

Republic of Iraq  
Federal Supreme Court  
Ref. 8/ federal/state order /2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 20/3/2024 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 Requestor of Issuing the State Order: Mohammed Youssef Mahdi  
Al-Sadi-His agent the barrister Ali Kamil Rasoul Al-Taai.

Who Requested to Issue the State Order Against:

1. Speaker of the Council of Representatives/ being in this capacity.
2. President of the Republic/ being in this capacity.

**Brief of the Request:**

The applicant for the issuance of the state order through the mediation of his agent submitted to the Federal Supreme Court, its regulation dated 13/3/2024, for which the legal fee was collected the next day, and was registered in the number (8/Federal/State Order/2024) required to issue an urgent state order that includes suspending the implementation of the ((Council of Representatives Resolution No. (50) for the year 2023 Adopted in its session held on 12/9/2023, and the parliamentary order (189) on 13/7/2023, the parliamentary orders numbers (184) and (185) on 6/10/2021, and the presidential decree number (88) for the year 2023, and the decision of the Presidency of the Council of Representatives dated 20/11/2023)) until the resolution of the lawsuit filed before this court in the number (316/Federal/2023) according to which claims under it (ruling on the invalidity of parliamentary

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decisions and orders and the presidential decree required to suspend their implementation) are required for the reasons detailed in the regulation, whose conclusion lies in the following: (For not meeting the conditions required in articles (2) and (4) of the law regulating the work of consultants No. 3 for the year 2022 in a number of advisors who manage the specialized consultant offices approved under item (first) of the parliamentary order No. (189) on (13/7/2023) and the Council of Representatives Resolution No. (50) of 2023 and their appointment by virtue of Presidential Decree No. (88) of 2023, the selection process for most of the names of the councillors who were put to the vote should be based on partisan and quota considerations, away from considerations of competence, experience and merit in the absence of a provision in the law regulating the work of advisors No. (3) of 2022 that stipulates the abolition of the positions, titles and job grades of advisors, their relocation, the reduction of their job grades, or granting the Head and his deputies absolute authority or the right to appoint them in what they deem appropriate job grades, and because all of this is outside the competencies of the Council of Representatives specified in Article (61) of the Constitution, the violation of the two parliamentary orders Nos. (184) and (185) dated 6/10/2021 in their issuance of the rules of jurisdiction is a violation that relegates them to the point of nothingness, in addition to the occurrence of the process of forgery in their signatures and manipulation of the real dates of their signature, and the date of their issuance, and the court decided to consolidate the aforementioned lawsuit with the lawsuits numbered (249 and 277/Federal/2023), and because each of the two aforementioned parliamentary orders, the Republican Decree No. (88) of 2023 and the decision of the Presidency of the Council of representatives dated 20/11/2023, it has harmed the rights of the applicant for issuing the state order, and the arbitrariness of

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the administration of the Council of Representatives towards his legally guaranteed rights by refraining from paying his monthly salaries and allowances as of 1/9/2023 (i.e. more than six months ago) and for his purpose, which is the only source of livelihood that secures his strength and the sustenance of his family and meets their necessary needs, which violates the text of Article (37/III) of the Constitution, which prohibits forced labor it violates the International Labour Convention No. 29 of 1930 concerning Forced or Compulsory Labour, and Recommendations No.(35and 36)on forced labour ratified by the State of Iraq by Law No. (60) of 1962 published in the Official Gazette No.(739)on 11/11/1969, it also violates the International Convention No. 105 of 1957 ratified by the International Labour Organization concerning the abolition of forced (compulsory) labour, ratified by Iraq by Law No. 85 of 1958, published in the Official Gazette No. 103 on 1/1/1959, as well as the termination of his personal protection contracts and the contract of the driver who works with him, refraining from paying the wages of the wheel fuel owed by him, and not including him in the financial rewards granted to his peers, and for other reasons detailed in the statement of claim. that would remedy the effects of the enforcement of such orders and decisions, and prevent them from arranging any result that is difficult to remove until its validity is determined or not after reviewing the application and completing the scrutinies , the court issued the following decision:

**The Decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the applicant for the issuance of the state order, due to his filing of the lawsuit No. (316/Federal/2023) before this court, which was previously consolidated with the two lawsuits (249 and 277) and the lawsuit No. (249) was considered the basis, according to its regulation

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dated 13/3/2024, a request was made to issue an urgent state order that includes suspending the implementation of ((Council of Representatives Resolution No. (50) of 2023 adopted in its session held on 12/9/2023, parliamentary order (189) on 13/7/2023, parliamentary orders Nos. (184 and 185) on 6/10/2021, Presidential Decree No. (88) of 2023, and the decision of the Presidency of the Council of Representatives dated 20/11/2023)), until the lawsuit filed before this court is resolved with the number (249 and its two unions 277 and 316/Federal/2023), for the reasons referred to in detail, and the Federal Supreme Court finds that the issuance of an urgent state order based on an independent request or implicit in the constitutional cases filed before it has not been addressed, nor has it been addressed in the Federal Supreme Court Law No. (30) of 2005 as amended by Law No. (25) of 2021, nor the Rules of Procedure of the Federal Supreme Court No. (1) of 2022 published in the Iraqi Gazette issue (4679) on 13/6/2022, thus, it is subject to the provisions referred to in Articles (151 and 152) of the Civil Procedure Law No. (83) of 1969, as amended, to the extent commensurate with the nature and specificity of the constitutional case, based on the provisions of Article 39 of the Rules of Procedure of the Federal Supreme Court referred to above, which stipulates that (the court may consider requests for summary judgment and orders on petitions in accordance with the provisions stipulated in the Civil Procedure Law No. (83) of 1969 as amended or any other law that replaces it) and in accordance with Article (36) thereof, which stipulates that (the court's decisions are final and binding on all authorities and persons and cannot be challenged by any means of appeal...), on the basis of the foregoing, the issuance of an urgent state order by the Federal Supreme Court governed only by the controls and conditions that must be met for its issuance referred to in the Code of Civil Procedure, for the finality of the decisions issued by

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this court and not subject to the methods of appeal, which lie in submitting an application in two copies including facts, grounds and documents, and the availability of urgency, and not to enter into the origin of the right and decide on it, and since the examination of the request for the issuance of the state order from this court, has proven the lack of urgency in it, nor the state of necessity that requires its issuance, in addition to the above, responding to its content means entering the origin of the right and giving a prior opinion on the lawsuit, filed before this court in the number (249 and its units 277 and 316/federal/2023), and that this contradicts with the stable judicial customs in the constitutional districts of Arab and foreign countries, and with what the Iraqi judiciary has settled on, both constitutional and ordinary, and what is included in the well-established judicial applications in this field based on the provisions of the Constitution and the laws in force, based on the realization of the right and the achievement of justice and fairness away from inclinations, passions, arbitrariness and flattery, there is no blame for what has really been said or done, in view of the foregoing, the Federal Supreme Court decided to reject the request for the issuance of the urgent state order submitted by Muhammad Yusuf Mahdi Al-Saadi. The decision has been issued unanimously, final and binding according to provisions of Article 94 of the Constitution of the Republic of Iraq of 2005, article (5/2<sup>nd</sup>) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) for the year 2021. The decision has been edited in the session dated 10/Ramadan/1445 A.H. corresponding to 20/3/2024 AD.

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

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