



The Federal Supreme Court (FSC) has been convened on 21.11.2018, headed by the Judge Madhat Al-Mahmood and the membership of Judge Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih AL- Tememi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temmen and Mohammed Rajab Al-Kubaise who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff : (Mim,Ain,Kha) – her agent the lawyer (Mim,Alif,Ain).

The Defendants :

1. Head of the independent higher commission for elections / being in this capacity his agent the legal official (Alif,Ha,Ain).
2. head of the higher national commission for justice and accountability / being in this capacity his agent the legal official (Alif,Alif,Jim).

The Claim:

The plaintiff's agent claimed that on 16.8.2018. the commissioner council in the independent higher commission for elections issued its decision No.(Ha/18/1121) on 16.8.2018. about the declaration of the winner result in the ICR. elections for the year 2018. one of them is the elect (Ain,Yeh,Ha,Lam)) from Al-Nasir coalition in the governorate Salah Al-Deen. because The aforementioned violated the article (7/1st) , (7/2nd) and (13/2nd) from the constitution , and the aforementioned elect is one of the leaders of AL-Qaida terrorist organization and he is accused by many cases like the incident incursion of Salah AL-Deen governorate Council and the assassination incident of the lieutenant colonel (Alif,Sad,Feh) and other incidents even though his name has been mentioned in the confessions and an arrest warrant has been issued against him in his name (Ain, Father name is unknown) . the aforementioned elect worked as the head of Salah AL-Deen governorate Council and he has been fired on year 2013 for His fleeing as a result of the issuance of orders against him, also the aforementioned elect is one of those

who are wanted by the judiciary for the crime of attacking Salah AL-Deen governorate council which killed more than (50) martyrs , one of them is the plaintiff's husband the martyr (Ha,Ain,Mim) who martyred in the incident. Also the elect wanted by judiciary for the crime of killing the victim (Alif,Sad,Feh) . also an arrest warrant has been issued against him according to the article (289) sanctions for the crime of forgeries of decisions and speeches falsely attributed to the judiciary. The elect choose to flee and the judiciary commission for the elections in the federal court of cassation in its decision No.(58/Appeal/2014) on 31/3/2014 has already consider the elect (Ain,Yeh,Ha,Lam) as lacking for the condition of good conduct and morals. The plaintiff's agent clarified that the membership of the aforementioned person in the ICR. Grant him the immunities and the privileges such as the freedom of the movement, the plaintiff agent requested from the court exclude the elect from winners lists and to not approve his win. The defendants being in their capacity has been notified by the case petition and its documents , so he answered it the first defendant being in his capacity by a draft dated on 16.9.2018 that the commissioner council and in it decision No.(12) on 16.8.2018 reject the claim because the elect isn't issued in his right a penal judgment which have become final, and it sent the names of elects to the directorate of criminal registration to verify that the elect is not convicted for a crime which is dishonorable , and his name hasn't been mentioned within the elects who are have a criminal record. The decisions of the commissioner council is indecisive and contestable before the judiciary commission for elections. The defendant requested to rejected the case , the agent of the second defendant answered by his draft that dated on 10.9.2018 which listed in it that the commission of his client is a reviling body on the covered by the commission law and the law No.(10) for year 2018. Made away to challenge its decisions. The FSC. Isn't competence in this case and the commission of his client issued a decision that there are no information mention that (Ain,Yeh,Ha,Lam) is covered by the law of justice and accountability and he requested reject the case. On the appointed day for the argument the court called upon the parties , agent of the plaintiff and the agents of the defendants attended. The plaintiff's agent repeated the case draft and requested the judgment according to what listed in it. The agents of the defendants answered : we repeat what listed in the answered draft and request reject the case . agents of the two parties repeated their sayings . the argument end has been made clear and the judgment decision has been issued publicly.

The Decision:

During scrutiny and deliberation from the FSC. The court found that the plaintiff with her agent challenge the decision of the commissioners council in the higher independent commission for the elections No.(Ha/18/1121) dated 16.8.2018. for declaration of the elections result in elections of the ICR. For 2018. One of them is the elect (Ain,Yeh,Ha,Lam) from AL-Nasir coalition in Salah AL-Deen governorate . the agent claimed that the aforementioned is one of the leaders of the AL-Qaida terrorist organization and one of the wanted by the judicial authorities for the crime of attacking the council of Salah AL-Deen governorate on 2011. Which killed more than (50) martyrs . one of them is the plaintiff's husband (Ha,Ain,Mim) . the plaintiff's agent requested to exclude the elect (Ain,Yeh,Ha,Lam) from the winners lists and not approving his win. The FSC. Found that the request to not approve on the elections result for the elect isn't listed because the FSC has been approved on the public elections result for the ICR. According to its competence which texted in the article (93/7th) from the Constitution. The plaintiff can challenge the membership of the winner elect according to the seat method in the article (52/1st) from the constitution , if she wanted that and if the challenge reasons is available. Based on that the FSC. Decided to reject the plaintiff case and burden her the expense and fees of the advocacy for both agents of the defendants amount of thousand hundred Iraqi dinar given to them according to the law. The decision has been made decisively, unanimously on 21.11.2018