

Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

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The Federal Supreme Court (F S C) has been convened on 17/3/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, , Hayder Jaber Abid, Hayder Ali Noori, Khalef Ahmed Rajab Ayoob Abbas Salih, Dyar Mohammed Ali, and Khalid Taha Ahmed who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: the Representative Basim Khazal Khishan

The Defendants:

1. Speaker of the Iraqi Council of Representatives / being in this capacity  
- His agents the official jurists/ Saman Mohsen Ibrahim and Aseel Samir Rahman.
2. Mohammed Rikan Hadid AL-Halbousi/ His agents the barristers Altaf Asaf Hunaihen and Ahmed Majid Ahmed.

**The Claim:**

The plaintiff claimed that the Federal Supreme Court had previously accepted his entry as a third person alongside the plaintiff in the lawsuit (9/Federal/2023) and read in its decision his evidence of the involvement of the former Head of the Council of Representatives (Mohammad Rikan Hadid Al-Halbousi) in concluding a contract with the Zionist company (BGR), under which the company communicates with American decision-makers to help him achieve the party's goal of establishing a modern civil state through cultural and societal change, and this is an explicit invitation to a foreign country it invaded Iraq twice and violated its sovereignty times and has sought more than once to divide Iraq, but the court ruled to reject his requests because they are suitable to be the subject of an independent lawsuit, and based on the

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*Zainab*

Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

decision, he filed this lawsuit to determine the nature of this contract and the crimes that the Taqadam party seeks to commit. BGR is a major lobbying firm with ties to the U.S. Republican Party, a large group of foreign policy experts, former U.S. government officials, and former members of Congress. It was founded by the President of the state of Mississippi (Hailey Barber), who is known for his close relations with the governments of the Zionist entity, and he is one of the hardline Zionists, according to an article published in the newspaper (Jerusalem Post) Zionist, and that it is known for pressure companies (lobby) to adopt goals and political or economic destinations known to American decision-makers, as well as to potential customers, and all pressure companies in the United States of America support the Zionist entity, and this applies to the company, which includes in the authority of its advisers the former Prime Minister of the Zionist entity (Ehud Barak) , which confirms that this company is Zionist working and seeking to achieve the interests of the Zionist entity, and this objective conclusion reinforces the company's work with the Kingdom of Bahrain and the State of Azerbaijan, and its contribution to the organization of the Abraham Accords under which normalization took place between this kingdom and the Zionist entity. The head of the Taqadam party contracted with BGR during his presidency of the Council of Representatives, and this contract specified the scope of work of the American-Zionist company (providing government relations services and public relations services to the client) in the United States of America, to achieve the party's goal stated in (9/Beh) in Form (Alif): (The Taqadam Party seeks to establish a modern civil state through cultural and societal change in accordance with an Iraqi vision framed by the constitution and supported by a public that believes in change and renewal), as

**Zainab**

Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

requested by the US government / Department of Justice From the company described the activities in which it participates or proposes to participate (on behalf of) the party, and it replied (providing government affairs and public relations services through engagement and facilitating communication with relevant officials, decision-makers and the media in the United States of America), In paragraph (10) of form (Beh), the company responded to the question of the US Department of Justice whether it will conduct political activities on behalf of a party that has advanced in the United States of America with (yes), and indicated that its political activities will include in accordance with the contract and the method of its implementation (guidance and strategic advice), which is a violation of article (25/2<sup>nd</sup>/3<sup>rd</sup>) of the Political Parties Law, which obliges the party to refrain from directing its party activity on the instructions of a state or any foreign entity, it must refrain from being an outlet for other States to interfere in the internal affairs of Iraq, according to the contract, the party pays an amount of (600,000) six hundred thousand dollars annually in addition to other costs, including visits and political activities carried out by the company on behalf of a party that has advanced to achieve its political goal of establishing a modern civil state in Iraq through cultural and societal change with the help of American decision-makers, and that the transfer of funds from bank accounts outside Iraq is evidence that the party was aware of the violations and political crimes involved in the contract, and its violation of the party's internal system in article (28/1<sup>st</sup>/Heh) of the Political Parties Law, the commission of these crimes by Mohammad Rikan Hadid Al-Halbousi during his tenure as head of the Council of Representatives obliges the Council to refer him to the Federal Supreme Court to convict him of the crime of perjury, violation of the

