

In the Name of God most gracious most Merciful

Republic of Iraq
Federal Supreme Court
Ref. 155/Federal /2021
162/Federal/2021



Kurdish text

The Federal Supreme Court (F S C) has been convened on 24/11/2021 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghalib Amir Shunayen, Hayder Jabir Abid, Hayder Ali Noori, Khalef Ahmed Rajab, Ayooob Abbas Salah, Abdul-Rahman Suleiman Ali, and Dyer Mohammed Ali who authorized in the name of the people to judge and they made the following decision:

The Applicants: 1. The Minister of Oil (Ihsan Abdul Jabbar Ismail).
2. The Head of Al-Nahij Al-Watani Alliance (Ph.D. Aziz Ahmed Al-Musawi)

Whom requested to suspend her winning: the Candidate (Zahra Hamza Ali Al-Bachari).

First: the request in the case (155/federal/2021):

The Minister of Oil, Mr. (Ihsan Abdul Jabbar Ismail) asked the Federal Supreme Court under the letter of the Ministry of Oil Legal Department in the number (Waw/627 on 9/11/2021) to suspend the winning of the candidate (Zahra Hamza Mohammed Ali Al-Bachari, winner of this year's elections to the Council of Representatives, in the service of the public interest, and until the resolution of the penalty cases imposed on it by Basra Oil Company in number (338 for 2021), (302 for 2020), (439 for 2019) and (440 for 2019), for exploiting its membership in the former Council of Representatives through its interference with the work of the Basra Oil Company for the purpose of extortion and achieving of personal interests.

Second: the request in the case (162/federal/2021):

The Head of the Al-Nahij Al-Watani Alliance, Ph.D. Abdul Hussein Aziz Ahmed Al-Musawi, asked the Federal Supreme Court under the Al-Nahij Al-Watani Alliance letter (103 on 21 November 2021), and according to the provisions of the article (8th/3rd) of the Iraqi Parliament elections Law No. (9) for 2020 and the article (93/7th) of the Republic of Iraq Constitution for 2005), not to ratify the results of the votes gained by the complained of, the candidate (Zahra Hamza Ali Al-Bachari/ Sequence 20/ the fourth circle/ Governorate of Basra) and to exclude her because she didn't meet the stipulations of candidacy, and also requested to replace the aforementioned candidate with the candidate (Kareema Hasan Hussein Al-Temimi/Sequence 43/fourth circle/ Governorate of Basra) because the candidate (Zahra Hamza Ali) had previously sentenced by the Court of a misdemeanor of Basra in the case No. (631/Jim2/2015) and the decision became decisive. Also, she has been sentenced from the Court of integrity misdemeanor in Basra according to the penal case No. (551/Qaf3/2014) and the case No. (310/Qaf3/2014) by a penalty that deprives liberty. Therefore, her candidacy is void from the base, whereas a complaint has been presented to the Independent Higher Electoral Commission in this concern.

The Decision

Upon scrutiny and deliberation by the Federal Supreme Court and after reviewing the requests, which came from (Messrs. Minister of Oil/ Ihsan Abdul Jabbar Ismail, And President of the Al-Nahij Al-Watani Alliance / Ph.D. Abdul Hussein Aziz Ahmed Al-Musawi) mentioned earlier, which included the suspension of the winning of the candidate (Zahra Hamza Ali Al-Bachari / Sequence 20 / 4th circle / Basra Governorate), and not to ratify the results of the votes she gained, in addition to the request of replacing her with the candidate (Kareema Hussein Al-Temimi/ Seqeunce 43/ 4th circle/ Governorate of Basra) according to the provisions of the article (8/3rd) of the Council of Representatives elections Law No. (9) for 2020, and the article (93/7th) of the Republic of Iraq Constitution for 2005. It is clear that the tasks and

the jurisdictions of this Court according to the provisions of the article (93/7th) of the Republic of Iraq Constitution for 2005 (Ratifying the final results of the general elections for membership in the Council of Representatives). This jurisdiction has been supported according to the article (4/7th) of the FSC's Law No. (30) for 2005, amended by the Law (25) for 2021. The exercise of this Court for its jurisdiction by ratifying the final results of the election requires sending the results by the IHEC to the Court after resolving the complaints and the challenges applied in this concern by the Board of Commissioners and the specialized judicial committee which hear such challenges. Accordingly, and because the results of the elections weren't received by the FSC, therefore, its jurisdiction is not met. Moreover, when there is an objection against the authenticity of the ICR's members membership, in this case, the jurisdiction of the Court is met according to the provisions of the article (52) of the Republic of Iraq Constitution which comes after the ratification of the final results of the elections by this Court and the convening of the sessions of the ICR. Therefore, the Court decided to reject the two requests aforementioned in form. The decision has been made unanimously, decisive and binding for all powers according to the provisions of articles (93/7th and 94) of the Republic of Iraq Constitution for 2005, and articles (4/7th and 5/2nd) of the FSC's Law No. (30) for 2005 which amended by the La No. (25) for 2021. The decision has been issued on 18/Rabea'a Al-Akhar/1443 Hijri which coinciding 24/November/2021 AD.

**Signature of
the president**

Jasem Mohammad Abboud