

Republic of Iraq
Federal Supreme Court
Ref. 67 / federal /2022



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The Federal Supreme Court (F S C) has been convened on 16/5/2022 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul-Rahman Suleiman Ali, Dyar Mohammed Ali, and Munthir Ibrahim Hussein who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Qutaiba Ibrahim Turkey Al-Juboori – his agent the Barrister Jawad Khadhim Huwayes.

The Defendants: 1. The Speaker of the ICR / being in this capacity – his agents the legal counselor Hyatham Majid Salim and official jurist Saman Muhsin Ibrahim.
2. Musha'an Rikadh Dhamin Al-Juboori/ member of the ICR – his agent the Barrister Noor Al-Deen Jamal Mawolood.

The Claim

The plaintiff claimed through his agent that he is one of the candidates for the elections of the Iraqi Parliament for 2021 and the results of the elections for Salah Al-Din governorate/ 3rd constituency showed that he is a reserve member to fill one of the seats in the Council of Representatives, and based on an article (52/1st) of the Constitution of the Republic of Iraq for 2005 stipulated (the Council 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) the annex (1) - He presented an objection with the first defendant (Speaker of the Council of Representatives/

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being in this capacity) annex (2) - Challenged by the authenticity of the membership of the second defendant (Masha'an Rikadh Dhamin) because it conflicts with the provisions of the Constitution and the law for the following reasons: 1. The second defendant (Masha'an Rikadh) called for violence and sectarianism and promoted the ideas of the Ba'ath Party and abused the armed forces, including the popular mobilization, and abused the sons of the Shiite component and others through satellite channels such as Al-Jazeera- annex (3), if he does so, it is in accordance with the provisions of article 7 of the Constitution, which stipulates that (any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and its symbols. Second - the State shall undertake to combat terrorism) –annex (4) also his speech in Al-Zawra'a channel (our brothers in Al-Qaeda Tanzeem, and pay condolence to their dead soldiers and considers them Martyrs) – annex (5), as well as inciting sectarianism and calling to fight the elected government by broadcasting video clips on Al-Zawra'a tv to film terrorist operations committed by Al-Qaeda – annex (6) and glorifying the Ba'ath regime – annex (7). 2. he admitted during a televised interview on the Al-Etijah satellite channel that he was bribed and accepted a bribe during his work as a member of the Iraqi Parliament on the Parliamentary Integrity Committee and closing corruption files concerning corrupt people – annex (8) And that doing so is contrary to all those who, the provisions of article (49/3rd) of the Constitution, which stipulated that (a law shall regulate the requirements for the candidate, the voter, and all that is related to the elections), - annex (9), with the oath of office, honesty, religion, custom and nomination conditions contained in the Electoral Law

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No. (9) of 2020. 3. He submitted a false certificate to the Independent High Electoral Commission for nomination in all elections to the Council of Representatives for previous and current sessions, claiming that he had obtained it from the Syrian Arab Republic and that he had exercised all means for the purpose of equalizing it and proving the authenticity of its issuance, and through those forged documents he obtained a decision from the Judicial Electoral Commission after being excluded by the Council of Commissioners previously and that that document was linked to the petition of the case and the copy of the original document in registration (13780 1998) annex (10), which belongs to a Syrian citizen of Aleppo named (Mohammed Mahmoud Assfira) and by checking the documents shows that the document is already forged and compared to the restriction of the original document shows that the restriction (13780) of 1998 belongs to the Syrian citizen of Aleppo (Mohammed Mahmoud Assfira). Accordingly, the plaintiff approached the Council of Representatives/Secretariat for the purpose of approaching the Ministry of Foreign Affairs- Consular Department the purpose of verifying the validity of the issuance of that certificate through diplomatic channels, and after receiving the answer and ascertaining the fact of the forgery, the matter was referred to the Federal Integrity Commission/Investigation Service under the letter of the General Secretariat of the Council of Representatives in the number (1/7/8682 on 30 September 2021) annex (11), which states that the certificate is forged and they requested legal action against him, that the Syrian Ministry of Education issued its numbered letters (8251/3 on 23 September 2021 stating that the certificate is incorrect and does not correspond to the records (forged)) and (8465/3 on 3/10/2021 stating that the certificate is correct and that the records

