



The Federal Supreme Court (F.S.C.) has been convened on 13. 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 Presenters of the Appellant:

1. Sattar Abdel Rasoul Attia 2. Mohamed Abdel Sattar 3. Ruqayya Zaki Shanshal 4. Kholoud Daoud Yara 5. Mazen Karim 6. Samer Abdel Aima 7. Falah Hassan Zaiban 8. Shaima Mohamed Ibrahim 9. Zuhair Mohsen Kazem – Their representative is Kamila Lafta Anun.

The subject of the request: Annulment of the results of the Iraqi Nursing Syndicate elections that took place on 3/12/2021.

The Summary of the Request:

Through the scrutiny, it became clear that the applicants, through their attorney, Kamila Lafta Anun, according to their regulations dated 8/12/2021 for which the legal fee was collected on the same date and registered in the number (194 / federal / 2021), appealed in distinction to the results of the Iraqi Nursing Syndicate elections that were held It was conducted on 3/12/2021 on the hall of Shahid al-Mahrab at the University

of Mustansiriyah, based on the provisions of Law No. (8) of 2020 Article (1) of it, to judge its abolition and the cancellation of the Preparatory Committee and its return, due to a large number of violations and violations, and for its conduct contrary to the law and for not observing the laws and instructions in force. , which was negatively reflected on the correct selection of those who represent the union for the reasons mentioned in detail in the list, the summary of which lies in the following:

- (1. The absence of a voter register, which was confirmed by the Ministry of Health as the body in charge (preparatory committee) to prepare for the elections in accordance with article (30) of the Nursing Union Act No. (8) of 2020, as the Ministry of Health confirmed by its numbered book (30562) on 31/5/2021 at point (5) records are opened inside the hall to document the nurse, or nurse, his name in it.
2. One of the candidates educated within the health institutions in Kirkuk province (Specialized Dental Center, Al-Salam Children's Hospital, Oncology Center, Republican Hospital in Kirkuk Health Department, as well as Fallujah Teaching Hospital).
3. Exploiting a number of health professions, who are not nursing staff, chaos, and noise in which he emphasized the title (nursing), which is the nurse and the address of the medical assistant is not one of those addresses.
4. Random entry into the hall and not taking support from voters or keeping it with the committee as instructed by the Ministry of Health, which facilitated the re-election more than once with poor inks.
5. A crowd and a stampede through which a number of voters were able to enter forms.
6. Some candidates used their teaching work to attend the elections, which is contrary to instructions, as confirmed on the official page of the Higher Health Institute of the City of Medicine Department.
7. The discrepancy between the announced number of voters and the form indicated on the number boxes.
8. A number of voters confirmed that the forms had been distributed outside the election hall, and based on the above, the applicants requested a ruling to annul the election results, abolish the preparatory committee and return them.

The Decision:

After scrutiny and deliberation by the FSC it turns out that the applicants are challenging discrimination before this court, with the results of the elections of the Iraqi Nursing Union held on 3/12/2021 on the Hall of Shahid al-Muharab at the University of Mustansiriyah, based on the provisions of Law No. (8) of 2020 Article (Article) 1) From it, to rule that it should be abolished and the preparatory committee abolished and returned, because of the many violations and violations, and for conducting them other than the law and for not observing the applicable laws and instructions, which negatively affected the correct choice of those representing the union for the reasons referred to in detail in the above-mentioned regulation, and FSC finds that its terms of reference and powers defined by articles (52 and 93) of the Constitution of the Republic of Iraq of 2005, this jurisdiction is supported by Article (4) of the FSC Law No. (30) of 2005, as amended by Law No. (25) of 2021, and none of these competencies and powers enable it to consider discriminatory examination of the results of the Iraqi Nursing Syndicate elections that were conducted on the basis of Provisions of Law No. (8) of 2020, Article (1) of it, or the ruling to cancel it, reinstate it and cancel the Preparatory Committee, and based on the provisions of Article (33/2nd) of the Nursing Syndicate Law No. (8) of 2020, which stipulates that (for everyone with an interest to appeal the election results, before the Federal Court of Cassation within (7) seven days from the date of announcing the results), so the jurisdiction to appeal the election results of the Nursing Syndicate is considered by the Federal Court of Cassation, and what was stated in the text of Article (93/7th) of the aforementioned Constitution, which is supported by Article (4/7th) of the aforementioned amended FSC Law, has jurisdiction, related to the ratification of the final results of the general elections for membership in the Council of Representatives exclusively, to mention it exclusively and that jurisdiction does not go beyond ratifying, checking or canceling any other election results, and for lack of

jurisdiction, so the FSC decided to reject the request in form, and the decision was issued by agreement conclusive and binding for all authorities based on the provisions of Articles (52, 93 and 94) of the Constitution of the Republic of Iraq for the year 2005 And Articles (4 and 5/2nd) of the FSC Law No. (30) for the year 2005 amended by Law No. (25) for the year 2021 on 8/Jumada Al-Ula /1443 coinciding with 13/December/2021.