

In the name of God most Gracious most Merciful

Republic of Iraq
Federal Supreme Court
Ref. 190/federal/2021



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 12. 12 .2021 headed by Judge Jasem Mohammad Abod and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haidar Jaber Abed, Haider Ali Noory, Khalaf Ahmad Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali who are authorized to judge in the name of the people, they made the following decision:

The Presenter of the Request: Ali Babir Watman / President of the Kurdistan Justice League - his attorney, Zana Saeed Khader.

Summary of the Request:

Through scrutiny, it became clear that the applicant, Ali Baber Watman, requested through his attorney, Zana Saeed Khader, his attorney, under his regulation dated 8/12/2021, for which the legal fee was collected on the same date and registered in the number (190/federal/2021), to review all the complaints and appeals he submitted and the non-ratification of the election results due to the violations and fraud that took place in most of the governorates. The results became unreal and did not reflect the will of the voters because they were manipulated in favor of some parties, for the reasons mentioned in detail in the list whose summary is as follows: The Kurdistan Justice Group participated in the Iraqi parliamentary elections that took place on 10/10/2021 with five candidates in five electoral districts in the governorates of Sulaymaniyah and Erbil, but the results announced by the Independent High Electoral

Commission (IHEC) resulted in the victory of only one of the candidates, and because of the legal violations that accompanied the election process, such as matching fingerprints and not closing the ballot boxes on time, several appeals were submitted to the IHEC, some of which were answered and others were not. And that the first complaint was submitted in Baghdad to the Commission, was on (13/10/2021), then six appeals were submitted in the results of the third and fourth circuit in the Office of the Commission in the Kurdistan Region Commission to the Commission, and on (19-20/10/2021) two appeals were submitted In the province of Sulaymaniyah, the second and third constituencies, only three appeals were answered from Erbil, and two from Sulaymaniyah. The other appeals were not answered, especially that the candidate of the group mentioned in the third constituency in Sulaymaniyah is ahead of his competitors by a large difference in the stations where the manual counting and sorting were done In contrast to the stations in which the counting and sorting were done electronically, and based on the foregoing, a request was made to reconsider all the complaints and appeals he submitted and to not ratify the election results.

The Decision:

After scrutiny and deliberation by the FSC, it turned out that the applicant, Ali Babir Watman / President of the Kurdistan Justice Group, requested a review of all the complaints and appeals he submitted and the non-ratification of the election results, for the reasons mentioned in detail in the aforementioned regulation, and the FSC finds that among its tasks and competencies under the provisions of Article (93/7th) of the Constitution of the Republic of Iraq for the year 2005 (ratifying the final results of the general elections for the membership of the Council of Representatives), and this competence is confirmed by Article (4/7th) of the FSC Law No. (30) of 2005 amended by Law No. (25) of 2021, and that the court's exercise of its role in approving the final results of the elections is after sending those results from the IHEC to this court after

resolving complaints and appeals submitted in their regard by the Board of Commissioners and the judicial body competent to consider appeals, and since the decisions issued by the Board of Commissioners in the Independent High Commission For the elections regarding the complaints and objections submitted by the applicant, it may not be appealed except before the judicial authority for elections, especially in matters related to the electoral process exclusively based on the provisions of Article (19/2nd) of the Independent High Electoral Commission Law No. (31) of 2019 published in the Iraqi Gazette No. (4569) on 30/12/2019, the decisions issued by the Judicial Commission for Elections are final based on the provisions of Paragraph (3rd) of the aforementioned article, and since the decisions issued by the Board of Commissioners are subject to appeal before the Judicial Commission for Elections, the review of complaints and appeals submitted by the applicant is within the jurisdiction of the Commission. Judicial elections, not this court, and on the basis of the foregoing, the defenses, violations and violations contained in the application, assuming their existence, have jurisdiction to decide on them held by the Board of Commissioners, and the decision issued by the Board of Commissioners is subject to appeal before the judicial body for elections and not before this court, especially since its jurisdiction Specified under Articles (52 and 93) of the Constitution and Article (4) of the FSC Law No. (30) of 2005 amended by Law No. (25) of 2021 and other laws, and due to lack of jurisdiction, the FSC decided to reject the request in form and the decision was issued in agreement Conclusive and binding on all authorities based on the provisions of Articles (52, 93/7th and 94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4/7th and 5/2nd) of the FSC Law No. (30) for the year 2005 amended by Law No. (25) for the year 2021 on 7/Jumada al-Ula/1443 coinciding with 12/December/2021.