

In the name of God most Gracious most Merciful

Republic of Iraq  
Federal supreme court  
Ref. 66/federal/media /2013



Kurdish text

---

The Federal Supreme Court (F S C) has been convened on 3. 9. 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: (mim. ain. feh.) his agents (lam. ain.) and (alif. mim.).

The Defendant: High Electoral Commission her jurists (alif. ha. ain.)

The Claim:

The plaintiff's agents claimed that on 27/6/2013, the Independent Commission for The Elections announced in Anbar province and the result was the lack of votes of their client completely due to the manipulation of the same list (passers-by) and therefore their client was unable to obtain the real votes and attached a copy of the (CD) to prove the existence of manipulation in more than eight stations was cancelled without knowing the reason and did not be officially announced. Therefore, because the electoral law (13) of 2006 is clear and explicit, they have asked the FSC to recount and re-count the stolen rights of their client and to charge the defendant all expenses and fees of the lawyers. After registering the case with this court in accordance with

article (1), paragraph (3<sup>rd</sup>) of its bylaw, and receiving the defendant's answer requesting that the case be dismissed for the reasons contained in it, and after completing the required procedures, a day of argument was appointed, in which Mr. (alif. mim. ain.) was present as an agent for the plaintiff and Mr. (alif. ha. ain.) as an agent for the defendant. After hearing their statements and after the court completed its audits and was informed of the required clarifications, it decided to read out the decision in public and the end of argument has been made clearly on 3/9/2013.

### The Decision:

After scrutiny and deliberation by the FSC found that the terms of reference of the Federal Court are limited to article (4) of its Law No. (30) of 2005 and Article (93) of the Constitution of the Republic of Iraq for 2005, not including the jurisdiction to annul judicial decisions obtained by the final and the recount in the electoral process on the grounds of tampering with the declared results and the return of the disenfranchised rights as stated in the petition. Accordingly, this court is not competent to hear the case, which requires its rejection. The defendant's attorney decided to dismiss the case from the point of non-jurisdiction and charge the plaintiff the expenses and the defendant jurist (alif. ha. ain.) amount (100,000) one hundred thousand Iraqi dinars decisively according to the provisions of article (94) of the Constitution by unanimously, the decision had made clear and public on 3/9/2013.