



The Federal Supreme Court (F.S.C.) was convened on 17.10.2022 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Ammer Shneen, Haider Jaber Abed, Haider Ali Noory, Khalaf Ahmad Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali, who are authorized to judge in the name of the people, they made the following decision:

The applicant for the issuance of the state order: Basem Khazal Khashan, and Mustafa Jabbar Sanad a member of the Council of Representatives - their attorneys are Ahmed Saeed Musa and Haider Saeed Musa

The state order is against the prime minister / in addition to his job.

The Request:

the requester the issuance of the state order, each of Bassem Khazal Khashan and Mustafa Jabbar Sanad / members of the Council of Representatives, through their representatives, with their regulations dated 4/10/2022, for which the legal fee was collected on the same date and recorded in the number (31 / federal / state order / 2022). Submitted to the Federal Supreme Court, Issuance of an Urgent State Order, for filing a lawsuit in No. (228/Federal/2022) before this Court, according to which the ruling is requested to cancel the decision against which State Order No. (226) of 2022, issued in the thirtieth regular session on 8/16 /2022, for the reasons indicated in detail in the lawsuit petition, which includes: “Stopping the disbursement of the

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amounts allocated by the decision against whom the state order No. 226 of 2022 is required for violating the provisions of Article (80/Third) of the Constitution of the Republic of Iraq for the year 2005, which obligates the Council of ministers issue their decisions with the aim of implementing the laws and not violating them, until the aforementioned case is resolved” for the reasons referred to in the request, the summary of which lies in the following: “The law on emergency support for food security in paragraph (19) of the table attached to the law allocated an amount of (400) billion dinars to the agencies Security and military, which includes the following: 1- Joint Forces Command 2- Ministry of Defense 3- Ministry of Interior 4- Anti-Terrorism Service 5- Iraqi National Security Service 6- Iraqi National Intelligence Service 7- Al-Hashd Al-Sha’abi Commission, and these funds were allocated to support its work in facing terrorism and security challenges, However, the decision required to issue the state order against him No. (226) for the year 2022 on 16/8/2022, of which (70) billion dinars was allocated for the restoration of the Prime Minister’s office and the purchase of unnecessary furniture, supplies, and mechanisms, especially as he is about to leave, that the office is not one of the devices, Therefore, the disbursement of the aforementioned amount violates the provisions of the law and the purpose for which it was allocated and is equal to (17.5%) of the funds allocated to the security and military agencies, and equal to the sums allocated to the anti-terrorist apparatus, the National Security Apparatus, and the National Intelligence Service communities.), and based on the provisions of Articles (151 and 152) of Civil Procedures Law No. (83) of 1969 as amended and

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Article (39) of the Federal Supreme Court's internal system No. (1) of 2022, the request was submitted to issue an urgent state order according to the details referred to above.

The decision:

Upon examination and deliberation from the Federal Supreme Court, it was found that the applicants for the issuance of the state order, due to their filing of the lawsuit in No. (228 / Federal / 2022) before this court, requested in their regulations dated 4/10/2022, the issuance of an urgent state order, which includes: ((stop the payment of funds 226 of 2022 specified by the decision to issue the state order against him for violating the provisions of Article (80/Third) of the Constitution of the Republic of Iraq for the year 2005, which obliges the Council of Ministers to issue its decisions to implement the laws and not violating them, until the aforementioned case is resolved, according to which the judgment is claimed To cancel the decision of the state order against him No. (226) of 2022, issued in the thirtieth regular session on 16/8/2022, for the reasons indicated in detail in the request, and the Federal Supreme Court finds that the legislation of the Emergency Support Law for Food Security and Development No. (2) for the year 2022 and according to the reasons

