

Republic of Iraq  
Federal Supreme Court  
Ref. 7 / federal /media/ 2013



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 25.2.2013 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen whom are authorized in the name of the people to judge, they made the following decision:

### **The Request:**

The General Director of Communications and Media Commission requested in the letter no.(838) dated on 3.2.2013 the F.S.C. for state an opinion to article (103) of the constitution of 2005, as it seeks new interpretation for he mentioned article according to article (5) of the F.S.C. bylaw no. (1) for 2005, the general secretariat of the Council of Ministers letter no.(18810) dated on 31.5.2012 stated that (the financial independence granted by the constitution to the Media and Communications Commission means that it operates with a self-financing system to feed the salaries and allowances of its employees through its resources derived from its activities, and thus it is not dependent on calculating its salaries and allocations to government agencies that operate in the central system). He requested the F.S.C. to state it opinion and interpret the aforementioned, notifying

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them the possibility that the commission adopt what stated in the general secretariat of the Council of Ministers letter and its implementation.

The request has been scrutinized and deliberated by the F.S.C. and it decided the following:

### **The decision:**

During scrutiny and deliberation by the F.S.C., it found that the Media and Communications Commission requested new interpretation of article (103) of the constitution of 2005, according to article (5) of the F.S.C. bylaw no.(1) for 2005 it required to send the request by lawsuit to the F.S.C. with its reasons and substantiations, and not according to the request sent by it, article (5) of the bylaw stated (If one of the official authorities, on the occasion of an ongoing dispute between them and another party, requests a decision on the legality of a text in a law, legislative decision, regulation, instructions or order, then the request shall be sent with a case to the F.S.C., with its reasons and grounds), as the request submitted by the Media and Communications Commission in contrary to what stated in the mentioned text, also it mentioned that general secretariat of the Council of Ministers in the letter no.(18810) dated on 31.5.2012 stated that (the financial independence granted by the constitution to the Media and Communications Commission

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means that it operates with a self-financing system to feed the salaries and allowances of its employees through its resources derived from its activities). Accordingly, the F.S.C. finds from the request contents that it represents dispute between the commission and the general secretariat of the Council of Ministers which required to initiate a lawsuit according to article (5) of the F.S.C. bylaw no.(1) for 2005. As for the request in the letter about state the opinion the possibility that the commission adopt what stated in the general secretariat of the Council of Ministers letter, this request is out of the F.S.C. jurisdictions that are stipulated in article (93) of the constitution of 2005 and article (4) of the F.S.C. law no. (30) for 2005. The decision was issued unanimously on 25.2.2013.