

Republic of Iraq
Federal Supreme Court
Ref. 245 / federal /2022



Kurdish text

The Federal Supreme Court (F S C) has been convened on 21/11/2022 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 Requestor of Correction: the Barrister Hussein Mohammed Ridha Abdul Rasool Al-Haydari.

The Request Subject: correcting and reconsidering the FSC decision No. (164/federal/2022) issued on 14/9/2022.

The Request

The applicant for correction submitted his regulation dated 3/11/2022, for which the legal fee was collected on the same date and registered in the number (245/Federal/2022), requesting the correction and reconsideration of the decision issued in the lawsuit filed by him before this court No. (164/Federal/2022) settled on 14/9/2022, based on the judgment decision issued therein, which included (the judgment to dismiss the lawsuit for lack of jurisdiction ...), because of the reasons and rationale it contains, for the reasons detailed in the application, and based on the provisions of Articles (40 and 45) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022, so the request was submitted).

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The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that lawyer Hussein Muhammad Reda requested, in his regulation dated 3/11/2022, to correct and reconsider the decision issued in the lawsuit filed by him before this court No. (164/Federal/2022) settled on 14/9/2022, based on the judgment decision issued therein containing (the judgment to dismiss the lawsuit for lack of jurisdiction ...), because of the reasons and reasons it contains, for the reasons detailed in the application, and the Federal Supreme Court finds that the decisions and judgments issued by it, including the decision of the judgment subject to the request No. (164/Federal/2022) on 14/9/2022, it is considered final and binding on all authorities and persons and is not subject to appeal by any means of appeal based on 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 Article (36) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022 published in the Iraqi Gazette No. (4679) on 13/June/2022, thus, there is no place to appeal before the Federal Supreme Court against the judgments and decisions issued by it by way of correction, reconsideration, or any other method of appeal prescribed by law in the Civil Procedure Law No. (83) of 1969, as amended, and therefore there is no place for the application of the provisions related to the appeal by way of correction before it is stipulated in Articles (219-223) of the Civil Procedure Law, there is also no place for the application of the provisions of Article (167) of the Code of Civil Procedure relating to the correction of material errors in judgments and decisions since Article (50) of the Rules of Procedure of the Federal Supreme Court mentioned above stipulates that (the

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provisions of the Civil Procedure Law No. (83) of 1969, as amended, and the Evidence Law No. (107) of 1979, as amended, or any other law replacing them, shall apply unless provided for in this Statute) and that the provisions of Article (40) of the Rules of Procedure of the Federal Court aforementioned had dealt with the issue of material errors in the decisions and rulings issued by the Federal Supreme Court, as it stipulated that (the court may correct material errors that marred its rulings or decisions automatically or at the request of one of the authorities or parties). The Federal Supreme Court, after scrutiny and reviewing the application and the decision to be corrected, finds that there is no material error that requires correcting the decision of the judgment issued by it that is the subject of the correction request in number (164/Federal/2022) on 14/9/2022, as for the claim to apply the provisions of Article (45) of the Rules of Procedure of the aforementioned Federal Supreme Court, which stipulates that (the court may, when necessary and whenever the constitutional and public interest requires, amend a previous principle it approved in one of its decisions, provided that this does not affect the stability of the centers. legal and acquired rights), this court finds that the aforementioned text allowed the reversal of a previous principle when the cases of necessity and constitutional and public interest to adopt a new principle were realized, and it was not permissible to reverse the rulings issued by it to adopt new rulings, and this means that reversal is permissible in principles and not permissible in judgments, and therefore there is no place for the application of the aforementioned text based on the request, which requires not accepting the request for correction and reconsidering the decision issued by the court No. (164/Federal/2022) on 14/9/2022 and for the foregoing. The Federal Supreme Court decided not to accept the application. The decision has been issued unanimously, final and

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binding for all authorities according to the provisions of article (94) of the Constitution of the Republic of Iraq for 2005 and article (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 dated 26/Rabee Al-Akhir/1444 Hijri coinciding 21/November/2022 AD.

Signature of
The president
Jasem Mohammad Abbood

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