**Zainab**

Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

Constitution and high treason together, but the Council failed to do so because it was not possible during his tenure in office, and this should not be a reason to get rid of penal or moral penalties, Since the Federal Supreme Court has exclusive jurisdiction over the crimes of perjury, violation of the Constitution and high treason, this court was asked to rule that the Council of Representatives' refusal to refer its former president is invalid. (Mohammed Rikan Hadid Al-Halbousi) to the Federal Supreme Court to be tried for these crimes and convicted based on the evidence he submitted to the court and the revelations of its investigations. After registering the case with this court No. (328/Federal/2023) Collecting the legal fee thereon and informing the defendants of its petition and documents in accordance with article (21/1<sup>st</sup> and 2<sup>nd</sup>) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022, the first defendant's agent replied with the reply dated (31/12/2023) to sum up: The lawsuit and litigation were not directed against his client, because all the acts attributed to him were in his capacity as head of a political party and not in his capacity as Head of the Council of Representatives, and the plaintiff did not indicate his constitutional basis for filing the lawsuit, and that the only text that entrusted the Federal Supreme Court with the jurisdiction to adjudicate accusations is the text of Article (93/6<sup>th</sup>) of the Constitution, which the plaintiff does not help in his request, as it concerns the adjudication of accusations against the President of the the Republic, the Prime Minister and no other State officials, therefore, he requested the dismissal of the lawsuit and the plaintiff to charge the judicial fees and expenses, and the second defendant's agent replied with the reply list dated (1/2/2024) to sum it up: that the Federal Supreme Court had previously ruled to terminate his client's membership as of 14/11/2023, and that he thus lost the link with the Council of Representatives,

**Zainab**

Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

whether as a deputy in the Council or its president, and is considered a current citizen, and that the accusation of committing the crime of perjury, violation of the constitution and high treason cannot be attributed to a citizen who has no position, and the Federal Supreme Court In this regard, it shall only be competent to adjudicate on the accusations against the President of the Republic, the Prime Minister and the Ministers in accordance with the provisions of Article 93/6<sup>th</sup> of the Constitution, BGR is a 100% American company owned by American personalities, the nature of the work in the contract is communication with the media and public relations activity within the United States, and this may include communication with American government officials, non-governmental organizations and the media inside the United States and also includes the publication of media materials for the Progress Party, and the goal is to publish the activities of the Progress Party and market it in the media. And communicate with American officials, and benefit from their experience in the field of democracy in line with the Iraqi constitution, and that its work is inside the United States only, and they do not know if the company has personalities, lecturers or consultants from the occupying Zionist entity, nor do they know and are not concerned if they or other international companies have any communication with the occupying Zionist entity, and it is no secret to the court that many international companies deal with the Zionist entity and support it and its products are inside Iraq, and it has Contracts with the Iraqi government and the Iraqi private sector, especially since there are dozens of Iraqi partisan, governmental and political parties and personalities who have concluded similar contracts with American companies without any problem or legal impediment. The Political Parties Law No. (36) of 2015 did not prevent parties from dealing and contracting with

