

Republic of Iraq  
Federal Supreme Court  
Ref 49/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 12/5/2024 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 Munther Ibrahim Husain who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Raed Hussain Ali.

The Defendants:

1. The Prime Minister / being in this capacity – his agents the legal advisers Abbas Majeed Shabib and Qassem Suhaib Shakur.
2. Minister of Finance / being in this capacity - his agent the human rights employee Amer Abbas Qadir.
3. Secretary General of the Council of Ministers / being in this capacity - his agents the legal advisers Abbas Majeed Shabib and Qassem Suhaib Shakour.

### **The Decision**

Upon scrutiny and deliberation, it was found that the plaintiff filed the lawsuit before this court and requested a ruling on the invalidity of the phrase (withholding all allocations granted under previous decisions or instructions) contained in paragraph (2) of item (first) of the Council of Ministers Resolution No. (333) of 2015, and the ruling on the invalidity of the letter of the Ministry of Finance / Legal Department No. (45772 on 13/12/2022) and the letter of the General Secretariat of the Council of Ministers / Legal Department No. (Q/2/1/27/40278 on 17/11/2011) and obliging the defendants to implement the Council of Ministers Resolution No. (344 of 2011). which includes granting employees with higher degrees who are not covered by the University Service Law an allowance of 50% of the nominal salary and requesting that the

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defendants be charged expenses, fees and attorneyship fees; this is for the reasons stated in the petition, after registering the lawsuit with the number (49/Federal/2024) and collecting the legal fee for it, and informing the defendants of its petition and documents in accordance with Article (21 / first and second) of the court's rules of procedure No. (1) of 2022, the first defendant's answer was received by the list of his agent dated 27/2/2024, and the list of his agent dated 15/4/2024 and the second defendant's answer was received by the list of his agent dated 30/4/2024, and the lists included detailed formal and substantive defenses according to which they requested to reject the lawsuit for the reasons stated therein, and after completing the procedures required by the court's internal regulations a date was set for the pleading in accordance with Article (21/3<sup>rd</sup>) thereof, and the parties have been notified of it ,in which the court was formed, the plaintiff or his agent did not attend, and the first and third defendants attended their agent, the legal adviser Qassim Suhaib Shakour, and the second defendant's agent attended and began to conduct the public presence pleading, the Court decided, based on the provisions of Articles (56/2) and (57) of the Civil Procedure Law No. (83) of 1969, as amended, annulment of the lawsuit petition and judgment of the defendants' agents to one-third of the attorneyship fees prescribed by law. The decision has been issued unanimously and final in accordance with Article (94) of the Constitution of the Republic of Iraq for the year 2005, and it has been made clear on 4 Dhu al-Qi'dah 1445 A.H. corresponding to 12/5/2024 A.D.

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

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