



The Federal Supreme Court (F.S.C.) has been convened on 21 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 Request not to Approve of the Name of the Winning Candidate / Governor of Salah al-Din/ Ammar Jabr Khalil al-Jubouri.

The Required not to Approve on his Name / Candidate Ahmed Abdullah Abdul Khalaf Al-Jubouri.

The Summary of the Request:

The Governor of Salah al-Din (Ammar Jabr Khalil al-Jubouri) requested this court, according to the letter of the Salah al-Din Governorate / Governor's Office, No. (4972 on 18/12/2021), to postpone the decision on the approval of the winning candidate (Ahmed Abdullah Abd Khalaf al-Jubouri) in the 2021 Council of Representatives elections for the Salah al-Din Governorate / the third district, until the criminal cases are resolved before the Integrity Commission and the courts specialized in integrity issues, which affected the Salah al-Din governorate. The request was registered in No. (211 / federal / 2021), and the legal fee was collected for it on 19/12/2021, and the reasons for the request lie in the following:

(First: There are criminal cases against (Ahmed Abdullah Abd Khalaf Al-Jubouri) in the court specialized in integrity issues in Rusafa and Karkh, as well as before the Salah al-Din Investigation Court, which is specialized in integrity issues. These cases included embezzlement of funds, tampering with projects, and job exploitation during his tenure as Governor of Salah al-Din. Second: The Iraqi Parliament Elections Law No. (9) of 2020, in Article (8) of it, stipulates the conditions for a candidate for membership in the Iraqi Council of Representatives, as stated in Paragraph (3rd) thereof, provided that the candidate is (not convicted of a felony or misdemeanor involving moral turpitude or riches). illegally at the expense of public money by a final court ruling, even if it includes a pardon), and with reference to the amended Iraqi Penal Code No. (111) of 1969, which stipulated in Article (21/alif/6) of it the crimes against honor and identified them (theft, embezzlement, forgery and treason dishonesty, fraud, bribery, and indecent assault) and the fact that the person requested not to have his name approved, rulings related to corruption and waste of public money have been issued against him, which included amnesty for some crimes, and others are under investigation, and this is clear from the book of the Directorate of Criminal Evidence Investigation No. Baghdad /24086 on 17/5/2021 it includes the provisions issued against him when he was the governor of Salah al-Din, and the Judicial Authority for Elections violated Article (8/3) of the Council of Representatives Elections Law No. (9) of 2020 by approving his candidacy, contrary to the provisions of Article (8/3) mentioned above, which was explicit There is no ijtiḥād in the source of the text, and this principle was supported by the Iraqi Civil Code No. (40) of 1951, as amended (Article Two) thereof, which stipulated that (there is no justification for ijtiḥād in the source of the text), and since the legislator counted the decisions issued by the electoral judiciary as final and ineffective and therefore suspended on the condition that the FSC ratify the election results, and this approval is the last guarantee of the elections that scrutinizes the results of the elections and the biography of the

candidates and their compliance with the constitution and the law or not, and the FSC Judicial precedents in the 2014 and 2018 Parliament elections, when it partially ratified the election results and excluded some candidates or postponed the ratification of some names due to unresolved issues against them, criminal restrictions or constitutional violations). For all of the foregoing and the constitutional authority and the general jurisdiction of the esteemed FSC and the preservation of public money, therefore, a request was made to postpone the decision on the approval of the winning candidate (Ahmed Abdullah Abdul Khalaf al-Jubouri) in the Parliament elections for the year 2021 for Salah al-Din Governorate / the third district, Until the criminal cases are resolved before the Integrity Commission and the courts specialized in integrity issues, the Salah al-Din Governorate has been affected by it.

The Decision:

After scrutiny and deliberation by the FSC it turned out that the applicant, the Governor of Salah al-Din (Ammar Jabr Khalil al-Jubouri), requested to postpone the decision on the approval of the winning candidate (Ahmed Abdullah Abdul Khalaf al-Jubouri) in the 2021 Parliament elections for Salah al-Din Governorate / the third district, until the penal issues are resolved before the Commission Integrity and the courts specialized in integrity issues, affected by the Salah al-Din Governorate for the reasons referred to in detail in its aforementioned regulation, and the FSC finds that one of the functions and competencies of this court under the provisions of Article (93 /7th) of the Constitution of the Republic of Iraq for the year 2005 (ratification of the final results of the elections General membership of the Council of Representatives), and this competence is confirmed by Article (4/7th) of the FSC Law No. (30) of 2005 as amended by Law (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 Independent High Electoral Commission 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 The elections may not be challenged 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 12/12/2019, and that the decisions issued by the judicial authority for elections are final based on the provisions of Paragraph (3rd) of the aforementioned article, on the basis of the foregoing, the defenses and irregularities contained in the request, assuming their existence, shall have the jurisdiction to decide on them held by the Board of Commissioners, especially the audit of criminal cases before the Integrity Commission and the courts specialized in integrity issues, affected by the Salah al-Din Governorate related to the winning candidate (Ahmed Abdullah Abdul Khalaf al-Jubouri) in Parliament elections of 2021 for Salah El-Din Governorate / Third Constituency, and determine whether it affects his candidacy or not, and that the decision issued by the Board of Commissioners is subject to appeal before the Judicial Commission for Elections and not before this court, especially since its jurisdiction is specified under Articles (52 and 93) of the Constitution and Article (4) of the FSC Law. No. (30) for the year 2005 amended by Law No. (25) for the year 2021 and other laws, and for lack of jurisdiction, so the FSC decided to reject the request in the form and the decision was issued by agreement conclusive and binding on all authorities based on the provisions of Articles (52 and 93 / 7th and 94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4/7th and 5/2nd) of FSC Law No. (30) of 2005 as amended by Law No. (25) of 2021 on 16/Jumada Al-Ula/1443 coinciding with 21/ December/2021.