



The Federal Supreme Court (F S C) has been convened on 10.23.2017 headed by the Judge Madhat Al-mahmood and membership of Judges Jaafar Nasir Hussein, Akram Taha Mohammed, Mohammed Rijab AL-Kubaisi, Mohammed Saib Al-Nagshabandi, Aboud Salih Al-Temimi, Sulaiman Abdullah Abdul-Samad and Hussein Abbas Abu Altemmen who authorized in the name of the people to judge and they made the following decision:

Challenge requestor: Secretary General of daawa Islamic party/ interior organization (ain.kaf.ain.ha)/ being in this capacity- his agent the barrister (ain.shin.alif.ain).

Challenged against: 1. (ha.ain.jim)/ a member of daawa Islamic party.
2. The decision of judicial committee for elections in the cassation court.

Claim

The agent of the challenge requestor claims that on 9.10.2017 the election judicial committee in the cassation court issued in case No. (2/appeal/2017) a decision obliges the high independent electoral commission to delete registering of (Islamic daawa party/ interior organization) and selecting a new name does not containing and vocabulary of the vocabularies which consist (Islamic daawa party) which challenged against, and the challenge requestor were notified with the decision on 9.24.2017. Whereas the challenged decision violating the law, especially the political parties law No. (36) for 2015, so, he proposed to challenge the aforementioned decision within the legal period for the reasons listed in the challenge, which they are: 1. The judicial committee of elections in the federal cassation court had reviewed the case (challenge subject) as it is regarded the challenge committee, not as it is the subject court as listed in article (14) of the

political parties law, and both parties were not notified. 2. The political parties law were challenged before its validity and among the new parties were registered, by the text of article (58) of it (the existent parties when this law is valid shall conform its situations according to this law provisions within one year of its validity, contrarily the party must regard itself dissolved), and the two parties (challenge subject) were approved previously, and were not challenged and got the legal form and conformity never gives a new right for challenge. 3. The two parties participated in the past elections and no complexity occurred with the voters, because the high independent electoral commission did not receive any challenge in this concern. 4. The judicial committee decision was not based on a legal basis and its relying on the text of article (7) of political parties law is not right, whereas the law stipulated on (the full name) different not the vocabularies listed in the name. 5. Obliging the challenge requestor to choose a new name does not containing any of vocabularies that forms (Islamic daawa party) violates the law which hindering the full matching of the name. 6. The Islamic daawa party is precedent in conformity not in registering, because the registration occurred previously and the challenge period is over, and registering the Islamic daawa party at the commission after the date of registering Islamic daawa/ interior organization, as well as for the similar parties in the registered vocabularies at the commission. According to the aforementioned reasons, the challenge requestor requesting to reject the decision (challenge subject. The challenge (request subject) was set before the FSC in its session convened on 10.23.2017 for scrutiny and deliberation, and the court reached the following:

The decision

After scrutiny and deliberation by the FSC in its session convened on 10.23.2017, the court found that the challenge presented during the legal period, therefore the court decided to accept it formally. After reviewing the challenged decision, which issued by the judicial committee of elections in the federal cassation court No. (2/appeal/2017) on 9.10.2017 which decided to vetoing the commissioners' council decision in the high independent electoral commission No. (6) for the regular minutes (32) on 6.2.2017 and delete registering Islamic daawa party (interior organization) in its current name, and obliging the commission to inform

the party to choose a new name does not containing any vocabulary of the appellant party's vocabularies within a period determined by the commission. After returning to the recitals of the reasons which the election judicial committee relied on in its veto, especially article (7) of political party law No. (36) For 2015 which stipulates on (each party has its private emblem and name, and the full name for each party and brief name, as well as the distinguished emblem which is it differs on these refers to a previous political parties and registered according to the law). Whereas establishing Islamic daawa party was on 2.14.2017 which it was before registering Islamic daawa party (interior organization) which was on 6.6.2017, whereas one of the reasons which called the judicial electoral committee is the similarity in the two parties names which cause mingle and error in distinguishing between them for the regular voter. Whereas what the judicial electoral committee in the federal cassation court relied on of reasons in its vetoed decision No. (2/appeal/2017) on 9.10.2017 are correct and adapted to the law. Therefore, the court decided to reject the challenge and approving the challenged decision and to burden the challenger all expenses and reject the challenge against the first challenged for Non-adversarial. The decision issued decisively and unanimously on 10.23.2017 according to provisions of article (14/4th) of political parties law No. (36) For 2015, and shall be published in the gazette according to provisions of article (16/3rd) of the aforementioned law.