

In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 27/federal/media /2015



Kurdish text

The Federal Supreme Court (F S C) has been convened on 14.4.2015 headed by Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu AL-Temman who authorized in the name of the people to judge and they made the following decision:

The Plaintiffs: (ain. ain. ha. ha.) his agent (ghain. ha.).

The Defendant: 1- Speaker of House of Representatives/ being in this capacity his Jurists (sin. ta. yeh.) and (ha. mim. sin.).
2- (ghain. sin. mim.) / being in this capacity in House of Representatives her agent (ain. alif. kaf.).

The Claim:

The plaintiffs' agent claimed before the FSC in the case No. (27/federal/2015) The second defendant was already approved as a member of the House of Representatives as she was the first reserve and held the seat assigned to him, which he won by direct ballot, because he could not complete his membership in the Council because he was accused of criminal proceedings. In view of the judicial decisions acquitted of all charges in all the cases against him, which prevented him from becoming a member of the House of Representatives and the rule stipulates that "if

the Inhibitor is removed, the forbidden is returned." In order to remove the impediment and his eligibility for membership, he requested that the defendants be invited to plead and then to rule on the heroes of the second defendant's membership in the House of Representatives and to approve his membership in the House of Representatives in accordance with electoral entitlements, to achieve the will of the voters, and to charge the defendants fees and expenses and after Registering the case with the FSC in accordance with paragraph (3rd), article (1) of its bylaw No. (1) of 2005, and completing the required procedures in accordance with paragraph (2nd) of article (2) of the mentioned bylaw. A day of advocacy was set and on time the plaintiff attended his attorney (ghain. ha.) under the general agency certified by the Notary Department in Baquba No. (24220) on 7/11/2013 authorized by all legal powers, the first defendant, the Speaker of the House of Representatives, and his two jurists (sin. ta. yeh.) and (heh. mim. sin.), under their own official agencies, were represented by a photo copy of which was in the case file, and the second defendant and her attorney (ain. alif. kaf.) attended under his public agency certified by the notary. Justice in Baquba No. (26391) on 23/10/2014, under which he is authorized with lawyer (alif. ha. shin.) collectively, and individually all legal powers and argument initiated immanence and public, the plaintiff reiterated the petition and requested the judge in which the defendant was charged and repeated the students submitted to the FSC on 19/3/2015 in it, he requested that his case be restricted to the first defendant, the Speaker of the House of Representatives/ being in this capacity, and that it be removed from the second defendant. He reiterated the drafts submitted to the Court, including the draft on 13/4/2015, the agents of the first defendant repeated the answer draft provided to the court on 18/3/2015 requested to reject the case because the FSC has already issued its decision (3/federal/media/2015) on 19/1/2015 in response to the inquiry of the Office of the Speaker of the House of Representatives under its letter No. (sin.ra/87) on 13/1/2015, the decision state on (The failure to approve the results of the 2014 General Elections of the Iraqi Parliament for candidate (ain. ain. ha.) from the list (Diyala Our identity), the same (plaintiff) in the

case, and the court has already issued its decision (5/federal/media/2015) on 28/1/2015 to approve on the final result of the election of Mrs.(ghain. sin. mim.) for membership of the Iraqi Parliament, the same as the second defendant in the case, the court was briefed on the additional list submitted to the court by the plaintiff on 16/3/2015. The court also reviewed the draft of the second defendant's agent on 9/4/2015 and the documents submitted by the parties, and therefore, since the court listened to the statements of the parties, reviewed the mutual drafts between the two parties and completed their scrutiny, so the court decided to end of argument has been made clearly and the decision made clear public.

The Decision :

After scrutiny and deliberation by the FSC found that the plaintiff's agent request from the FSC in his petition to judge by removing the second plaintiff from its membership in the House of Representatives and approving the membership of its client (plaintiff) in the House of Representatives instead of her for the reasons mentioned in the case after restricted his client's case to the first defendant, the Speaker of the House of Representatives/ being in this capacity, and dismissing the second defendant's litigation in the case, and restricted the case to the first defendant, since restricting the case to the first defendant and requesting the annulment of the second defendant's litigation in the case it's like overturning the second defendant's petition. The FSC decided to annul the second defendant's petition. The court found that the request of the plaintiff's agent in his petition against the first defendant/ being in this capacity referred to above was outside the jurisdiction of the FSC stipulated in article (4) of the FSC's Law No. (30) of 2005 and in article (93) of the Constitution of the Republic of Iraq of 2005 and does not fall within its jurisdiction as stated in its above request, its competence in this area is to consider the validity of the decision of the House of Representatives concerning the validity of its members basis on the article (52/2nd) of the Constitution. Therefore, the case is to be rejected

against the first defendant from this side (jurisdiction) and based on the foregoing, the FSC decided to reject the case against the first defendant, with the plaintiff charging all the costs of the case and the lawyers' fees to the agents of the first defendant, the two jurists (sin. ta. yeh.) and (heh. mim. sin.), and the second defendant's agent, Lawyer (ain. alif. kaf.), amounting to (100,000) dinars equally between them and the rule was issued in attendance and unanimously a decisively rule based on the provisions of article (5/2) of the FSC's Law No. (30) of 2005 it had made clear public on 14/4/2015