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are missing) – annex (12), noting that the first letter was received through diplomatic channels at the request of the Council of Representatives, the Ministry of Foreign Affairs, the Iraqi Embassy in Syria, while the second came without addressing from the Syrian Ministry of Education to the Iraqi Embassy in Syria after the intervention of the second defendant and does not know the reason for the duplication or the extent to which the Council of Commissioners and the Judicial Electoral Commission deepened the investigation of this matter, so they issued their decisions in a hurry, especially the decision of the Council of Commissioners No. (6, dated 5/10/2021) – annex (13), who gave the right to the complainant (plaintiff in this case) to review the competent courts, and that the defendant's act is contrary to the provisions of article (49/3rd) of the Constitution, which stipulates that (a law shall regulate the requirements for the candidate...) it also contradicts the provisions of article (8/4th) of the Iraqi Council of Representatives Elections Law, which stipulates that (at least he or she must have a preparatory certificate or its equivalent) – annex (14) - in order not to hold him accountable for all the above-mentioned acts, he went on to offend him and expressed his sectarian sense by meeting him on one of the satellite channels, taking advantage of his enjoyment of parliamentary immunity – annex (15) thus, the second defendant is in accordance with the conditions of membership in the House of Representatives because his testimony is forged and committing the crime of forgery and falls under the penalty of the impact on the expense of public money through his enjoyment of the privileges and salaries of the members of the Council of Representatives, and finally the plaintiff asked the Federal Supreme Court to rule that the membership of the second defendant, Masha'an Rikadh Al-Jubouri,

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was revoked by the Iraqi Parliament and to burden him with fees, expenses and advocacy fees. The case was registered with this court in the number (67/Federal/2022) and informs the defendants of its petition and documents based on the provisions of article (1/3rd) of the Bylaw of the Federal Supreme Court No. (1) of 2005, and the first defendant's agents replied to the answering draft of 3 April 2022 that the second defendant is a member of the Council of Representatives for the fifth election cycle has been approved by the decision of the Federal Supreme Court in number (175/federal/2021), and that the same court has already decided on the same subject This lawsuit is in accordance with its decision to issue (62/Federal/2015 on July 6, 2015) which overturned the decision of the Council of Representatives to end the membership of the member Masha'an Al-Jubouri for the third round where the validity of his secondary certificate is achieved, this is regarding the appeal against the academic collection of the said deputy, and the other reasons contained in the plaintiff's case, the Independent High Electoral Commission has verified the conditions for the second defendant's candidacy for the last elections in accordance with the Iraqi Parliament Elections Law No. (9) for 2020, so the first defendant's agents requested that the case be dismissed and the plaintiff shall burden the fees, expenses and advocacy fees. The second defendant's agent replied under the regulations of 7 April 2022 that the plaintiff had found his claim on incorrect information as there was no so-called reserve member and that his sequence (5) was on the lists of winners of the third electoral district in Salaheddine province, and the plaintiff gave himself the right to interpret article (52) of the Constitution in accordance with his wishes and invented a new method that does not exist in the Constitution or the rules of

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procedure of the Council of Representatives through the objection of one of the candidates to challenge the validity of the constitution. Membership of a winning and ratified deputy before the Council of Representatives and then the warning of the Council by the notary and the creation of periods to suggest that what he is doing is in accordance with the constitutional provision proportionally that the 30-day period contained in the article (52) is the period of tracking the application for the validity of the membership submitted by an authorized body and then followed by the approval of two-thirds of the members of the Council of Representatives to become effective against the member, in addition, article (4/9th) of the Supreme Federal Court Law limited the court's jurisdiction to consider the decision of the Council of Representatives in accordance with its validity under article (52) of the Constitution of the Republic of Iraq 2005 within 30 days of its issuance, has a decision been issued by the Council of Representatives to appeal it to the court? With regard to paragraph (1) of the petition, the Accountability and Justice Commission considered the matter as the jurisdiction in this matter, and in the light of its decision, the discriminatory body competent to hear appeals against accountability and justice decisions overturned its decision to exclude it by its numbered decision (231/cassation committee/2014) from the elections in addition to the fact that the petition is a part of a speech in which he wrote a letter in 2005 calling on the armed factions to stop everything that would harm the Iraqi people and expose them to human and material losses, where what was mentioned at the beginning of the talk was nothing more than a phrase and an introductory prelude to his continued condemnation of their actions, and that the process of avoiding talking in this way was aimed at watering down and abuse, as he was removed from the