**Zainab**

Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

companies for advertising and publishing media activities and relations, but on the contrary, article (23/1<sup>st</sup>) thereof stipulates that (the party has the right to use the media to express its point of view and explain its principles and program), and that the Ministry of Planning is the sectoral body concerned with determining the companies that are prohibited from contracting with when they are included on the black list, and the contracted company was not included in the list, and that a party submitted its president and members, the Council of Representatives, from which they have the first lead in contributing, preparing and voting on the law criminalizing normalization and prohibiting dealing with the Zionist entity, the consideration of the plaintiff's allegations is not within the jurisdiction of the court, especially since there are many complaints submitted and the competent authorities and courts investigated them and final judicial decisions were issued on them that acquitted his client and his party, so he requested to dismiss the lawsuit in form and substance and to charge the plaintiff with the judicial expenses, and after completing the procedures required by the court's internal regulations, a date was set for pleading based on article (21/3<sup>rd</sup>) thereof, and the parties were informed of it, in which the court was formed, so the plaintiff attended and the first defendant's agents attended, and the lawyer Ahmed Majid Ahmed attended as an agent of the second defendant, and initiate the public presence pleading, the plaintiff repeated what was stated in the petition and he asked for judgment in accordance with what was stated therein, and after the court heard the statements and requests of each party and completed its scrutinies, the conclusion of the pleading has been understood the court issued the following decision:

**Zainab**



Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

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### **The Decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, the court noted that the summary of the plaintiff's lawsuit by Basim Khazal Khashan is a request to rule that the Council of Representatives' refusal to refer its former president, Muhammad Rikan Hadid Al-Halbousi, to this court for trial him for the crimes of perjury, violation of the constitution and high treason, which he believes that the second defendant, Muhammad Rikan Al-Halbousi, committed for the reasons detailed in the statement of the lawsuit, which were mentioned in the preamble of the decision above, and after the public presence pleading the court reviewed the list of the first defendant's agent, the Head of the Council of Representatives, in addition to his job dated 31/12/2024, in which he requested to reject of the lawsuit because everything attributed by the plaintiff proves that the litigation is not directed because he attributed it to the former Head of the Council of Representatives, and the plaintiff did not indicate the constitutional basis in demanding the referral of the former Head of the Council of Representatives to this court for trial him on charges of perjury of the constitutional oath, because the jurisdiction of the court under Article (93/6<sup>th</sup>) of the Constitution concerns the adjudication of charges against the President of the Republic and the Prime Minister, and the court also reviewed the list of the second defendant's agent dated on 1/2/2024, in which he requested the rejrcct of the lawsuit in form and substance for the reasons detailed in the regulation, then the court heard the statements of the agents of the parties seized in the session of 17/3/2024, after all of the above, this court finds that its jurisdiction is constitutionally defined under articles (52) and (93) of the Constitution of the Republic of Iraq for the year 2005, it was not one of them that this court had jurisdiction to try the Head of the Council of Representatives for the crimes

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*Zainab*

Republic of Iraq  
Federal Supreme Court  
Ref 328/ federal/2023



Kurdish text

attributed to him, because article (93/6<sup>th</sup>) of the Constitution give this Court jurisdiction to adjudicate charges against the President of the Republic, the Prime Minister and the Ministers, this is regulated by law, and it is based on the foregoing that the plaintiff's claim deserves to be answered The Federal Supreme Court decided as follows:

First: Reject the plaintiff's lawsuit in the name of Khazal Khashan for lack of jurisdiction.

Second: The plaintiff shall charge the fees, expenses and attorneyship fees of the first defendant's agents, in addition to his job, the human rights employees Saman Mohsen Ibrahim and Aseel Samir Rahman, and the second defendant's agents, Lawyers Altaf Assaf Hanihen and Ahmed Majed Ahmed, an amount of one hundred thousand dinars distributed in accordance with the law. The decision has been issued unanimously, final and binding according to the provisions of Articles 93 and 94 of the Constitution of the Republic of Iraq for the year 2005, and articles 4 and 5/2<sup>nd</sup> of the Federal Supreme Court Law No. (30) of 2005 as amended by Law No. (25) of 2021. The decision has been made clear on 6/Ramadan/1445 A.H. corresponding to 17/3/2024 AD.

**Judge**  
**Jasem Mohammad Abbood**  
**President of the Federal Supreme Court**

*Zainab*