

The In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 135/federal/media/2017



Kurdish text

The Federal Supreme Court (F S C) has been convened on 26.2.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed Al-Sami, , Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temman and Mohammed Kassim Al-Genabi who authorized in the name of the people to judge and they made the following decision:

Plaintiff: Plaintiff / (kaf. fah. ha. alif.) / Minister of Transport/ being
in this capacity his agents (mim. mim. alif.) .

Defendant: President of the House of Representation / being in this
capacity this agents the legal agents the administrator
(sin. ta. yeh) and the assistant legal counsel (heh. mim. sin) .

Claim

The plaintiff's agent claimed that the letter of House of Representation / general secretariat / Parliamentary department in a request to interrogation his agents the plaintiff as questions to his client are not suspected of financial or administrative corruption , In the interrogation questions, it is not contain fact to make his client a minister and there is no reason to evidence is based on it or to reinforce these allegations , and that the questions of interrogation do not include certain facts in which the breaking of the constitution or the law or the consequent physical or moral damage as much as the subject of the client, In general, is unclear and lacks the conditions of interrogation required by article (58) of the internal system of the House of Representatives and the article (61/7th/jim) of the constitution, The court ordered the cancellation of the questioning by the House of Representatives of the letter No. (shin. lam. 1/9/5370 on 14/5/2017) and the number of the letter (shin. lam. 1/9/6360 on 5/6/2017) after registering the case with the court

in accordance with the paragraph (3rd) of article (1) of the internal system of the FSC . An answer was received from the agents of the defendant / being in this capacity requesting to reject the case , The response to the regulation stated that the plaintiff's agent fulfilled the legal constitutional formality and that the questioning, evaluation of the questions and the conviction of the answer is up to the House of Representatives . After the completion of the proceedings in accordance with paragraph (2nd) of article (2) of the same system, the date of the hearing was set on 29/1/2018, in which the plaintiff's agent and the defendant's agents attended and the pleading was open and public . It was noticed that the plaintiff's agent presented yesterday a brief with its annexes in response to the subject of questioning objectively annotate the plaintiff's agents that the brief included an answer to what was stated in the brief the defendant's agent, the brief included an answer to what was asked in the interrogation brief of questions that the plaintiff is required to submit to the House of Representatives during the interrogation procedures . Both sides repeated their statements and since the court completed its investigations and nothing remains, understand the conclusion of the pleading and read the decision in public on 26/2/2018 .

The decision

When checking and deliberation by FSC found that the agent of the plaintiff / being in this capacity claims that the letter of the House of Representatives / General Secretariat / Parliamentary department was issued by requesting the invitation of his client for questioning according to the letter No. (6360) on 5/6/2017, Since questions of interrogation do not include certain facts in which a breaking of the constitution or the law or the consequent material or moral damage and request to cancel the interrogation . The FSC finds that the request submitted to the House of Representatives from seventy-seven members, as stated in the response brief, provided the required formality in the interrogation process stipulated in article (61/7th/jim) of the constitution and article (58) of the internal system of the House of Representatives , In terms of objectivity, the assessment of what was assigned to the plaintiff/ being in this capacity of things and facts and their applicability with the provisions of article (61/7th/jim) of the constitution and article (58) of the internal system of the House of Representatives, the estimate of the return of members of the House of Representatives through the presentation of facts and

assignment and answer of the minister and the extent of his responsibility for those things and facts and answer them in the brief dated 25/2/2018 can be produce in front of the House of Representatives when the interrogation and the consequences of the effects , the presence of the minister in front of the House of Representatives a constitutional obligation to implement as long as there is an invitation completed the formal reasons, the plaintiff's claim to cancel the interrogation lacks its legal . Accordingly, the court decided to reject the case and charge the costs and the fees of the attorney for the plaintiff's agents amount of one hundred thousand dinars and the ruling was issued based on the provisions of article (94) of the constitution by agreement on 26/2/2018 and understand publicly .