



The Federal Supreme Court (F S C) has been convened on 10.30.2017 headed by the Judge Madhat Al-mahmood and membership of Judges Jaafar Nasir Hussein, Akram Taha Mohammed, Mohammed Rijab AL-Kubaisi, Mohammed Saib Al-Nagshabandi, Aboud Salih Al-Temimi, Mikael Shamshon Qas Georges, Hussein Abbas Abu Altemmen and Mohammed Qasim AL-Janabi who authorized in the name of the people to judge and they made the following decision:

Appellant: 1- (ha.teh.beh.alif) } their agent the barrister (mim.mim.alif)
2- (alif.ra.feh.alif) }

Appellee: 1- Head of high independent electoral commission/ being in this capacity
2- The decision of the judicial committee for elections number 1/appeal/2017 on 6.22.2017.

Challenge office

The agent of appellants claimed that the (judicial committee of elections) issued a decision numbered 1/appeal/2017 on 6.22.2017, which judge with rejecting the challenge presented by his clients about regarding the Turkmen component (minority). Whereas this decision had damaged the rights of the appellants, and because its violating the law, so, he proposed to challenge it within the legal period for the following reasons: 1- regarding the Turkmen component (minority) which is it a third segment in Iraq, in addition to what the constitution listed on by name it (component) not minority, and this matter cause a trace on the results in the population proportional percentage of the component whereas the minority has a specific (quota) determined with a specific number of seats, which means a confiscation of millions will from the Turkmen component sons, as well as it violates the constitution and the law. 2- the challenged decision referred the reasons which listed in the challenge presented by the appellants, because there

is a fear of exploiting the naming for political and future aims, and falling back of appellants to challenging is to firm a rights, whereas the decision did not resolve the subject of describing (naming). Whereas the proportion of their getting the seats after keep the naming will remains few. 3- Describing the minority on the Turkmen component means to determine its constitutional rights contrarily of the constitution and the law. 4- The commission should verify from the Ministry of planning because it is the responsible body of the census and not relying to whom present a request to establish a party, not to mention that the ICR voted in 2012 with majority to regards the third segment is for the Turkmen component. Accordingly, the appellants requested to reject the challenged decision. The request set before the FSC on 10.30.2017 for scrutiny and deliberation, and the court reached the following.

The decision

After scrutiny and deliberation by the FSC in its session convened on 10.30.2017, the court found that the challenge presented by misters (ha.teh.beh.alif) & (alif.ra.feh.alif) presented during the legal period stipulated on in article (14/4th) of political parties law No. (36) For 2015, so, the court decided to accept it formally. And when kindly consider the decision (challenge subject) which issued from the subject court which is it ((the judicial committee of elections in the federal cassation court)). The court found it corresponding with the reasons which it is substantiated to, which is it Non-competence, as well as for the FSC because its specialty in this field relates to reviewing the decisions of the subject court in accepting or refusing establishing the party. Whereas the subject which submits to challenge is not related to this or that, therefore, the court decided to reject the challenge for Non-competence and to burden the appellant the challenge fees. The decision issued unanimously on 10.30.2017.