

In The Name Of God, Most Gracious, Most Merciful

**Republic of Iraq
Federal Supreme Court
Ref.40 /Federal/Media/2014**



Kurdish text

The Federal Supreme Court has been convened on 1/4/2014, 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 challenger: (Feh.Mim.Ha)- his agent the barrister (Ha.Kaf.Ha.)

The challenge against: the decision of the commission of cassation for justice and accountability

Challenge body:

The challenger claimed through his agent and before the FSC in the Case No.(40/federal/2014) that the commission of cassation for justice and accountability issued the decision No.(391/ commission of cassation/2014) on (11/3/2014) to exclude him from the nomination for the ICR membership. Since the decision is unfair to his right and violated the law, he challenged it before the FSC for the following decision:

1) he didn't have any of the four-party levels for AL-Baath party (dissolved), starting from a member of a party group to the above.

2) he didn't associate with the security service of the former regime.

So he presented the challenge for the above reasons and other reasons, he requested to revoke the decision and to allow him to participate in the elections of ICR to achieve justice.

The Decision:

During scrutiny and deliberation by the FSC, it found that the challenger requests in his case to annul the decision issued by the competent committee of cassation for trying the challenges presented against decisions committee for justice and accountability in the federal court of cassation No.(391/committee of cassation/2014) issued on 11/3/2014 which excluded him from the nomination for the ICR membership. From the above, the FSC finds that decisions issued by the competent committee of cassation to try the challenges presented against decisions committee for justice and accountability in the federal court of cassation are final and decisive judicial decisions based on provisions of the article (17) from the law of higher national committee for justice and accountability No.(10) for 2008 and they were issued according to the committee authorities which stipulated by the law. Whereas the FSC authorities and competences determined by the article (93) from the Constitution and the article (4) from the FSC Law No.(30) and it didn't include the competence to annul judicial decisions issued by a judicial committee formed based on law provisions and is decisions final and unchallengeable in any way. So the request of the challenger of annulling these decisions by the FSC is lacking for substantiation from the law. For the above, the court decided to reject the request. The decision had been issued decisive, unanimously and unchallengeable according to the article (94) on 1/4/2014.