

Republic of Iraq
Federal Supreme Court
Ref. 227 / federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 28/11/2023 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Mahmood Hussein Ridha Al-Okaili – Secretary-General of the Iraqi Nation Party/ being in this capacity – his agent the barrister Yamur Tahir Mohammed.

The Defendant: the Iraqi Prime Minister – the engineer Mohammed Shiyaa Al-Sudani/ being in this capacity – his agent the legal counselor Qassim Suhaib Sahkoor.

The Claim

The plaintiff claimed, through his agent, that for more than three years, the federal government has not sent the salaries of Kurdistan Region employees regularly, which constitutes a clear violation of the Iraqi Constitution in Article (14), which affirms that Iraqis are equal before the law, noting that the reason for the delay is the political tensions between the government. The federal government the Kurdistan Regional Government, and the employees in the Kurdistan Regional departments are employees of the Iraqi state, which is constitutionally and legally responsible for securing their salaries in exchange for the services they provide in the official departments to provide service to all citizens. Accordingly, cutting off salaries and other financial dues from the federal government for employees and citizens of the Kurdistan Region Kurdistan is a constitutional transgression that would threaten the future of Iraqi family life, which paves the way for the destruction of social ties between members of one people, so the plaintiff requested this court for issuing a fair ruling to pay the late financial dues to the employees of the Kurdistan Region following what was stated in the Federal General Budget Law No. (13) of 2023, while obligating the federal government to

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adhere to the dates for paying salaries on time, just like the rest of the employees of official departments and institutions in the Iraqi governorates. The case was registered with this court under the number (227/Federal/2023), and the legal fee was collected and notified to the defendant/in addition to his job, based on Article (21/First and Second) of the internal regulations of the Federal Supreme Court No. (1) of 2022. His agent responded with the answering draft dated 10/5/2023 and requested the dismissal of the case due to the court's lack of jurisdiction to hear it and the plaintiff's lack of interest in filing it, and the dispute is not materialized against his client based on Article (4) of the Civil Procedure Law, and under the aforementioned budget law, the Kurdistan Regional Government is obligated Paying the salaries of district employees, article (12/Second/Heh) of the Federal General Budget Law No. (13) of 2023 stipulates that "The Federal Ministry of Finance is committed to financing the region's dues following the provisions of this law every month after the region implements paragraphs (A, B, C, D)." (of this item...)) It is the shipment of oil produced from the fields located in the region to the stores of the Oil Marketing Company (SOMO) in the Turkish port of Ceyhan in a quantity of not less than (400) four hundred thousand barrels per day and the delivery of non-oil revenues to the state treasury and following the law Federal Financial Administration, as the Kurdistan Regional Government has not yet committed to this. After completing the procedures required by the court's Bylaw, a date for the pleading was set in accordance with Article (21/Third) thereof and notified to both parties. The court was formed, the plaintiff and his agent attended, and the defendant's agent attended, and the public in-person pleading began. After the court heard the statements of the two parties and completed its checks, the end of the argument has been made clear and the court issued the following ruling:

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court and what was stated in the plaintiff's lawsuit the defendant's agent stated, that the Prime Minister, being in this capacity, according to his editorial regulations dated 10/5/2023, found that the plaintiff's agent claims in his petition that for more than three years, the federal government has not sent the salaries of Kurdistan Region employees regularly, which constitutes a clear violation of the Iraqi Constitution in Article

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(14) from him; Which emphasized that Iraqis are equal before the law, noting that the reason for the delay is political tensions between the federal government and the Kurdistan Regional Government, he must request this court to issue a ruling to disburse the late financial dues to the employees of the Kurdistan Region following what is stated in the Federal General Budget Law No. (13) of 2023, while obligating the federal government to adhere to the dates of payment of salaries on time, just like the rest of the employees of official departments and institutions in the Iraqi governorates. The court finds that one of the conditions that must be met for the lawsuit to be accepted is the existence of the condition of interest stipulated in Article (6) of the Civil Procedure Law No. (83) of 1969 as amended and Article (20) of the Internal Regulations of the Federal Supreme Court No. (1) of 2022, as it must The plaintiff has a current, direct, and influential interest in his legal, financial, or social position, and the interest must exist from the time the lawsuit is filed until the ruling is issued therein, the challenged text must have been applied to the plaintiff, and since the plaintiff has no immediate, direct and influential interest in his legal, financial, or social position in the subject matter of the lawsuit, his lawsuit is, therefore, free to respond from this side. According to the above, the Federal Supreme Court decided to dismiss the plaintiff's lawsuit. (Mahmoud Hussein Reda Al-Ukaili - Secretary-General of the Iraqi Umma Party/being in this capacity) Due to the lack of interest when it was established, he was charged all legal fees and expenses, including the attorney fees of the defendant's representative, the legal advisor, Qasim Suhaib Shakur, in an amount of one hundred thousand dinars, distributed following the law. The decision has been issued unanimously, final, according to the provisions of articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and articles (4 and 5/2nd) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been made clear on 13/Jamada Al-Oula/1445 Hijri coinciding with 28/November/2023 AD.

Judge
Jassim Mohammed Abbood
President of the Federal Supreme Court

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