

In The Name Of God, Most Gracious, Most Merciful

**Republic of Iraq
Federal Supreme Court
Ref.45 /Federal/Media/2014**



Kurdish text

The Federal Supreme Court has been convened on 8/7/2014, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, and Hussein Abbas Abu Al-Temman, who authorized in the name of the people to judge and they made the following decision :

The Plaintiff: (Zin.Mim.Ain.) barrister with authority of Jim.

The Defendant: trustee of Holy Kadhimiya's shrine- being in this capacity-.

The Claim:

The plaintiff claimed that she has already contracted with the defendant for working as a jurist based on the order No.(300) on 13/2/2011 but the defendant issued an administrative order included in the first clause the annulment of the legal department, he relies on the bylaw of his department which ratified by the council of administration members. Therefore, the plaintiff violated the law No.(19) of 2005 for holy shrines and mausoleums which included the formations that belong to the shrine or the mausoleum. Based on this, she requested from the court to annul the text of the article (3/12) from the challenged bylaw. The defendant agent presented an answering draft sent by mail as a response to what included by the case's summons, he requested to reject the plaintiff case for the reasons included by his draft. On the argument day, the court made its session and the plaintiff attended by herself repeating her previous sayings and requests. where-

as nothing left to say, the court made the end of the argument and the decision was understood publicly.

The Decision:

During the scrutiny and deliberation by the FSC, it found that the plaintiff requesting to annul the text of the article (3/12) from the bylaw of holy Kadhimiya shrine- which the defendant relied on when he annulled the section of legal affairs which included by the administrative formations of the shrine- for violating the law No.(19) of 2005 ((the law of management of holy shrines and Shia mausoleums.)). Since the plaintiff confirmed that the challenged bylaw hadn't been posted in Iraqi gazette and the FSC's competences- determined by the article (93) from the Constitution and the law of the court No.(30) of 2005- didn't include the trying of administrative decisions or bylaws that hadn't been posted in Iraqi gazette, the court decided to reject the case from competence point and burden the plaintiff all the expenses and fees of advocacy. The decision was issued decisive and unanimously based on the provisions of the article (94) from the constitution on 8/7/2014.