

Republic of Iraq
Federal Supreme Court
Ref. 294 / federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 3/12/2023 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Applicant of the Complaint: Abbas Hussein Ali Mohammed/ candidate of the Al-Siyada faction.

The Subject of the Complaint: complaint against the Al-Siyada faction for replacing him with another candidate within the private list of the candidates of governorates not incorporated into a region council elections for 2023.

The Abstract of the Request

The Federal Supreme Court received the request submitted by (Abbas Hussein Ali Muhammad/candidate for the Al-Siyada Bloc) dated 11/21/2023, entitled (Complaint), which was registered in the number (Federal 294/2023), after collecting the legal fee for him on 22/ 11/2023, which includes ((The complaint against the Al-Siyada Bloc to replace him with another candidate on the bloc's list of candidates for governorate councils), according to the details contained in the application, the summary of which is as follows: (The applicant is one of the Al-Siyada Bloc's candidates, sequence (86) on the lists). The nomination was summoned by the Council of the Accountability and Justice Commission, and based on its inclusion in its procedures, it was excluded by the Board of Commissioners by its decision in number (3) of the extraordinary report No. (48) on 10/24/2023. It later became clear that it was not included in the procedures of the aforementioned Commission, and it was decided. He was returned and approved on the lists of candidates for the irregular governorate council elections in the region for the year 2023 following the decision of the Board of

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Commissioners No. (2) of the regular minutes (40) dated 11/5/2023, except that the Al-Siyada Bloc replaced him with another candidate, given that he fulfilled all the nomination conditions, he financed the electoral propaganda for the nomination and the related conferences with an amount of (60) million dinars, and he suffered material and moral losses as a result of his replacement by the bloc, so he asked this court to do justice to him and return his material and moral rights from the Al-Siyada Bloc)), and based on the above, he submitted the request.

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the application was submitted to complain against the Al-Siyada Bloc to which the applicant belongs after he was replaced by another candidate from the aforementioned bloc on the list of candidates for the bloc's irregular governorate council elections in the region for the year 2023, even though it was proven that there was no He was included in accountability and justice procedures, and he was returned and approved on the lists of candidates for the irregular governorate council elections in the region for the year 2023, following the decision of the Board of Commissioners, No. (2) of the regular minutes (40) dated 11/5/2023, and he requested justice and the return of his material and moral rights from the Al-Siyada Bloc. The Federal Supreme Court finds that the request must be rejected for lack of jurisdiction, this is because the powers and jurisdiction of this court are exclusively stipulated in Articles (52 and 93) of the Constitution of the Republic of Iraq of 2005 and Article (4) of Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021 and some other special laws, and not Among these jurisdictions and powers is what gives the court jurisdiction or authority to respond to what was stated in the request, and because this court does not have the jurisdiction to decide what was stated in the request and respond to what was stated in it, and in light of the above, the Federal Supreme Court decided to reject the application submitted by Abbas Hussein Ali Muhammad/candidate for the Al-Siyada Bloc for lack of jurisdiction. The decision has been issued unanimously, final, and binding for all authorities according to the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and Articles (4 and 5/2nd) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021.

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The decision has been edited in the session dated 18/Jamada Al-Oula/1445 Hijri coinciding with 3/December/2023 AD.

Judge

Jassim Mohammed Abbood
President of the Federal Supreme Court

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