

In the name of God most Gracious most Merciful

Republic of Iraq  
Federal supreme court  
Ref.55/federal/media /2013



Kurdish text

---

The Federal Supreme Court (F S C) has been convened on 7. 7. 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 Challenge Requested: (beh. ain. ain.) convicted agent (feh. ain. yeh. ha.).

The Challenge Requested (agents): Decision of the Discriminatory Panel of the Iraqi Supreme Criminal Court in the numbered case (4-jim4-2009).

The Request:

Lawyer (beh. ain. ain.) asked the FSC at his request on 28/5/2013 for his convicted client (feh. ain. yeh. ha.) the following: The Supreme Criminal Court sentenced my client, described to one of the member of the former regime, to death sentence for the murder of the victim (ta. alif.), and the judgment was ratified by the Cassation Committee that hears the mention court's rulings in the eighth month of 2011. Since the decision to ratify was contrary to and unfair to my client, I initiated an appeal and requested that he be transferred to your esteemed court for the following reasons: 1- Under the Law of the Supreme Iraqi Criminal

Court, the president of the supreme body of this court is its president (chairman of the commission) based on that, he is considered a member of the Cassation Committee and this pre-exists that a republican decree must be issued in the name of a member of the Cassation Committee and then be elected by the nine members, which is also the case to issue them republican decrees, and this did not happen to most of them, including the president of the court, Judge Mr. (mim. ra.), whose presidency of the court was not legal. Therefore, his presidency of the Cassation Committee in addition to the fact that some members of the Cassation Committee, including its president, do not have the legal status as members of the commission, and therefore the ruling that has been scrutinized by them is subject to appeal for this reason in addition to the legal procedures adopted by the new Cassation Committee under the Law of Amendment No. (27) of 2011, under which the Criminal Court was linked to the Judicial Council. When I mentioned above and gentlemen judges I appeal to the approval of the mentioned body on the judgment against my client requesting its revocation and cancellation after bringing the case from the High Criminal Court and checking it as I ask for the suspension of the execution of the judgment until a decision is issued and decisively the final awaiting your decision, I greet you with all appreciation and respect and the application has been put under scrutiny and deliberation by the FSC and reached the following decision:

#### The Decision:

After scrutiny and deliberation by the FSC found that the applicant's appeal is challenging his application by the Cassation Committee that hears the supreme criminal court's ruling that the death sentence against his convicted client is upheld (feh. ain. yeh. ha.) in case No. (4-jim4-2009) he requests that be vetoes and that the execution of the judge until a judgment is issued that is now and decisively to the final and the cancellation of its ruling as requested to transfer the case to

the FSC and since the jurisdictions of the FSC are specified in Article (93) of the Constitution of the Republic of Iraq of 2005 and in article (4) of FSC's Law No. (30) of 2005 among them are the powers to revoke the procedures and decisions of the Cassation Committee that hears the decisions, judgments of the Supreme Criminal Court and other applications and appeals contained in the application of the solicitor of the applicant who is above, it requires rejection from the jurisdiction the FSC decided to reject all appeals raised by the applicant's agent from the jurisdiction, and the decision was issued on the basis of the provisions of Article (94) of the Constitution of the Republic of Iraq in 2005 and unanimously on 7/7/2013.

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.