

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq  
Federal Supreme Court  
Ref.46 /federal/media/2015



Kurdish text

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The Federal Supreme Court has been convened on 6/7/2015, 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 plaintiff: (Ain.Ain.Ha) his agent the barrister (Ghain.Ha).

The defendant:

ICR speaker/being in this capacity- his two agents the legal officials (Sin.Ta.Yeh) and (Heh.Mim.Sin)

The third party: (Ghain.Sin.Ain) her agent the barrister (Ain.Kaf)

The Claim:

The plaintiff agent claimed that it has been already decided that the defendant the representative (Ghain.Sin.Ain) as a member in ICR on 28/2/2015 for being in the first reserve, so it occupied the seat that allocated for the plaintiff which has already won and couldn't complete his membership for being accused to penal cases, and for issuing a judicial decisions about his innocence and according to the prosecution from all the charges that prevent him from taking the membership of ICR, so the plaintiff had all the requires of enforcement the decision of the FSC No.(31/Teh.Qaf/2014) on 16/6/2014, and deserved the ratifying on the results of ICR elections for 2014. Whereas

ICR ratified on the membership of the second defendant (Ghain.sin.Ain) in its session No.(33) on 30/4/2015 despite his objection on that on 11/3/2015, so ICR violated the article (52) from the Constitution. based on the above the plaintiff requested from the court to annul the decision of ICR of ratifying the validity of the representative membership (Ghain.Sin) and to annul the membership and his holding of the parliamentary seat. After appointing the day of the argument the court heard the sayings of the plaintiff agent and the sayings of the two agents of the defendant and the third party who requested from the court to reject the plaintiff's case for the reasons been listed in their drafts. Each of them repeated his previous requests and because the FSC investigations had been completed, the end of the argument was understood, then the following decision was issued:

The decision:

During the scrutiny and deliberation by the FSC, the court found that the plaintiff challenges the decision of ICR which was taken on 30/4/2015 about the ratifying on the validity of the membership of third party the representative (Ghain.Sin.Ain) and requests from the court to annul the aforementioned decision, he requests to annul its membership and his holding to the parliamentary seat that was allocated to him. During the scrutiny by the FSC, the court found that the case petition in its content means the request of ratifying on the plaintiff membership for the reasons been mentioned in his case petition, and whereas the request of ratifying on the membership shall be connected with the ratifying of the IHEC when the legal conditions been completed for who won again. This means he shall present the request directly to the commission for studying it, and overture the FSC when the required conditions being available for ratifying, and whereas the trying of this case in its current form without passing by IHEC makes the case lacking for the legal substantiation for not following the required legal method in this case. For the above the plaintiff's case is lacking for its legal and Constitutional substantiation so the court decided to reject the plaintiff case and to burden him all the expenses and fees of the advocacy for the two agents of the defendant and the agents of the third party amount of hundred thou-

sand Iraqi dinars divided between them equally. The decision had been issued according to the article (94) from the Constitution unanimously and decisive and was understood publicly on 6/7/2015.