

Republic of Iraq
Federal Supreme Court
Ref. 246 / federal /2022



Kurdish text

The Federal Supreme Court (F S C) has been convened on 2/11/2022 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 Applicant: Shuhab Ahmed Abdulla Ali/ his agent the barrister Sami Fadhil Shawkat.

The Request Subject: publishing the judgment issued by the FSC by No. (89/federal/2019) on 28/10/2019 in the Gazette.

The Abstract of the Request

The Federal Supreme Court received the request of the citizen (Shehab Ahmed Abdullah Ali) submitted by his agent on 23/10/2022, addressed to the President of the Federal Supreme Court entitled (Publication of Judgment No. 89/Federal/2019), including his request to publish the aforementioned judgment in the Official Gazette according to the provisions of the Court's Law and Rules of Procedure No. (1) of 2022, and to notify the Ministry of Justice of the finality of its decisions and that they are binding on all authorities based on Article (94) of the Constitution and to notify the three authorities of the importance and content of the aforementioned decision) for the aforementioned reasons pointed to in the request.

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The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it became clear that the submitted request, its summary included ((Request to publish the judgment issued by the Federal Supreme Court No. (89/Federal/2019) on 28/10/2019 in the Official Gazette according to the provisions of the Court's Law and its Bylaw No. (1) of 2022, and notify the Ministry of Justice of the finality of its decisions and that they are binding on all authorities based on Article (94) of the Constitution and notifying the three authorities of the importance and content of the decision)), for the reasons referred to in it, and the Federal Supreme Court finds that the request is obligatory Rejection, as the competences and powers of the Federal Supreme Court are stated in Articles (52 and 93) of the Constitution of the Republic of Iraq of 2005 and Article (4) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021 and other special laws and none of those competencies and powers was what was referred to in the application, in addition to the foregoing, the judgments and decisions issued by this Court are final and binding on all authorities based on the provisions of Article (94) of the aforementioned Constitution and Article (5/2nd) of the aforementioned amended Federal Supreme Court Law, and whether or not they are published does not change the nature of their binding and decisiveness, especially since the publication of judgments and decisions issued by the Federal Supreme Court is one of the administrative procedures that are exclusively competent for the executive authorities based on the provisions of Article (17) of the Court's Bylaw. The repealed Federal Supreme Court No. (1) of 2005, corrected by the correction statement published in the Iraqi Gazette No. (3999) on 16/6/2005, which stated in its margin that (... It shall be

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published in the Official Gazette if the judgment or decision includes the cancellation or amendment of a legislative text) for the issuance of the decision required to be published under the aforementioned Bylaw. As for the application of Article (36) of the Bylaw of the Federal Supreme Court No. (1) of 2022, published in the Iraqi Gazette No. (4679) on 13/6/2022, which stipulates (the decisions of the Federal Court are final and binding on all authorities and persons and do not accept an appeal by any means of appeal, and decisions that rule that laws, regulations and other decisions that the Court deems unconstitutional shall be published in the Official Gazette and the Court's website...) shall be effective as of the date of issuance of the aforementioned Bylaw...), accordingly, the FSC decided to reject the request. The decision has been issued unanimously, final and binding for all authorities 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 dated 7/Rabee Al-Akhir/1444 Hijri coinciding 2/November/2022 AD.

Signature of
The president
Jasem Mohammad Abboud

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