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wanted lists and a judicial decision was issued by a court of justice Central crimes after his presence and appearance before her by dropping all charges against him under the letter of the National Security Advisory in the issue (5/4/299 on 27 March 2014) and the letter of the National Security Advisory in the number (5/4/261 on 13 March 2013) which includes the fact that he was not sentenced by the courts dealing with terrorism cases and the letter of the Ministry of Interior, the Ministry's Agency for Police Affairs in the number (4853 on 20 March 2013) that he was not sentenced in accordance with article (4/1) terrorism, and that the Ministry of Foreign Affairs of the Republic of Iraq has a commission of inquiry was set up to search and investigate the validity of the issuance of his certificate of study issued by the Syrian Arab Republic and the committee conducted visits and investigations to the Syrian side and confirmed that the study document is correct and issued the letter of the Ministry of Foreign Affairs in the issue (6/10/3792 in 4/10/2021) addressed to the Council of Representatives, which includes the validity of the issuance of its high school certificate, a complaint has also already been lodged with the Board of Commissioners of the Independent High Electoral Commission and has been dismissed for lack of evidence provided by the plaintiff and by the Decision of the Board of Commissioners (Qaf/21/512) on (4/10/2021), and the letter of the Board of Commissioners (Kha/21/1666) was issued on January 18, 2021), which confirms and supports the validity of the issuance of its tuition certificate, and the same topic was raised in 2015 and after several speeches confirmed by the Ministry of Education of the Republic of Iraq in its book (S/2/3919 on 19/8/ 2015) Validity of the study certificate and its equivalent to the Iraqi High School Certificate - Literary Branch, the plaintiff's method through what he

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raised in the petition is illegal, and he tries to extract the authority of the State and the institutions competent to validity the issuance of certificates and challenge their credibility and does not change the reality of anything and that the terms he used and his style, but the purpose of which is to abuse and defame, and this confirms that he by falsifying a letter addressed to an educational department that is not competent because of the burning of documents according to the book of the Ministry of Education in the Syrian Arab Republic in the issue (77/ Sad Fa on 14 May 2015) and contained in the the letter of the Embassy of the Republic of Iraq in Beirut in the issue (252/Sin on 21 May 2015) confirms that the plaintiff has a relationship with some Elements of the Syrian security through bribery or the purchase some of weak persons liability, which must be held accountable, so the second defendant requested to dismiss the plaintiff's case and charge him all legal fees and address the prosecution for interrogation because he wanted to harm him, taking advantage of his relations with security personnel in another country. After completing the procedures required by the Bylaw of the Federal Supreme Court No. (1) of 2005, a date for the case was set on the basis of the article (2/2nd) of it, and the parties were informed, and on the appointed day of the case the court was formed and the plaintiff himself (Qutaiba Ibrahim Turki attended.) and his attorney Jawad Kadhim Huwayes, the first defendant's deputies, legal counsel Haitham Majid Salem and official jurist Saman Mohsen Ibrahim, attended for the second defendant (Masha'an Rikadh Dhamin) and his lawyer (Nour Al-Deen Jamal Mawlood), the public in presence argument proceeded, the plaintiff and his agent repeated the petition and requested to judge according to what was listed in it, according to the first defendant's agents, and requested that the case be

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dismissed from their client for the reasons contained in their draft dated 4 April 2022, the second defendant's agent answered and requested a dismissal of the case for the reasons listed in the draft of 7 April 2022, which is the same as the second defendant, who appeared at the court hearing of 9/5/2022, and the agent of each party reiterated his previous statements and requests, and since the court completed its scrutinies and there is nothing left to say, the end of the argument has been made clear and the Court issued the following decision:

The Decision

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff (Qutaiba Ibrahim Turki Al-Jubouri) requested the invitation of the defendants (Speaker of the Council of Representatives/ being in this capacity and Masha'an Rikadh Dhamin/Member of the Iraqi Parliament), to plead and rule that the membership of the second defendant Mashaan Rikadh Al-Jubouri in the Council of Representatives was invalid and after seeing the arguments of both the first and second defendants submitted by their agents under their draft, submitted to this court, and during the case, the court reached the following conclusions:

First: The plaintiff submitted a request entitled to the Iraqi Parliament in the number (74) on 7 February 2022, which includes an objection to the authenticity of the membership of the member Mashaan Rakad Dhamin Al-Jubouri based on the provisions of article (52/1st) of the Constitution of the Republic of Iraq in 2005, in order to lose the conditions of the validity of the membership. In accordance with the provisions of article (49) of the Iraqi Constitution and Article (12) of

