

In the name of God most Gracious most Merciful

Republic of Iraq
Federal supreme court
Ref.54/federal/media /2012



Kurdish text

The Federal Supreme Court (F S C) has been convened on 28. 8. 2013 headed by 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-Temman who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: (alif. heh. ain.) lawyer.

The Defendant: President of the Independent High Electoral Commission/
being in his capacity his agent the jurist (alif. ha. ain.).

The Claim:

The plaintiff claimed that she had already applied for the candidacy in the provincial council elections in 2013 and within Karbala province and supported her candidacy from the defendant/ being in his capacity and after the elections she got (1300) votes, and when the results were announced, she was surprised to announce the names of fewer candidates, who received only (709) votes, and was shocked by the result because the preliminary results indicated that she had won and that the commission in Karbala would not provide them with the CD (602) containing the real votes. So she asked for the defendant/ being in his capacity to be invited to argument and sentence him to the following:

1. Counting and canvass for all boxes and at all primary stations.
2. The court handed over the original form (602) for each province, which contains the names of entities, stations and the original version located in Karbala province and is not open.
3. Listening to the personal evidence that supports their election and charging the defendant/ being in his capacity all judicial expenses and received the answer of the defendant/ being in his capacity requesting the rejection of the case for the reasons described in it and on the day designated for the argument.

The Decision:

After scrutiny and deliberation by the FSC found that the request of the plaintiff in the petition was to issue a judgment on counting and canvass for all boxes and in all primary stations, and to hand over the court the original numbered form (602) in the electoral commission for each province and to listen to the personal evidence that supports their election. Since the decision on the plaintiff's requests departs from the FSC's jurisdiction specified in article (4) of its Law No. (30) 2005 and Article (93) of the Constitution of the Republic of Iraq for the 2005 none of them decided on such requests. Therefore, the decision to reject the plaintiff's claim for lack of jurisdiction and to charge the expenses and the fees of the defendant's jurist (alif. ha. ain.) amount of (100,000) one hundred thousand Iraqi dinar a decisively decision on the basis of article (94) of the Constitution and the decision was unanimously issued on 28/8/2013.