

Republic of Iraq
Federal Supreme Court
Ref 148/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 30/6/2024 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, and Munther Ibrahim Husain who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Secretary General of the Ahrar Al-Shabak Party / being in this capacity - His agent the barrister Omnia Khaled Najm.

The Defendant: Governor of Nineveh / being in this capacity – His two agents the human rights employees Firas Tahseen Mohamed and Fathi Ahmed Faraj.

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff (the Secretary-General of the Ahrar Al-Shabak Party / being in this capacity) filed a lawsuit before this court against the defendant (Governor of Nineveh / being in this capacity) requesting the issuance of a state order to stop and freeze all procedures for the project to expand the boundaries of the municipality of Mosul from the side of the Nineveh Plains, including engineering designs, until the lawsuit is decided and a decision is issued to prevent the expansion of the boundaries of the municipality of Mosul towards the Nineveh Plains, for the reasons mentioned in his petition. After registering the case with this court No. (148/Federal/2024) and collecting the legal fee for it, and informing the defendant of its petition and documents in accordance with Article (21/1st and 2nd) of the Court's Rules of Procedure No. (1) of 2022, he replied to the reply list No. (13444) dated 2/6/2024, according to which he requested to reject the lawsuit for the reasons stated therein,

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after completing the procedures required by the court's internal regulations, a date was set for the consideration of the lawsuit without pleading in accordance with Article (21/3rd) thereof, in which the court was formed and began to consider the lawsuit the court examined the plaintiff's requests, his supports, and the defendant's defenses and reviewed the request dated 29/5/2024 submitted by the plaintiff through his agent, according to which he requests the annulment of the lawsuit petition for agreeing with the defendant on all demands, and for the approval of the request to the law, the court decided to annul the lawsuit petition based on Article (88/1) of the Civil Procedure Law No. (83) of the year 1969 as amendment and charging fees, expenses and attorneyship fees to the defendant's agents an amount of one hundred thousand dinars distributed in accordance with the law, and the decision has been issued unanimously, and final in accordance with article (94) of the Constitution of the Republic of Iraq of 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 23/Dhu al-Hijjah/1445 A.H. corresponding to 30/6/2024 AD.

Judge
Jassim Mohammed Abood
President of the Federal Supreme Court

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