
The Federal Supreme Court has convened in 7.3.2017, headed by the Judge Medhat Al-Mahomood and the membership of the Justices Jaefar Naser Hussain , Akram Taha Mohamed , Akram Ahmed Baban , Mohamed Saeb Al-Naqshabnde , Mekaeel Shamshon Qis Qourqis , Hussain Abbass Abo Al-timen and Mohamed Rajeb Al-kobaese who are authorized to judge in the name of the people and it issued the follow decision:

The Plaintiff: (Meem. Ra'. Zad.) – his agent's the lawyers Dr. (Jeem. Hae'. Zad.) and (Alf. Sad. Hae').

The Defendant: Head Of Salah Al-Din Province Council/being in this post.

THE CLAIM:

The agents of the plaintiff claims that The Salah Al-Din Province Council in session no.(19) dated 30.8.2016 issued its letter no.(3889) on 6.9.2016 included a decision to ratify the Head Of Security Committee In Salah Al-Din Province report that included departing the Families that one of its member joined ISIS criminal gangs to another Province. The plaintiff see this decision as violation to the Constitution especially article (15) of it that guaranteed every individual has the right to enjoy life, security and liberty. Also article (17) of it that deals with The sanctity of the homes (The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law).

Also article (19/second) (There is no crime or punishment except by law). Also articles (44, 46) of Constitution (Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq). And (Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom).

Also article (23) of it that stipulated on (Private property is protected).

The plaintiff find that the impeached decision include a violation to Geneva Conventions year 1949 that deals with forced expulsion, also it made a violation to article (7) of Basic Bylaw Of International Criminal

Court that considers expel citizens or forced transport to them is a crime against humanity. Therefore the plaintiff request to judge the unconstitutionally of Salah Al-Din Province Council decision issued on 6.9.2016 and to cancel it.

After registering the case and completing the required procedures a date 7.3.2017 appointed as proceeding day; on it the Court convened, the agents of the two parties attended, the agents of the plaintiff repeated their request and saying, the agents of the defendant answered that the impeached decision issued by Salah Al-Din Province Council was canceled in clause (5) of the Province Council attached to minutes of session 29.11.2016 no.(6308) after the case was made; the case no longer has a legal proof as the decision was canceled as application to the Holy Verse (No one can bear the burdens of another) and request to reject the case.

The two parties repeated their saying, where is nothing left to say the end of the proceeding announced and the decision made clear.

THE DECISION:

In the deliberation and discussion the FSC found that the agents of the plaintiff claims that The Salah Al-Din Province Council in session no.(19) dated 30.8.2016 issued its letter no.(3889) on 6.9.2016 included a decision to ratify the Head Of Security Committee In Salah Al-Din Province report that included departing the Families that one of its member joined ISIS criminal gangs to another Province. The plaintiff see this decision as violation to the Constitution. The agents of the defendant/being in this post defend that the impeached decision was canceled in clause (5) of the Province Council attached to minutes of session 29.11.2016 no.(6308) after the case was made; the defendant inform the plaintiff about that session minutes and the case no longer has a legal proof as the decision was canceled as application to the Holy Verse (No one can bear the burdens of another) and the decision was canceled after the case was made.

The plaintiff saw the decision cancelation explained that he has no comment.

(Translated From Arabic)

In The Name Of God The Most Gracious, Most Merciful

Republic Of Iraq

Federal Supreme Court

(Emblem)

(Kurdish Text)

Ref: 86/Federal/Media/2016

The FSC finds that now there is no trace to the impeached decision after it been canceled by the defendant/being in this post; according to that the case no longer have a legal proof, therefore the Court decided to reject the plaintiff case and burden the defendant/being in this post the expenses of the case and the fees of the agents of the plaintiff amount of (100000) one hundred thousand Iraqi dinar to be divided among the agents of the first representative in half, as the impeached decision cancelation happened after the case was made, the decision was made with unanimous agreement and made clear in 7.3.2017.