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the Iraqi Parliament Law and its formations No. (13) of 2018, Article (13) of the Bylaw of the Council of Representatives, and Article (8/2nd, 3rd and 4th) of the Law on Elections to the Council of Representatives Iraqi No. (9) for 2020 and the objection included that the objected against is one of the elements supporting terrorism and promoting ideas of violence and hatred and inciting sectarianism that was deprived and criminalized by the Iraqi Constitution and the laws in force, and he continues to adopt the ideology of the Arab Baath Socialist Party in public and media, which was banned and banned by the Law prohibiting the Baath Party, entities, parties, racist, terrorist and takfir activities No. (32) of 2016 according to articles (3 and 4) of it, and that he does not have a valid certificate and the Board of Commissioners of the Independent High Commission for Elections has already ruled him out, considering his certificate forged, and after investigating the authenticity of his certificate issued by the Syrian Arab Republic proved that his certificate was falsified because there were no records for that certificate. Moreover, the objected has publicly admitted to the public and Iraqi satellite channels that he received bribes for corruption transactions without specifying their nature, and that his job in the former Council of Representatives (is illegal use) which is contrary to the nature of his duties and his representation of voters, and that this admission requires accountability, and in accordance with the decision of the Federal Supreme Court in number (91/Federal/2021), which obliged the Council of Representatives decided on the objection within 30 days of its registration, with a two-thirds majority of its members, challenging the validity of the aforementioned deputy based on an article (52) of the Constitution of the Republic of Iraq of 2005. Second: the Court has seen the book issued by the Syrian Arab

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Republic by the Ministry of Education numbered 8251/43 (4/4) of 23 September 2021 entitled to the Embassy of the Republic of Iraq in Damascus, which contains the text: (referring to your note No. 770/Sin dated 23/8/2021 on the request to verify the validity of the document of the high school certificate of the literary branch of the student Mashaan Rakqad Daman Al-Jubouri, we would like to let you know that the information contained in the document of the high school certificate literary branch/ belonging to the student Mashaan Rakqan Al-Jabouri is incorrect and does not conform to our records (forged)), and the Court was briefed on the letter issued by the same side in the issue of 8465/43 (4/4) dated 3/10/2021, entitled to the Embassy of the Republic of Iraq in Damascus, which contains what it reads (following to our letter No. (8251/43). 4/4) Date of 23 September 2021 and referring to your note No. 770/O dated 23 August 2021 on the request to verify the validity of the document of the certificate of high school literary branch belonging to the student Mashaan Rakad Daman al-Jubouri. We confirm the content of the letter by losing the record containing the key information of which the document is a part of which. Accordingly, the document information is correct), the court was briefed on the letter issued by the Directorate of Education in Aleppo province in the issue (13780/1998 on 14 June 2021, which includes (notice of the failure of student Mohammed Mahmoud Assfira), and the court reviewed the letter issued by the Directorate of Education in Damascus province letter number (13780/c/ session 1998) which belong to the student Mashaan Rikadh Dhamin Al-Jubouri (high school certificate, literary branch) it is noted that the last letter bears the same number as the student Mohamed Mahmoud Assfira, and the court was briefed on the letter issued by the Council of Representatives by the General

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Secretariat in the issue (1/7/8682 on 30 September 2021) entitled "Federal Integrity Commission" entitled False Certificate, which includes (referral of the file on forgery) The testimony of Mr. Mashaan Rikadh Ai'd Al-Jubouri based on the Ministry of Foreign Affairs letter in the issue (3642 on September 26, 2021) on the letter of our embassy in Damascus (cultural) (6818 on September 26, 2021)). At the court session on 20 April 2022, the second defendant's agent (who objected to the authenticity of his membership) acknowledged that his client had declared that the Al-Qaeda Brotherhood was the first to confront the occupation in Iraq, particularly the Arab mujahedeen, and to commemorate their martyrs who had died. In battlefields, he taught the occupier harsh lessons), and acknowledged that the annexes (6, 7, 8, and 15) linked to the prosecution were issued by his client, where the annexes mentioned included stirring up sectarian strife, glorifying the Al-Qaeda terrorist organization and acknowledging By receiving bribes. Third: due to the importance and standing of parliament among the constitutional institutions in the different parliamentary systems through which the nation expresses its will, the constitutional systems are keen to determine all the conditions and requirements of the members of parliaments and in order to do so, article (49/3rd) of the Constitution of the Republic of Iraq 2005 (regulated by the Law on the Conditions of the Candidate and the Voter and everything related to the election) and it should be noted here that the status of membership in the Council of Representatives begins and produces its legal effects for members of the Council of Representatives from the date of the approval of the Federal Supreme Court on the final results of the general election according to the provisions of the article (4/1st) of the ICR and its formations elections Law No. (13) for 2018 which

