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The Federal Supreme Court (F S C) has been convened on 23.9.2019 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-Nagshabandi, Aboud Salih Al-Temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Burhan Al-Deen Isaac Ibrahim – his agents the barristers Mohammed Majeed Al-Sa'ade and Ahmed Mazin Makkiyah.

The Defendant: The Speaker of the ICR/ being in this capacity - his agents the official jurists Salim Taha Yaseen and Haytham Majid Salim.

### The Claim

The agents of the plaintiff claimed before the FSC in the case number (84/federal/2019) that the decision of the FSC in the case number (214/federal/2018) which included that the plaintiff (Younadim Yousef Kanna) had a presented a case of objection against the decision of the ICR ana. (154) on (7.11.2018) which token in the session No. (10) On (6.11.2018) about the objection of the plaintiff the representative (Burhan Al-Deen Isaac) membership, the candidate of Babylonian movement for the quota seat of the Christian people in the governorate of Baghdad. After the issuance of the FSC's decision on (17.4.2019) which adjudged with (vetoing the decision of the ICR No. (154) which included the rejection of the plaintiff's objection Younadim about the authenticity of the representative Burahn membership, because his membership is unconstitutional). Whereas

the above-mentioned decision is decisive and obliging, as well as couldn't be interpreted according to what the defendant desires who followed the decisions issued by you Court in the cases No. (213/federal/2019) and (217/federal/2019) whereas the decision of the Court had been issued by (replacement) while your Court's decision about the plaintiff in the case No. (214) included (to reject the objection of the plaintiff in the case Younadim, and the matter requires to present your decision (214/federal/2019) to the ICR and let the ICR amending it. the ICR had voted on the authenticity of the plaintiff the representative Burhan Al-Deen Isaac membership, and the defendant moved contrariwise your honorable Court decision above-mentioned and didn't follow the content of what listed in it, all these matters are violating the text of the article (94) of the Constitution which confirmed that the (decisions of the Federal Supreme Court are final and binding for all authorities). Moreover, the recommendations of the session No. (23) On (13/June/2019) by the Ref. (103) on (15.6.2019) in the clause (9) of it (Mr. Younadim Kanna had took the oath as a representative in the Council in place of Mr. Burhan Al-Deen Isaac). Whereas the decision is violating what your honorable Court stipulated, therefore, the plaintiff is challenging the decision of taking the oath of the former representative Younadim Kanna according to the directions of your honorable Court in the decision No. (214/federal/2019). As well as, the defendant in his attached drafts in the dossier No. (214) had challenged the mechanism of the challenge, and he admitted that his decision No. (103) on (15.6.2019) of taking the oath by the representative Younadim Kanna had contradicted his demands and defenses in the case. This matter is supported by the opinion explanation issued by the Director of the legal department in the ICR which related to the decision of the case (214/federal/2019), and he requested (is it necessary to present the decision to the ICR to amend its decision which had been vetoed by the FSC). The opinion was the following: the content of your Excellency's decision (the opinion: the FSC's decisions are binding for the ICR according to the article (94) of the Constitution, and the matter requires to present the decision of the Court on the Council to let the Council amending its decision No. (154) on (17.11.2018) following to what listed in the decision of the Court, and the recitals of expertise report). It became clear for your

honorable Court that the defendant didn't took in consideration the implementation of what listed in the decision of your honorable Court, in addition to the contradictions listed between the demands and the defenses, as well as the decisions and the recommendations issued during the session (23). Accordingly, the plaintiff requests from the FSC to judge by annulling the clause (9) of the decisions and the recommendations during the session (23) on (13/June/2019) which stipulated (taking of Mr. Younadim Kanna the constitutional oath in place of the plaintiff Burhan Al-Deen Isaac) to follow what listed in the decision of the FSC's decision No. (214/federal/2018) according to the voting, and to burden the defendant all the expenses and the advocacy fees. The agents of the defendant answered the petition of the case with an answering draft dated on (28.8.2019) and they requested to reject the case, with burdening the plaintiff its expenses and the advocacy fees because the decisions of the FSC are decisive and binding for all powers according to the provisions of article (94) of the Constitution. Therefore, the ICR decided to implement the judgment No. (214/federal/2018) which indicated in addition to the special experts report herewith the decision, and the Court regarded it a part of the decision, as well as not to leave any leak to make the above-mentioned decision a controversial when re-voting the authenticity of the representative (case's subject) because the probability of voting contrariwise your honorable Court's decision is possible, the voting is available and free for all members. Moreover, the ICR consulted the later decisions of your Court (213 & 217/federal/2018) which included unauthenticity of the representative who his membership is challenged, the Council didn't want to handle the decision (case's subject) contrariwise the decisions aforementioned. The Court scheduled a date for the argument, and on that day the agents of the plaintiff attended in addition to the agent of the defendant (the legal advisor Haytham Majid Salim). The public in presence argument proceeded, the agents of the plaintiff repeated what listed in the petition of the case and they requested to judge according to it with burdening the defendant the expenses and the advocacy fees. As well as, the agent of the defendant repeated what listed in the answering draft dated on (28.8.2019) and he requested to reject the case with burdening the plaintiff all the expenses and the advocacy fees. Whereas nothing left to be said, the end of the

argument has been made clear, and the judgment were recited publicly.

### The Decision

During scrutiny and deliberation by the FSC, the Court found that the plaintiff by his agents had challenged the clause (9) which included decisions and recommendations token by the ICR in the session dated on 13/June/2019. These decisions and recommendations included the taking of Mr. Younadim Kanna for the constitutional oath as a representative in the ICR in place of Mr. Burhan Al-Deen Isaac. He pretended that the ICR didn't took in consideration the judgment issued by the FSC in Ref. 214/federal/2018 dated on 6.11.2018. By returning to the aforementioned judgment, and the experts report herewith which the Court regarded it a part of it, according to the operative part of the judgment which adjudged that the seat specialized for the Christian component in Baghdad governorate is a right for Mr. Younadim Yousef Kanna. The FSC finds that the procedure of the ICR by swearing in Mr. Younadim Yousef as a representative in place of Mr. Burhan Al-Deen Isaac was execution for the judgment issued in Ref. 214/federal/2018 dated on 6.11.2018 the decisive and binding for all powers according to the article (94) of the Constitution. Therefore, the case of the plaintiff isn't relying on a reason in the Constitution or the law, the Court decided to reject it and to burden him the expenses and the advocacy fees of the defendant's agents amount of one-hundred thousand Iraqi dinars. The decision has been issued unanimously and decisively according to the provisions of article (94) of the Constitution and article (5) of the FSC's law No. (30) For 2005. The decision has been made clear on 23.9.2019.