



The Federal Supreme Court (F.S.C.) has been convened on 12.11.2013 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen whom are authorized in the name of the people to judge, they made the following decision:

The Appeler:

(Jim. Mim. ain.) his agent the attorney (kha.alif.).

The appeal is against:

The Manager of Al-Mousl municipality – in addition to his post.

The Cassation body:

As the First Instant Court of Al-Mousl considering the lawsuit no.(3624/2013) in the session dated on 11.9.2013, the agent of the plaintiff (the appeler) submitted request to the court to delay the lawsuit in preparing to challenge the constitutionality of the dissolved revolutionary command council decision no.(145) of 2001, he requested to give him an appropriate time to submit the challenge petition, but the Court of First Instant in that session decided to (refuse the

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request of the plaintiff agent to delay the lawsuit because the decision no.(154) of 2001 is not illegal, this court don' see that the mentioned decision contradict the constitution, this court' decision of the refusal is submit to challenge before the F.S.C. according to article (4) of its bylaw no. (1) for 2005). As the agent of the Appeler wasn't convinced with the court decision of rejecting his request to delay the first instant lawsuit, therefore he challenged it appealingly with the draft dated 15.9.2013 for the reasons listed in it. The F.S.C. has set the appealing challenge under deliberation and decided the following:

The decision:

During scrutiny and deliberation by the F.S.C., it found that the appeal challenge was submitted within the legal period of time, the court decided to accept it formally, when considered the appeal challenge submitted by the plaintiff' agent in which he challenged the decision of the First Instant Court of Al-Mousl of rejecting his request to delay the lawsuit in preparing to challenge the constitutionality of the dissolved revolutionary command council decision no.(145) of 2001 before the F.S.C., as the jurisdictions of the F.S.C. are stipulated in article (93) of the constitution of 2005, and article (4) of its law no.(30) for 2005, it is not compete

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nt to appealingly consider the appeal decision issued by the First Instant Court of Al-Mousl of rejecting his request to delay the lawsuit, therefore the request is binding to be dismissed for lacking the jurisdiction. The court decided to dismiss the appeal challenge, and to burden the appellant the appealing fee, this decision has been issued unanimously on 12.11.2013.

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