

The Federal Supreme Court has convened on 14.2.2016, headed by the Judge Medhat Al-Mahomood and the membership of the Justices Farooq Mohamed AlSame, Jaefar Naser Hussain , Akram Taha Mohamed , Akram Ahmed Baban , Mohamed Saeb Al-Naqshabnde , Abood Salih AlTemimi, Mekaeel Shamshon Qis Qourqis and Hussain Abbass Abo Al-timen who are authorized to judge in the name of the people and it issued the follow decision:

The Plaintiff: The President Of National Accountable And Justice Committee/being in this post/ his agents the legal official (Alef. Meem. Jeem) & (Ha'. Meem. Hae').

The Defendants: The Prime Minister/being in this post, his agent the assistant adviser (Hae'. Sad).

THE CLAIM:

The agents of the plaintiff claims before the FSC that the Governing Council issued a decision in 25.3.2004 to compel the Ministry Of Transport and Ministry Of Agriculture to provide his department (60) vehicles without material exchange. And the General Company To Transport Travelers And Delegates made a case before Al-Karkh Instance Court requesting the vehicles; a decision in that case was issued and the case been rejected and the decision was ratified by the Cassation Court. However, the Ministers Council issued it decision no.(305) in 26.10.2016 to cancel the Governing Council decision dated in 25.3.2004 and compel the plaintiff to return the remain vehicles (16 vehicles) to the General Company To Transport Travelers And Delegates. The plaintiff see that the Governing Council decisions are legislative decisions, to cancel it should be done by the ICR because the Ministers Council doesn't have the legislation power. So the impeached Ministers Council decision is unconstitutional and illegal and should be judged as unconstitutional. After registering the case a date 14.2.2017 appointed as a proceeding day, where the Court convened and the agent of the plaintiff attended and repeated his saying and requested to insert ICR speaker as a third party in

the case; that request was decline for lacking the legal proof, the agent of the defendant attended and requested to reject the case for the rezones he listed in the answering draft. The two parties repeated their sayings and requests. Where is nothing left to say the decision made clear.

THE DECISION:

In the deliberation and discussion the FSC found that the plaintiff The President Of National Accountable And Justice Committee that come as a replacement of the Supreme National Committee To Al- Baeth Eradication impeaching in the decision issued by the Ministers Council no.(305) in 15.6.2016 that decide to cancel the Governing Council decision dated in 25.3.2004 that included compel the Ministry Of Transport and Ministry Of Agriculture to provide National Committee To Al- Baeth Eradication (60) vehicles without material exchange. The FSC fiend that aforementioned Governing Council decision did not get the Occupation Authority ratification in that time to become a legislation, it was an administrative order to organize the work in the Committee. Therefore the defendant the Prime Minister in his decision no.(305) in 15.6.2016 issued an administrative decision to return the remain vehicles (16 vehicles) to the owner company. Therefore the FSC see that the challenge in the decision should made when it complete the requirement before the specified court that law specified it for and not the FSC that it competence restricted in the article (93) of the Constitution and article (4) of the FSC law no.(30) year 2005.

According to that the plaintiff case rejected because it is out of that court competence. And decided to burden the plaintiff/being in this post the expenses of the case and the fees of the agent of the defendant/being in this post amount of (100000) one hundred thousand Iraqi dinar, the decision was made unanimous agreement and made clear in 14.2.2017.