

In the name of God most Gracious most Merciful

Republic of Iraq
Federal supreme court
Ref. 83/federal/media /2014



Kurdish text

The Federal Supreme Court (F S C) has been convened on 18.11.2014 headed by Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed Al-Sami, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges, Hussein Abbas Abu AL-Temman and Ead Hatif Jabaar who authorized in the name of the people to judge and they made the following decision:

The Plaintiff : Ghassan Hassan Mohamed his agent Muhammad Abdul Nabi Jawhar .

The Defendant : Speaker of House of Representatives/ being in this capacity- his Jurists (sin. ta. yeh.) and (ha. mim. sin.).

The Claim :

The plaintiff's agent claimed that the House of Representatives enacted Law No. (35) of 2013, the First Amendment Act of the Law of the Institution of Political Prisoners No. (4) of 2006, and that some of its provisions violate with some of the provisions of the Constitution of the Republic of Iraq for 2005. Therefore, he challenges it because he has decided to include the prisoners of The Rafah camp by the law of the Institution of Political Prisoners, as their coverage of this law constitutes a crowd for political prisoners and there is a waste of public money, where the impugned law decides to create formations and

committees of a temporary nature. In light of this claim, the prosecutor requests to rule against the repeal of article (2) of the above law, which repealed Article (5) of Law No. (4) of 2006, the repeal of (4, 7, 9) of the same law and the repeal of any other articles concerning the prisoners of The Rafah camp on the basis of the enactment of their own law independent of the Law of the Institution of Political Prisoners. After the case is registered in court and the petition is communicated to the defendant/ being in this capacity and received his answer was set a date for the case and the court heard the statements of the prosecutor who requested the verdict in accordance with the petition and the statements of the defendant's agents/ being in this capacity who requested the dismissal of the case for lack of jurisdiction and the court completed its investigations and understood the conclusion of the case and understand the decision publicly

The Decision:

After scrutiny and deliberation by the FSC found that the plaintiff's claim states that Law No. (35) of 2013, the First Amendment Act of the Institution of Political Prisoners Act No. (4) of 2006, contradicts some of its provisions with some constitutional provisions, since the said law included prisoners in the Rafah camp by the law of the Institution of Political Prisoners, since the inclusion of these people in the law challenged to its unconstitutionality constitutes a crowd for prisoners. In light of this, the ruling requested the repeal of article 2 of the above law and its redrafting, the abolition of (4, 7, 9) of the same law and the repeal of any other articles concerning the prisoners of The Rafah camp on the basis of the enactment of a law for them independent of the Law on the Institution of Political Prisoners. After examining the case by the FSC and reviewing the mutual regulations between the two parties, it was found that the FSC's jurisdictions of reference are limited under Article (4) of the FSC's law No. (30) of 2005 and Article (93) of the Constitution, and none of these jurisdictions has the power to consider

the plaintiff's requests, which include amending the law in addition or change. Because the authority of that legislative authority and therefore the plaintiff's case is required to respond from the jurisdiction, the court decided to reject the plaintiff's case (ghain. ha. mim.) for lack of jurisdiction and to charge him with the costs of the lawsuit and the fees of the lawyer and the defendant's attorney/ being in this capacity each of the jurists (sin. ta. yeh.) and (ha. mim. sin.) a sum of one hundred thousand dinars to be shared equally and the verdict was issued decisively on the basis of the provisions of Article (94) of the Constitution and by agreement and understood publicly 18/11/2014.