

In the name of God most Gracious most Merciful

Republic of Iraq
Federal Supreme Court
Ref. 212/federal/2021



Kurdish text

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 Presenter of the Appellant: President of the National Approach Alliance (Dr. Abdul Hussein Aziz Ahmed Al-Musawi).

Required not to be approved on the result of her voices and her exclusion / the candidate (Zahra Hamza Ali Al-Bajari).

The Summary of the Request:

Through the scrutiny, it became clear that the President of the National Nahj Alliance / Dr. Abdul-Hussein Aziz Ahmed Al-Moussawi, requested under the letter issued by the National Nahj Alliance No. (105 on 16/12/2021), addressed to the President of the FSC, entitled (complaint), non-ratification of the result of the votes obtained The candidate (Zahra Hamza Ali Al-Bajari) from Basra Governorate was excluded and replaced by the candidate (Karimah Hassan Hussein Al-Tamimi), for the reasons indicated in the request in detail, the conclusion

of which lies that the candidate (Zahra Hamza Ali Al-Bajari) has filed many complaints against her because she committed several violations and acts of a criminal nature, Therefore, he requested that the result of the votes obtained by the candidate (Zahra Hamza Ali Al-Bajari) not be approved and that it be excluded and replaced with the candidate (Karimah Hassan Hussein Al-Tamimi).

The Decision:

After scrutiny and deliberation by the FSC, it turns out that the Head of the National Approach Alliance requested not to approve the result of the votes obtained by the candidate (Zahra Hamza Ali Al-Bajari) from Basra Governorate, and to exclude her and replace her with the candidate (Karimah Hassan Hussein Al-Tamimi) for the reasons referred to in the request in detail, whose summary is that the candidate (Zahra Hamza Ali Al-Bajari) Numerous complaints were filed against her due to her committing a series of violations and acts of a criminal nature, and this court finds that it had previously decided on the two appeals related to the same subject united in Nos. (155/federal/2021 and 162/federal/2021) under the decision issued by it on 24/ 11/2021, as it was decided to reject the two appeals in form, and included in its merits and reasons (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 (ratifying the final results of the general elections for membership of the Council of Representatives), and this jurisdiction is supported by Article (4/7th) of the FSC Law No. (30) of 2005 amended by Law (25) of 2021, and that the court's exercise of its role in approving the final results of the elections requires sending those results from the Independent High Electoral Commission to this court after resolving the complaints and appeals submitted regarding it by the Board of Commissioners and the judicial body competent to hear appeals, on the basis of the foregoing, and because the election results are not received by this court, its jurisdiction

is not in place, and when objecting to the validity of the membership of the members of the Council of Representatives, the jurisdiction of this court in this respect is held in accordance with the provisions of Article (52) of the Constitution of the Republic of Iraq for the year 2005, which is after the ratification of the final results of the elections By this court and the sessions of the Council of Representatives), and the issue of the request referred to in the aforementioned book issued by the National Approach Alliance has been decided, which requires the request to be rejected in form. Provisions of Articles (52, 93/Seventh and 94) of the Constitution of the Republic of Iraq of 2005 and Articles (4/7th and 5/2nd) of the FSC Law No. (30) of 2005 amended by Law No. (25) of 2021 on 16/Jumada Al-Ula/1443 coinciding with 21/December/2021.