

Republic of Iraq
Federal Supreme Court
Ref. 11/ federal/state order /2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 21/5/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jaber Abid ,Hayder Ali Noori, Khalef Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali, Munther Ibrahim Hussain, and Jasaim Jazaa Jafer who are authorized in the name of the people to judge and they made the following decision:

The Applicants for the issuance of the state order: Mustafa Ali Hussein, Iman Musa Mohsen, Ayman Hafez Abdullah, Muhammad Adnan Mahdi, Alia Sultan Ali, and Tamara Qasim Muhammad.

Whom required to issue a state order against:

1. Speaker of the Iraqi Parliament / being in this capacity.
2. Parliamentary Health and Environment Committee .

Abstract of the request:

The applicants for the issuance of the state order submitted to the Federal Supreme Court, their regulation dated 15/5/2024, for which the legal fee was collected on the same day, and was registered in the number (11/federal/state order/2024)the demand is to issue an urgent state order that includes ((suspending the implementation of the National Authority for Nuclear, Radiation, Chemical and Biological Regulation Law No. (1) of 2024, issued by the Iraqi Council of Representatives and approved by the Presidency of the Republic and published in the Iraqi Gazette No. (4768 on 8 April 2024), due to injustice and injustice against the largest important segment working in the field of radiation in the Ministry of Health)) until the lawsuit filed by them before this court is resolved with the number

Zainab

Republic of Iraq
Federal Supreme Court
Ref. 11/ federal/state order /2024



Kurdish text

(144/Federal/2024) according to which the judgment is required ((equality of radiation field workers in all state health institutions in terms of financial allocations and retirement rights stipulated in Articles (18, 19 and 20) of the law with the employees of the National Authority for Nuclear, Radiation, Chemical and Biological Regulation, in order to deprive them of them, especially since Law No. (99) of 1980 has been repealed under the aforementioned Authority Law)), and after the court was informed of what the request and completed its scrutinies issued the following decision:

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the applicants for the issuance of the state order, due to their filing of the lawsuit No. (144/Federal/2024) before this court, requested, by virtue of their regulation dated 15/5/2024, to issue an urgent state order that includes ((suspending the implementation of the National Authority for Nuclear, Radiological, Chemical and Biological Regulation Law No. (1) of 2024, issued by the Iraqi Council of Representatives and approved by the Presidency of the Republic and published in the Iraqi Gazette No. (4768 on 8/April/2024), due to injustice and injustice against the largest segment A mission working in the field of radiation in the Ministry of Health, and until the aforementioned lawsuit is resolved)), the Federal Supreme Court finds that the issuance of an urgent state order based on an independent request or implicit in the constitutional cases filed before it has not been addressed, nor has it been addressed in the Federal Supreme Court Law No. (30) of 2005 as amended by Law No. (25) of 2021, nor the internal regulations of the Federal Supreme Court No. (1) of 2022 published in the Iraqi Gazette No. (4679) on 13/6/2022, thus, it is subject to the

Zainab

Republic of Iraq
Federal Supreme Court
Ref. 11/ federal/state order /2024



Kurdish text

provisions referred to in Articles (151 and 152) of the Civil Procedure Law No. (83) of 1969, as amended, and to the extent commensurate with the nature and specificity of the constitutional lawsuit, based on the provisions of Article (39) of the Rules of Procedure of the Federal Supreme Court referred to above, which stipulates that (the court may consider requests for summary judgment and orders on petitions in accordance with the provisions stipulated in the Civil Procedure Law No. (83) of 1969, as amended, or any other law replacing it) and in accordance with Article (36) of it, which stipulated that (the decisions of the court are final and binding on all authorities and persons and do not accept appeal by any means of appeal...) , on the basis of the foregoing, the issuance of an urgent state order by the Federal Supreme Court is governed only by the controls and conditions that must be met for its issuance referred to in the Civil Procedure Law, due to the finality of the decisions issued by this court and not being subject to the methods of appeal, which lie in submitting an application in two copies containing facts, evidence and documents, and the availability of urgency, and not entering into the original right and deciding on it, and since the examination of the request for issuing the state order from this court has proven that it is not urgent, nor is it a state of necessity. Which requires its issuance, in addition to the above, responding to its content means entering the origin of the right and giving a prior opinion on the lawsuit filed before this court No. (144/Federal/2024), this contradicts the established judicial customs in the constitutional districts of Arab and foreign countries, and with what has been settled by the Iraqi judiciary, both constitutional and ordinary, and what is included in the well-established judicial applications in this field based on the provisions of the Constitution and the laws in force, based on the realization of the right and the achievement of justice and fairness away from tendencies,

Zainab

Republic of Iraq
Federal Supreme Court
Ref. 11/ federal/state order /2024



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whims, arbitrariness and flattery the Federal Supreme Court decided to reject the request to issue the urgent state order submitted by (Mustafa Ali Hussein, Iman Musa Mohsen, Ayman Hafez Abdullah, Muhammad Adnan Mahdi, Alia Sultan Ali and Temara Qasim Muhammad). The decision has been issued unanimously, final and binding based on the provisions of Article (94) of the Constitution of the Republic of Iraq for the year 2005, and Article (5/2nd) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021 and it has been made clear in the session dated 11/Dhu al-Qi'dah/1445 A.H. corresponding to 19/5/2024 AD.

Judge
Jasem Mohammad Abboud
President of the Federal Supreme Court

Zainab