Republic of Iraq Federal Supreme Court Ref. 305 / federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 27/12/2023 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Abdul Rahman Abdulla Suleiman.

The Defendants: 1. Director-General of North Oil Company/ being in this capacity.

2. Minister of Oil/ being in this capacity.

The Claim

The plaintiff claimed in the lawsuit petition that on 10/4/2023, the Employees' Justice Court issued its decision No. (4229), which stipulates that profit entitlements will not be paid until the final accounts for the years (2020, 2021, 2022) are settled, in contravention of Financial Management Law No. (6). For the amended year 2019, so the court was asked to oblige the defendants to spend the percentage of profits stipulated in the Federal Budget Law for the year 2021 for the two years (2021, 2022), which can be spent before completing the final accounts, while charging them the fees and expenses. The case was registered with this court under the number (305/Federal/2023), and the legal fee was paid for it. The defendants were notified of the lawsuit petition and its documents in accordance with Article (21/First and Second) of the court's internal regulations No. (1) of 2022. Due to the lack of an answer from the defendants, a date was set. To consider the case without pleading based on Article (21/Third) thereof, in which the court was formed and the case began to be heard. The court examined the plaintiff's requests and supports, and after completing its checks, the report was concluded and it issued the following decision:

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The decision:

Upon examination and deliberation by the Federal Supreme Court, it was found that the plaintiff, Abdul Rahman Abdullah Suleiman, filed this lawsuit against the two defendants, the Director General of the North Oil Company and the Minister of Oil, in addition to their jobs, requesting a ruling obligating them to spend the percentage stipulated in the Federal General Budget Law for the year 2021 of profits and for the two fiscal years (2021 and 2022), which can be spent before completing the final accounts, with fees and expenses charged, for the reasons stated in the lawsuit petition. The Federal Supreme Court finds that its jurisdiction is defined in accordance with Articles (52 and 93) of the Constitution of the Republic of Iraq of 2005, and in accordance with Article (4) of Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021, and other special laws, and not Among those jurisdictions are those mentioned in the plaintiff's requests in the lawsuit petition. Deciding on the case is outside the jurisdiction of the court. Therefore, the Federal Supreme Court decided to dismiss the plaintiff's lawsuit for lack of jurisdiction and charge him the fees and expenses. The decision has been issued unanimously, final and binding for all authorities according to the provisions of Articles (93and94) of the Constitution of the Republic of Iraq for 2005 and Articles (4and5) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been edited in the session dated 13/Jamada Al-Akhir/1445 Hijri coinciding with 27/December/2023 AD.

Judge

Jassim Mohammed Abbood President of the Federal Supreme Court

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