

The In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 165/federal/media/2018



Kurdish text

The Federal Supreme Court (F S C) has been convened on 27.8.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges, Jaafar Nasir Hussein, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temman, and Mohammed Qasim Al-Janabi who authorized in the name of the people to judge and they made the following decision:

The Request:

Presidency of the Republic (Office of the Presidency - Legal Department) request under its letter No. (dhal . waw/1/42/2277) on 16/8/2018 from the FSC states:

Greetings and appreciation

1. The Council of Ministers issued its decision No. (333) of 2015 Including the withholding of all the allocations granted to the presidencies and ministers to the general directors, including the Presidency of the Republic. Violate to the provisions of article (74) of the constitution Which stipulates (the salary and allowances of the President of the Republic shall be determined by law) and the article (19) of law No. (22) of 2008 The law of salaries of state employees and the public sector and the decision of the Council of Ministers exceeded the Constitution and the law and decreases with

the principle of separation of powers provided for in article (47) of the Constitution.

2. Your Honorable Court has confirmed its decision No. (29) on 29/5/2017 That the authorization granted to the Prime Minister is conditional upon a mutatis mutandis (to the provisions of the Constitution and the laws in force).
3. Your Honorable Court has made its decision No. (57/federal/2018) on 3/6/2018 (...The equality envisaged in article (14) of the constitution is related between members of the same category who perform the same functions and responsibilities) based on the above, please state the following:

Alif. The extent of the legitimacy of the decision of the Council of Ministers (333) of 2015 and its violation to the text of article (74) of the Constitution.

Beh. The extent of inclusion of the members of the Presidency of the Republic of the principle mentioned in your decision No. (57/federal/2018) with regard to (members of same category) and who perform the same functions carried out by their peers in the House of Representatives.

Please take a look with appropriate.

The above request under scrutiny and deliberation from the FSC and reach the following decision:

The Decision:

When scrutiny and deliberation the FSC found that the request for a statement of opinion contained in paragraph (Alif) of it includes a statement of the legitimacy of the decision of the Council of Ministers (333) of 2015 and violate with the article (74) of the constitution. The FSC found that the above decision issued from the Council of Ministers No. (333) of 2015 is an administrative decision the extent of its legitimacy is beyond consideration the FSC. The request contained in paragraph (Beh) guarantees the extent to which the Presidency of the

Republic is covered by the mentioned principle appreciated the same decision issued by the Council of Ministers referred to above Therefore, the court decided to reject the request from the competent authorities and the decision was issued by agreement based on article (94) of the Constitution of the Republic of Iraq of 2005 on 27/8/2018.