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behind it (to achieve food security, reduce poverty, achieve financial stability in light of urgent global developments, and continue to provide services to citizens and raise the standard of living for them after the budget law expires, job creation, maximizing Iraqis' benefit from state resources, advancing development, and resuming work on stalled and lagging projects due to lack of funding and new projects of importance) as the original and based on the provisions of Article (11) of the Federal Financial Management Law No. (6) of 2019 (the Council of Ministers discusses, approves and submits the draft federal budget law to the Council of Representatives before mid-October of each year), and in case of delay in approving the federal general budget until December 31 of the year preceding the year of budget preparation, The Minister of Finance, according to a generalization of disbursement at a ratio of (1/12) (one / twelve) or less from the total actual expenditures for the current expenditures of the previous fiscal year, after excluding non-recurring expenditures on a monthly basis and until the approval of the federal general budget based on the provisions of item (first) of Article (13) of the aforementioned law, and the disbursement is made on the ongoing investment projects based on the completed work excuses or the actual

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preparation of the project after ensuring the availability of cash blood money which has allocations within the draft budget law for the following year based on item (Second) of the same article, and in the event that the draft federal budget law is not approved for a particular fiscal year, the financial statements actually disbursed are considered a basis for the financial statements for the year in which the budget was not approved and submitted to the Council of Representatives For the purpose of ratification according to what was stated in Clause (Third) of Article (13) above, and the original and based on the provisions of Article (62/First) of the Constitution of the Republic of Iraq for the year 2005 that (the Council of Ministers submits the draft general budget law and the final account to the Council of Ministers Representatives for approval), and that what is meant by the Council of Ministers in this is the Council that exercises its work in its original capacity and not as a government that manages daily affairs, due to the importance of the budget law for the people, and the one who implements that law is the government that continues in its original capacity and it assesses the consequences of that law. The Ministry of Finance, based on the provisions of Clause (First) of Article (18) of the amended Federal Financial Management Law No. (6) of 2019, assigned

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the Ministry of Finance to express an opinion on draft legislation that includes financial provisions, and in the event of a law entailing disbursement of funds on the budget Its application should be from the following year to make the necessary allocation for it based on the provisions of item (Second) of Article (18) of the aforementioned law, and despite all that, the Emergency Support for Food Security and Development Law No. 2 of 2022 was enacted, where Article stipulates (3/First) of it on ((a sum of (25,000,000,000,000) dinars (twenty-five trillion dinars) is allocated by the Ministry of Finance and distributed according to tables (A) and (B) attached to the law)). Upon checking table (A) it was found that it includes Paragraphs (1 - 4) Paragraph (1) relates to the Ministry of Commerce, while Paragraph (2) concerns the Ministry of Electricity, and Paragraph (3) regarding the transfer of lecturers, administrators, all contracts, employees and metrology readers, and Paragraph (4) includes the return of their rescinded contracts from the security services and As for table (b), it includes (21) paragraphs, and there are many state departments and independent bodies that were not included in the two mentioned tables, as paragraph (19) of the table (b) came (the security and military agencies are distributed by a decision of the Council

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of Ministers), so and based on the Provisions of Article 144 of the amended Civil Procedures Law No. (83) of 1969, and as Cabinet Resolution No. (226) of 2022 obligated the Ministry of Finance to allocate the amounts to the entities established in paragraph (2) of the Prime Minister's Office letter No. (3.26/ 2212740) dated 8/8/2022 based on the provisions of Paragraph (19) of Table (B) accompanying the Law on Emergency Support for Food Security and Development, and since the aforementioned Prime Minister's Office letter included allocating an amount of (70 billion dinars) to the Prime Minister's Office And due to the existence of a lawsuit filed before this court in No. (228 / Federal / 2022), which includes a request to cancel the decision (226) for the year 2022 and for fear of disbursing the amount subject to the state order on it, the court decided to issue a state order to stop the disbursement of the amount allocated to the Prime Minister's office according to Cabinet Resolution No. (226) for the year 2022, amounting to seventy billion dinars for when the case was settled (228/Federal/2022), and obligated the Council of Ministers to abide by this and not to dispose of the amount until the aforementioned case was resolved. The decision was passed by a majority based on provisions The decision was issued by a majority based on the

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provisions of Article (94) of the Constitution of the Republic of Iraq for the year 2005 and Article (5/Second) of the Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021 final and binding and issued in the session dated 20/ Rabi' 1/1444 AH corresponding to 10/17/2022 AD.

Signature of

The president

Jasem Mohammad Abbood

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