



of all effects implications, and that these articles provided for the abolition of the area's councils and the continuation of the work of the current councils until the results of the provincial councils for violating the constitutional articles (1) , (109) , (116) , (122) , (125) and (2) of the constitutional which showed the system of federal government in Iraq and its components and components of the provinces and the administrative rights of the different nationalities, and that this cancellation is considered the principle of decentralization and unfair to the people of the areas far from the center of the sub-district, the plaintiff request to charge the defendant the fees and legal fees. The agent of the defendant (Head of the House of Representatives/ being in this capacity) answered the pleading on 9/5/2018 asked for reject the case and charge the plaintiff the fees and legal fees because decentralization pillars lies in the existence of administrative units based on two articles (116) , (122/1<sup>st</sup>) of the constitution, the law subject to challenge has been legislated in accordance with the constitutional contexts stipulated in the articles (80/1<sup>st</sup>) and (61/1<sup>st</sup>) of the constitution and that the maintenance of the work of the current councils temporarily is to serve the performance and reduce costs. He also established the plaintiffs (Habib Hashem Abbas and Aziz Jafat Kanji) the case No. (73/federal/2018) on the same defendant and they request from the FSC Judgment by revoking the articles (1) and (14) on the same law No. (10) of 2018 due to their conflict with the articles (118) , (122) and (13) of the constitution. The defendant's agent replied with pleading date 8/5/2018 lack of interest conditions according to article (6) of bylaw of FSC No. (1) of 2005, nor the damage caused to them, and nothing to do with the constitutional articles that the agents of the plaintiffs mentioned in the matter of the challenge. So the defendant's agent asked to reject the case and to charge the plaintiffs the fees and legal fees. The agent of the plaintiff (Chairman of Anbar Provincial Council/ being in this capacity) also established the case No. (74/federal/2018) on the same defendant and request from the FSC to revoke the text of the article (15) of the same law challenged No. (10) of 2018 for violating the article (1), (109), (116), (122) and (125) of the constitution. In addition, some area of the

province of Anbar deserve to raise their degree to spend their area and the application of controls and the geographical dimension is an obstacle to the exercise of legislative role. The agent of defendant (Head of the House of Representatives/ being in this capacity) in the pleading on 8/5/2018 not to indicate the face of the violation of article (1) of the constitution and that the law did not affect the federal system did not eliminate the area, however, the cancellation is limited to cancellation the council of area according to the draft sent by the council of Ministers. Article (122/4<sup>th</sup>) of the constitution did not require the formation of a council for each component and does not correlate between guaranteeing the rights of minorities and the formation of councils, also did not specify the areas that include minorities in Anbar province which will be affected. Moreover, the Honorable Court is not competent to consider the merits of upgrading the areas, nor the geographic dimension of some of them from the sub-districts centers. So the defendant's agent request to reject the case, the plaintiff will charge fees and attorney fees. After completion of the procedures required in accordance with the rules of procedure of the FSC No. (1) of 2005 appointed on 28/5/2018 as the date of the argument in which the court was formed and attended the plaintiff's agents and the agent of the defendant in the No. case (67/federal/2018) and began to argument immanence and public, the plaintiff's agents repeated the petition and asked for judgment under it. The defendant's agent reiterated what was stated in the pleading and asked to reject the case. The court scrutiny the petition of the case found that two cases were made in this court (73/federal/2018) and (74/federal/2018) their subject is the same subject of this case No. (67/federal/2018) and the defendant is the same in both tow cases (Head of the House of Representatives/ being in this capacity) based on provisions of article (76/2) of the Civil Procedure Law decided to unified the three cases and considered the case (67/federal/2018) is the base one because it's the first one in field. Called for the agents of the plaintiffs in the cases (73/federal/2018 & 74/federal/2018) they attended and began to argument immanence and public by them and repeat the petition of the case. The agents of the defendant repeat the

pleading of both two cases. The agents of the plaintiffs commented that the councils of the area to provide services to citizens of the region directly and its role is to deliver the voice of citizens to the Council of the province and the House of Representatives and executive services. The defendant's agents replied that they had nothing to add and asked to reject the case and responded to the prosecutor's inquiry about the reason for the cancellation of the district councils that he had come up with a legislative option and where nothing was left, the conclusion of the pleadings was understood and the verdict was read publicly in the hearing.

### The Decision :

For scrutiny and deliberated by FSC found that the original case as the oldest one No. (67/federal/2018) and the two unified cases with it No. (73/federal/2018 & 74/federal/2018) lead to challenge unconstitutionality what is stated in the law (10) for the year 2018, the Third Amendment of the Law of Governorates not organized in Region No. (21) of 2008 including the cancellation of (the district council) and under the articles provided by the amendment law mentioned in the petitions of the three cases, the guests mentioned the reasons for the challenge were scrutinized by the court, It stood on whether the amendment was violent constitutional or not, and found after scrutiny and deliberated the amendment does not affect the federal system in the Republic of Iraq provided for in article (116) of the constitution which consisting of capital, regions and provinces decentralized and local administrations and does not affect the components of the provinces provided for in article (122/1<sup>st</sup>) of the constitution by sub districts and districts and villages which is the basis of administrative decentralization and that the existence of (the district council) in each area as the plaintiffs want to have no basis of the constitution that the only requirement stipulated by the constitution is the existence of the (Council of the province) under article (122/4<sup>th</sup>) of it. The FSC finds that the abolition of (the district council) under the Third Amendment to the Law of Governorates not organized in the province came a legislative option owned by the House

of Representatives under the legislative authority provided for in article (61/1<sup>st</sup>) of the constitution there is no violation of the constitution. Accordingly, the original case and the two consolidated petitions are not based on a reason of the constitution. The decision was made by the agreement to reject the case and to charge the plaintiffs with the expenses and fees of the agent of the defendant/ being in this capacity, the amount of one hundred thousand dinars. The judgment was binding on the basis of article (94) of the constitution and article (5) of the law of FSC No. (30) of 2005, it was publicly understood on 28/5/2018.