

**In The Name Of God, Most Gracious, Most Merciful**

**Republic of Iraq  
Federal Supreme Court  
Ref.44 /Federal/Media/2014**



**Kurdish text**

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The Federal Supreme Court has been convened on 18/11/2014, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temman, and Aad Hatif Jabbar who authorized in the name of the people to judge and they made the following decision :

**The Plaintiff:** (Kha.Qaf.Ain.Lam.), his agent the barrister (Ha.Sin.Mim.Ain.)

**The Defendants:**

- 1) Baghdad governor- being in this capacity- his agent the jurist (Alif.Jim.Mim.).
- 2) the minister of finance- being in this capacity- his agent the legal official (Alif.Feh.)
- 3) the minister of justice- being in this capacity- his agent the legal official (Kha.Alif.Mim.)

**The Claim:**

The plaintiff claimed that the law of property compensation for those who affected by the former system No.(16) of 2010 issued by ICR and from its issuance to 2014 no work had been done based on it, and no one received any amount of money although there is a clear text stipulated the obligation of spending the financial compensations in 90 days from receiving the law by the governorate. Although the text is clear, the concerned departments are stalling in the implementation. The plaintiff is requesting from the court to oblige the defendant to execute the law – the subject of the case- with no

delaying and to direct the defendants to the necessity of settling the compensation cases and to form the competent commissions for settling the cases quickly. The case had been registered, then the defendants were notified by the case petition and their answers received by the court, the court selected the date of the argument. The court heard the sayings of the plaintiff agent and the defendants' sayings who requested to reject the case. The court reviewed all the documents and completed all the investigations. The end of the argument was understood and the decision was understood publicly.

### **The Decision:**

During the scrutiny and deliberation by the FSC, it found that the plaintiff case focused on that the law of property compensation for those who affected by the former system No.(16) of 2010 from its issuance to 2014 no work had been done based on it, and no one received any amount of money although the mechanism of compensating included by the law articles, its implementation had some delaying and stalling from the concerned departments. Based on the above, the plaintiff is requesting from the court to oblige the defendant to settle the compensation cases and to form the competent commissions for settling the cases quickly. After scrutiny, it found that FSC's competences determined by the article (4) from its law No.(30) of 2005 and the article (93) from the constitution and it didn't include among these competences the authority to try the plaintiff requests. So the FSC is incompetent to try this case and it must be rejected from competence point. The FSC decided to reject the case and to burden the plaintiff all the expenses and fees of the advocacy for the defendants' agents amount of hundred thousand Iraqi dinars divided among them equally. the decision was issued decisive and unanimously based on the provisions of the article (94) from the Constitution and it was understood publicly.