

Republic of Iraq
Federal Supreme Court
Ref. 278 / federal /2022



Kurdish text

The Federal Supreme Court (F S C) has been convened on 8/2/2023 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, Dyar Mohammed Ali, and Munthir Ibrahim Hussein who are authorized in the name of the people to judge and they made the following decision:

The Plaintiffs: Saeed Faraj Ahmed, Hama Kareem Mohammed Salih, Kareem Hama Khoakram, Azeez Rahman Qadir, Ali Abdulla Kareem, Dolabar Abdul Qadir Faraj, Escool Mustafa Ali, Rahma Rahman Rasool – their agent the barrister Taha Ismaeel Qadir.

The Defendant: President of Kurdistan Region Government/ being in this capacity.

The Claim

The plaintiffs claimed through their agent that the defendant suspended their salaries amounting to (150,000) one hundred and fifty thousand dinars per month from the date of (15/8/2015 until 1/12/2022) without legal justification despite their repeated requests to pay them through the official competent authorities, but to no avail, and that his refusal to pay these salaries is contrary to Articles (29 and 30) of the Constitution of the Republic of Iraq for the year 2005 as well as contrary to the Social Welfare Law No. (126) of 1980 (The plaintiffs attached to their petition the decisions of the Council of Ministers in the Kurdistan Region). Numbered (57) on 21/12/2015 and (1515) on 5/4/2016 including the reorganization and review of the salaries of the disabled, people with special needs and social welfare), therefore, the plaintiffs

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requested the Federal Supreme Court to issue its decision to violate the Constitution and Iraqi law and oblige the defendant to pay all salaries due to them from (15/8/2015 to 1/12/2022) and to charge him the expenses and attorney's fees, the lawsuit was registered with this court with the number (278/Federal/2022) and the legal fee was collected based on the provisions of Article (21/1st) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022, and the defendant shall be informed of its petition and documents in accordance with item (Second) of the same article. After completing the procedures required by the rules of procedure of the Federal Supreme Court, a date was set to consider the case without pleading based on Article (21/3rd) thereof, in which the court was formed and the case was examined, the court examined what was stated in the plaintiffs' lawsuit and the grounds and requests contained therein, and after completing its audits, the end of the minutes has been made clear and issued the following decision:

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiffs filed the lawsuit against the defendant / being in this capacity, in which they claim that the defendant violated Articles (29 and 30) of the Constitution of the Republic of Iraq of 2005 as well as violated the Social Welfare Law No. (126) of 1980 when he suspended their social welfare salaries of (150,000) one hundred and fifty thousand dinars per month for the period from 15/8/2015 to 1/12/2022 and requested the court Oblige the defendant to pay all salaries due for the said period and charge him the fees and expenses. The Court reviewed the two decisions numbered (57) on 21/12/2015 and (1515) on 5/4/2016 issued by the Council of Ministers in the Kurdistan

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Region attached to the petition, and upon further consideration of the plaintiffs' requests, this court finds that its competencies are defined by the Constitution of the Republic of Iraq of 2005 in Articles (52 and 93) thereof and Article (4) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021, none of those competencies is the requests requested by the plaintiffs in the petition, which requires the dismissal of their lawsuit in form of lack of jurisdiction, and accordingly, and for the foregoing, the Federal Supreme Court decided to reject the plaintiffs' lawsuit, each of Saeed Faraj Ahmed, Hama Kareem Mohammed Salih, Kareem Hama Khoakram, Azeez Rahman Qadir, Ali Abdulla Kareem, Dolabar Abdul Qadir Faraj, Escool Mustafa Ali, Rahma Rahman Rasool for lack of jurisdiction and to burden them with expenses and fees. 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 edited on the session dated 16/Rajab/1444 Hijri coinciding 8/February/2023 AD.

Judge

Jassim Mohammed Abbood

President of the Federal Supreme Court

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