

Republic of Iraq
Federal Supreme Court
Ref. 12/ federal/state order /2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 11/6/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Ali Noori, Khalef Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali, Khaled Taha Ahmed, and Munther Ibrahim Husain, who are authorized in the name of the people to judge and they made the following decision:

The Applicant for the issuance of the state order: Mohammed Yusuf Mahdi Al-Saadi.

Who is required to issue a state order against them:

1. The Speaker of the Council of Representatives, being in this capacity.
2. The President of the Republic / being in this capacity.

Brief of the request:

The applicant for issuing the state order submitted to the Federal Supreme Court, its regulation dated 6/6/2024, for which the legal fee was collected on the same day, and recorded in the number (12/federal/state order/2024) under which an urgent state order is required to be issued that includes the suspension of the implementation of item (Fourth) of the Council of Representatives Resolution No. (50) of 2023 adopted in its session held on 12/9/2023 which includes the abolition of offices, posts, grades and job titles of consultants occupying the offices because they are not needed, item (2nd-10) of Parliamentary Order No. (189) of 13/7/2023 abolishing the Office of the Legal Counsel in the Office of the First Vice President, and paragraph (second and third) of the decision of the Presidency of the Council of Representatives dated 20/11/2023 regarding salaries, allowances and termination of lease contracts concluded in favor of the aforementioned

Zainab

Republic of Iraq
Federal Supreme Court
Ref. 12/ federal/state order /2024



Kurdish text

and contracts for drivers and bodyguards working with them)), until the case is resolved filed before this court in the number (316/Federal/2023) according to which the judgment of the invalidity of the Council of Representatives Resolution No. 50 for the year 2023 and Parliamentary orders 189 on 13/7/2023, 184 on 6/10/2021 and 185 on 6/10/2021, Presidential Decree No. 88 of 2023, and the decision of the Presidency of the Council of Representatives on 20/11/2023) for the reasons detailed in the regulation, this is due to the arbitrariness of the Council of Representatives administration towards his legally guaranteed rights by continuing to refrain, without any legal justification, from disbursing his salaries, monthly allowances and financial dues, starting from 1/9/2023, which is the only source of livelihood for him and his family, contrary to the Constitution in Article (37/3rd) of the Constitution, which prohibits forced labour (slavery) and the contents of international conventions to this effect, and after reviewing the provisions of the request and completing the scrutinies the Court issued the following decision:

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the applicant for the issuance of the state order, due to his filing of the lawsuit No. (316/Federal/2023) before this court, which had previously been unified with the two lawsuits (249 and 277/Federal/2023), and the lawsuit No. (249/Federal/2023) was considered the basis, a request under its regulation dated 6/6/2024, to issue an urgent state order that includes the suspension of execution item (Fourth) of the Council of Representatives Resolution No. (50) of 2023 adopted in its session held on 12/9/2023 which includes the abolition of offices, posts, grades and job titles of consultants occupying the offices

Zainab

Republic of Iraq
Federal Supreme Court
Ref. 12/ federal/state order /2024



Kurdish text

because they are not needed, item (2nd -10) of Parliamentary Order No. (189) of 13/7/2023 abolishing the Office of the Legal Counsel in the Office of the First Deputy, and paragraph (2nd and 3rd) of the decision of the Presidency of the Council of Representatives dated 20/11/2023 regarding salaries, allowances and termination of lease contracts 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, and thus it is subject to the 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 that replaces it)), and in accordance with Article (36) thereof, which stipulates that (court decisions are final and binding on all authorities and persons and cannot be challenged by any means of appeal...) on the basis of the foregoing, the issuance of an urgent state order of 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, because the decisions issued by this court are conclusive and not subject to the methods of appeal, which lies in submitting an application in two copies, including facts, supports and documents, and the availability of urgency, and not to enter into the original right and decide on it, and

Zainab

Republic of Iraq
Federal Supreme Court
Ref. 12/ federal/state order /2024



Kurdish text

whereas the audit of the request for the issuance of the state order of this court, has proved the lack of urgency, nor the state of necessity that requires its issuance, in addition to the foregoing Responding to its content means entering into the origin of the right and giving a prior opinion on the lawsuit filed before this court in the number (249 and its units 277 and 316 / federal / 2023), and that this contradicts the established judicial customs in the constitutional districts of Arabic and foreign countries, with what the Iraqi judiciary has settled on, both constitutional and ordinary, and what has been included in the well-established judicial applications in this field in accordance with 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, whims, arbitrariness and flattery, there is no blame for what was really said or done, and for the foregoing, the Federal Supreme Court decided to reject the request to issue the urgent state order submitted by Mohamed Yusuf Mahdi Al-Saadi, and the decision has been issued unanimously, final and binding on the basis of the provisions of Article (94) of the Constitution of the Republic of Iraq of 2005, and Article (5/Second) 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 4/Dhu al-Hijjah/1445 A.H. corresponding to 11/6/2024 AD.

Judge
Jasem Mohammad Abbood
President of the Federal Supreme Court

Zainab