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stipulated (the elected candidate is a member of the Council and enjoys all his parliamentary rights except financial ones starting from the date of the approval of the Federal Supreme Court on the final results of the general elections and issues a republican decree and proceeds with his duties after taking the oath of office) and article (14) of the Bylaw of the ICR stipulated (the elected candidate is a member of the Council and enjoys all membership rights from the date of ratification of the election results and takes up his duties after being sworn in). Perhaps one of the most important requirements of membership and its requirements in the Council of Representatives is the need to remain the conditions of membership required by the Constitution, the Iraqi Parliament Elections Law No. 9 of 2020, and the Bylaw of the Council of Representatives for the duration of the electoral cycle specified in the constitution, i.e. they are conditions starting and ending together, as the member must keep up with the date of acceptance of his candidacy for the parliament until the end of its expiration and the result of the vanish of one of these conditions is the dropping of this parliamentary membership, which requires confronting it with remedies. Constitutional in accordance with the provisions of the Constitution and the form drawn by article (52) of the Constitution. Fourth: The Constitution of the Republic of Iraq 2005 did not refer to the legal concept of membership in the Council of Representatives, and in doing so did not deviate from the rest of the constitutions of the countries of the world, but the law of the Iraqi Parliament and its formations No. (13) of 2018, the representative was known according to the article (1/6th) of it that (the representative: Member of the Council of Representatives) and knew the prosecution according to paragraph (7th) of the same article where it included (representation: Membership of the Council of

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Representatives, but the Iraqi Parliament Elections Law No. (9) of 2020 did not include a definition of the deputy but included a definition of the candidate as article (1) of it stipulates (the candidate is every Iraqi whose candidacy has been officially accepted by the Independent High Electoral Commission), the conditions that must be met in the candidate for the Council of Representatives were covered by article (49/2nd and 3r) of the Constitution, which stipulates in item (2nd) (the candidate for the Council of Representatives is required to be fully qualified Iraqi) and item (3rd) has required legislation to regulate the conditions of the candidate and voter and all matters relating to the election and accordingly dealt with articles (8 and 9) of the Iraqi Council of Representatives Law and its formations No. (13) of 2018, the conditions of the candidate for the Membership of the Council of Representatives, namely, to be Iraqi (13) for 2018. Full eligibility completed (28) twenty-eight years of age on polling day and not covered by the Accountability and Justice Commission Law, or any other law that takes its place, he also must not be convicted of a felony or misdemeanor that is dishonorable or unlawfully enriched at the expense of public money by a judicial decision that has now been pardoned, has at least a preparatory certificate or equivalent, is a citizen or resident of the province, and provides a list of at least 500 unrefined voters supporting his candidacy from voters registered in the electoral district in which he submits a single list on instructions issued by the Commissioners except for women (Quota) candidates. Moreover, he must not be a member of the armed forces, the security establishment, members of the former and current Council of Commissioners, or staff of the Independent High Electoral Commission when nominated) and article (13) of the Bylaw of the

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Council of Representatives also addressed the conditions that must be met by the member of the Council of Representatives.

First: The plaintiff submitted a request entitled to the Iraqi Parliament in the number (74) on 7 February 2022, which includes an objection to the validity of the membership of the member Mashan Rikadh Dhamin Al-Jubouri based on an article (52/1st) of the Constitution of the Republic of Iraq 2005, in order to lose the conditions of validity of membership in accordance with the provisions of article (49) of the Iraqi Constitution and article (12) of the Law of the Iraqi Parliament and its formations No. (13) of 2018, and article (13) of the Bylaw of the Council of Representatives, and article (8/2nd and 3rd and 4th) of the Iraqi Parliament elections Law No. (9) for 2020.

