

In the name of god most gracious most merciful

Republic of Iraq
Federal supreme court
Ref. 30/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 Plaintiff: (mim. kaf. ha. heh.) his agent (ha. jim. sin.).

The Defendant: Speaker of House of Representatives/ being in this capacity his Jurists (sin. ta. yeh.) and (ha. mim. sin.).

The Claim:

The plaintiff's agent claimed that the House of Representatives in its session holed 14/10/2014 decided to accept the membership of the MP replacement (ain. ra.) as MP replacement of MP original (ha. kaf. ha. ain.) who occupied as a minister as a Minister of Communications and because of accepted the House of Representatives to the MP (ain. ra.) was violate to the provisions of law No. (45) of 2013 which gave MP who has the votes get the vacant parliamentary seat from same list and same bloc for the MP replacement so my cline take initiative of complain before the House of Representatives and recorded his complain No. (209) on 24/1/2015 and the Council did not answer on this challenge therefore he presented his challenge to the Federal Court and

requested from it the following: the House of Representatives violate the provisions of article (14/3rd) of the law No. (45) of 2013 distribution of seats according to the St. Lego System by giving the vacant seat for the highest votes in the Alliance of the State of Law in Basra and because his client has (7673) votes while the MP (ain. ra.) got (3666) votes by (4007) votes and this makes his client replacement seat for Mp (ha. kaf. ha.), as the second article paragraph (2) of the House Of Representatives replacement Law No. (6) of 2006 it applies to the situation of his client and that paragraph (3rd) of article (14) of the Electoral Law of the House of Representatives No. (45) of 2013 came clear in its operative and that limiting the nomination of the alternative member to the president of the bloc is violated to the article mentioned, as there is a vacant seat that was for martyr (alif. ain. ha. kha.) and was filled by the alternative MP (mim. alif. fah.) who got (2925) votes and this is another violation because his client is a second reserve, which received the highest votes and since the House of Representatives is obliged to implement laws and resolutions in a manner that does not conflict with the provisions of the Constitution, so he requested the invitation of the defendant/ being in this capacity to argument and rule the annulment of the decision of the House of Representatives to approve the membership of the two deputies (ain. ra.) and (mim. alif.) judgment for except the membership of his cline (mim. kaf. ha. heh.) to the replacement seat the defendant/ being in this capacity was informed of the petition and replied to it by his draft on 28/3/2015 that the plaintiff did not challenge the decision of the House of Representatives to rule on the validity of the membership of the replacement MP (ha. kaf. ha.) and the replacement MP martyr (alif. ain. kha.) alternative MP (ain. ra.), but reviewed the Federal Court directly contrary to the text of article (52/1st), which requires the challenge validity of the deputy's membership before the House of Representatives, which must rule on the validity of its members, the second paragraph of the same article allowed the Council's decision to be challenged before the Federal Court

within thirty days, and because the plaintiff had press charges before the decision of the House of Representatives, contrary to the text of article (52/2nd), he had requested that the case be rejected. The court invited the parties, and the plaintiff's agent and the defendant's agents were present, and the case was made against them in the presence of parties, and the plaintiff's attorney repeated the petition and requested the judgment, according to it, the agents of the defendant/ being in this capacity answered that we repeat what came out of the answer draft and the court concluded the argument and issued the next decision publicly.

The Decision :

After scrutiny and deliberation by the FSC found that the plaintiff (mim. kaf. ha.) object on the decision of the House of Representations on 14/1/2014 to accept the MP's membership (ain. ra.) as MP replacement for the MP (ha. kaf. ha.) who was minister of communications while he got the highest votes, he's from the same list as the replacement MP's bloc He also objects to the attribution of the seat won by martyr (alif. ain. ha. kha.), which was assigned to Mp (mim. alif. fah.) and that he was wronged by the House of Representatives and registered his complain No. (309) on 24/1/2015 and did not rule the House of Representatives to challenge him, so he filed the suit with the FSC asking for the decision of the House of Representatives to approve the membership of the two deputies (ain. ra.), (mim. alif) and the decision to accept the membership of the plaintiff (mim. kaf. ha.) for the alternate seat. Therefor paragraph (1st) of the article (52) of the Constitution state on ((The House of Representatives shall decide, by a two-thirds majority, the authenticity of membership of its member within thirty days from the date of filing an objection)) it is the decision of the House of Representatives issued in accordance with the provisions of this paragraph that is challenged in FSC within thirty days from the date of its issued (article 52/2nd), since the plaintiff filed the case before this court before the House of Representatives ruled the validity of the membership of the objector

(against) member, and this is explained by the plaintiff in his petition and confirmed the defendant's agent/ being in this capacity who requested the reject of the case, so the claim of the plaintiff (mim. kaf. ha.) is due to be rejected and therefore decided to reject the plaintiff's claim and charge him expenses and fees to the attorney for the defendant's agents, which amounted to (100,000) dinars, distributed between them in half, and the decision was unanimous on 14/4/2015.