolved) No. (120) of 1994 and if it violate with the provisions of article (19/12th/alif) of the Constitution) which stipulated the (hinder of detention) which is included in paragraph /2nd/of it (the provision in the constitutionality of resolution (120) of 1994 is the jurisdiction of the FSC based on the provisions of article (93) of the Constitution). Please to revue ... informed us of the opinion on the existence of violate between decision (120) of 1994 of article (19/12th/alif) of the Constitution or not, based on the provisions of article (93) of the Constitution ... with appreciation.

The request was scrutiny and deliberated by the FSC and reached to the following decision :

The Decision:

For scrutiny and deliberation by the FSC found that the request for the above-mentioned statement of opinion on the statement of the existence of a violate between the decision of the Revolutionary Command Council No. (120) of 1994 with article (19/12th/alif) of the Constitution of the Republic of Iraq in 2005 or not departs from the jurisdictions of the FSC stipulated in article (93) of the Constitution and in the Law No. (30) of 2005 FSC's Law because the application was not focused on requesting the interpretation of a certain article of the Constitution to be the subject of scrutiny and study by the FSC, moreover it was found that the application constitutes a dispute and that this requires a prosecute a case before the FSC to be decided in accordance with the law. After hearing the requests and defenses of each of the opposing parties based on the provisions of article (1) and (5) of the FSC's bylaw No. (1) of 2005, the applicant can file a case if he wishes, so for advanced reasons the request was rejected and the decision was unanimously issued on 27/9/2016.