Fifth: the decision on the authenticity of the membership is intended to examine the legal status of the deputy since he applied for nomination and the approval of the Federal Supreme Court for the final results of the general elections and the deputy's commencement of his work after his swearing-in in accordance with article (50) of the Constitution and the duration of his work in the Council of Representatives during the duration of the electoral cycle, which requires ensuring that the conditions for nomination are met in this member of the Council of Representatives on the one hand and that the process of his election was conducted properly to express the will of the voters without any stains or pressures, and when these matters are confirmed, membership is correct, but if it is proven to be the opposite with the availability or defect or lack of conditions that must be met in the candidate or there is a defect in the electoral process, membership is invalid, and constitutions differ among themselves on determining the competent body to determine the validity of parliamentary membership, some constitutions have assigned this

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task to the parliamentary councils in line with the principle of separation of powers. Others entrusted it with the judiciary and under the Iraqi constitution, it entrusted this task to the Council of Representatives based on the provisions of the article (52/1st) of it which stipulated (that the ICR shall take a decision about the authenticity of its members' membership within 30 days of the objection registering date with the majority of two-thirds of its members). The decision issued by the Council of Representatives is therefore subject to appeal to the Federal Supreme Court in accordance with item (2nd) of the same article, which states that the Council's decision may be appealed to the Federal Supreme Court within 30 days of its issuance. Sixth: The normal way to end membership in the Council of Representatives is the end of the four-year session of the Council of Representatives, which begins with its first session and ends at the end of the fourth year based on the provisions of article (56/1st) of the Constitution unless there is an emergency leading to the dissolution of the Council of Representatives before the end of its session in accordance with article (64/ 1st and 2nd) of the Constitution, but the exceptional way to end membership in the Council of Representatives is in accordance with article (12) of the Law of the Council of Representatives and its formations. No. (13) for 2018, either by death or resignation, as well as when one of the conditions of the membership stipulated in the Constitution and the law is found to have been lost, and when the representative assumes any official position if a judicial decision is issued against him for a felony or misdemeanor, the penalty is a deprivation of liberty for a period remaining in the electoral cycle, and if the deputy is terminally ill, disabled or incapacitated, he will be prevented from performing his duties in the Council based on a

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decision of a competent official medical committee, and when the Council approves by a two-thirds majority of members the objection to the authenticity of the membership. The membership in the Council also ends in accordance with item (8th) of the above-mentioned article, which stipulates (the approval of the Council to dismiss the deputy) and in two cases, the first when overcoming his absences without a legitimate excuse for more than one-third of the sessions of the Council of the total sessions of the legislative chapter, and the second serious violation of the rules of parliamentary conduct of the Council and considers the contempt of the Council or the assault on the President or one of his deputies or one of the members a serious breach. For all of the above, the letter issued by the Ministry of Education of the Syrian Arab Republic in the issue of 8251/43 (4/4) dated 23 September 2021 guarantees (that the information contained in the document of the general secondary school of the literary branch belonging to the student Mashaan Rikadh Dhamin Al-Jubouri is incorrect) This is a consistent indication of the existence of the records and was found to be forged because it did not conform to those records, while the letter issued by the same party in the number 8465/43 (4/4) on 3/10/2021 included (loss of the record which Contains key information that the document is part of and that the document information is correct), also we noticed that the period between the first letter issuance and the second letter is very short, does not exceed several days and it is not logical that the records were lost within it, especially that the last letter did not clarify the reason behind records vanishing and the first letter attachments included (document of Secondary School certificate/ literary branch/forged) and a copy of the letter which addressed to the directorate of international planning and cooperation/

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with the letter of examinations directorate No. 7767/43 Sin (4/9) dated 21/9/2021 and the letter of education directorae in Damascus No. 1789 on 9/9/2021. Therefore, the representative Masha'an Rikadh Dhamin had lost a condition of candidacy for the membership of the ICR because he did not acquire a secondary school certificate or what equalizes it according to the article (8/4th) of the Iraqi Parliament Elections Law No. 9 of 2020 and create a reason for terminating its membership is achieved based on the provisions of article (12/3rd) of the Council of Representatives Law and its formations No. (13) of 2018, and for all that has been submitted, the Federal Supreme Court has decided the following:

- 1- To judge by the invalidity of membership of Representative Masha'an Rikadh Dhamin Al-Juboori and consider it void.
- 2- To burden the defendants with the fees, expenses, and advocacy fees for the agent of the plaintiff amount of one hundred thousand Iraqi Dinars and shall be burdened equally.

The decision has been made with a majority, decisive, and binding for all powers according to the provisions of article (52) of the Republic of Iraq Constitution for 2005 and the article (4/9th) of the FSC's Law No. (30) for 2005 which was amended by the Law No. (25) for 2021. The decision has been made clear on 14/Shawal/1443 Hijri coinciding 16/May/2022 AD.

**Signature of
The president**

Jasem Mohammad Abboud

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