

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq
Federal Supreme Court
Ref.3 /federal/media/2015



Kurdish text

The Federal Supreme Court has been convened on 19/1/2015, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami , Jaafar Nasir Hussein , Akram Taha Mohammed ,Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, 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 Request:

The ICR/ office of the speaker- requested according to the letter No.(Mim.Ra/87) on 13/1/2015 from the FSC the following:

Greetings

The FSC has already issued its decision No.(31/Teh.Qaf/2014) on 16/6/2014, that related to the ratification on the final results of the public elections of ICR membership for 2014 that including to delay the deciding in the ratification on the number of the names. The FSC ratified lately on their nomination except the candidate (Ain.Za.Ha) despite the ending of the first legislative term of ICR and the second legislative term had begun, for the importance of completing the number of ICR members according to the Constitution and the law, we hope from the court to explain its situation from the ratification on the membership of (Ain.Za.Ha) and to explain what is available of options to the council for dealing with cases like this. Please review and inform us. With all respect.

The Decision:

During the scrutiny and deliberation by the FSc, the court found that it has already decided according to its letter No.(31/Teh.Qaf/2014) on (16/6/2014) the ratification on the final results of ICR membership elections for 2014, and it decided to delay the deciding of the ratification on number of names including the winner candidate (Ain.Za.Ha) for having number of penal cases against him in the competent courts of investigation in Diyala according to the article (340) from the penal code, until the issuance a decisive decision for the crimes which related to him, from the competent courts. Whereas it had been made clear to the court from reviewing the letter of the commission of integrity/ The Legal Department/ No./Qaf. Dal/4498- on 22/6/2014, and the letter of Diyala Council of the governorate/ office of the council head/ No.(83) on 13/11/2014, that the aforementioned candidate has more than thirteen cases against him according to the article (340) from the penal code in the courts of investigations in Diyala, and one case according to the article (307) from the penal code, and one case according to the article (4) terrorism at Baquba court of investigation, and one investigational case according to the article (406) from the penal at AL-Muqdadadiya court of investigation. Also it had been made clear to the court from the letter listed to it from the Council of Diyala governorate/office of the council head/ No.(2) on 4/1/2015, where it refers to the attached letter that issued from the governorate of Diyala No.(23392) on 25/12/2014, including to include the charged (Ain.Za.Ha) the amount of damage he caused (1,833,855,000) according to the second article from the law No.(12) for 2006, and there are 23 commissions that work to estimate the amount of damage caused by the aforementioned charged. The first commission decided to charge him an amount of (540,000,000) dinar. Whereas the charged couldn't finish these cases during the passed period despite the end of the first ICR legislative term and the start of the second legislative term. Whereas the deciding of these cases take long time, and it is cases related to financial, administrative and penal corruption, and whereas undeciding of his cases affected ICR because the number of ICR members that decided in the article (11) from the law of ICR elections No.(45) for 2013 is not completed. Whereas it de-

cided that the number of ICR members shall be (328) representatives. Also, it affects the interest of Diyala Civilians because he is a candidate from that governorate, so it leads to depriving them of a chair in the council and lead to decrease the votes of the governorate in the council. For the above reasons the court decided to not approve on the general elections of ICR for 2014 of the candidate (Ain.Za.Ha) from Diyala Haweyatina list. The decision was issued unanimously on 19/1/2015