



The Federal Supreme Court (F S C) has been convened on 16.9.2019 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-Temmen who authorized in the name of the people to judge and they made the following decision:

The Plaintiffs: 1. Hussein Shaalan Hassoun } members of Qada'a Al-jadwal
2. Azeez Chaffat Kunji } Al-Gharbi
their agents the barristers
Zuhair Habeeb Al-Mayali
and Habeeb Bazzon Mutar

The Defendants: The Speaker of the ICR/ being in this capacity
His agent the legal advisor Haytham Majid Salim.

The Claim

The agents of the plaintiff claimed that the ICR had voted on 22.7.2019 about the first amendment of the Governorates and districts law No. (12) For 2018, and there are some points in this law must be challenged. The article (44/3rd) stipulated that the current Council of Governorates unassociated into a region, district and sub-districts shall finish its works on 1.3.2020, whereas the legislative necessity requires that the legal position which produces the law can't be annulled but with a law, or by the law itself. The challenge clause (3rd) wasn't listed in the text sent by the Government, and the other reason is the existence of a legal problematic may occurs if the challenged law became in effect, which it is not determining the method of appointing the district's administrator. This point is determined in the

Governorates Council's law, and this considered a reason, therefore, the plaintiff requests to veto the clause (3rd) of article (44) of the law. The case has been registered, and the defendant/ being in this capacity were notified with a photocopy of it, the defendant answered with a draft dated on 19.8.2019 and he requested to reject the case because the challenged text is not violating any constitutional text. On the scheduled day of the argument, the Court has been convened and the both parties were called upon. Their agents attended, the public in presence argument proceeded and both parties repeated their sayings. The judgment has been made clear publicly.

The Decision

During scrutiny and deliberation by the FSC, the Court found that after presenting the case's petition and during the argument in the session dated on 16.9.2019, the agents of the plaintiffs clarified that their client's case is about removing the contradiction between the two laws. Accordingly, the trying of this case according to the aforementioned conformity is out of the FSC jurisdiction which stipulated in the article (93) of the Constitution and the article (4) of its law No. (30) For 2005. Therefore, the Court decided to reject the case for incompetence, and to burden the plaintiffs the expenses and the advocacy fees for the agents of the defendant amount of one-hundred thousand Iraqi dinars. The decision has been issued unanimously and decisively according to the provisions of article (94) of the Constitution and article (5) of the FSC's law No. (30) For 2005. The decision has been made clear on 16.9.2019.