



The Federal Supreme Court (F S C) has been convened on 27.6.2018 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 Objector (Candidate): (ain.mim.jim) – his agent the barrister (ain.alif.ain.alif).

Objected against (Candidate): (mim.ain.alif.jim) – his agent the barrister (ha.ain).

The Claim

The agent of the (objector) the Candidate (ain.mim.jim) claimed that the higher independent electoral commission had issued on 19.5.2018 the results of Parliament elections for 2018, and it dedicated quota seat for Faili Kurds in governorate of Wasit to the (objected against) the Candidate (mim.ain.alif.jim) unfairly. He claimed that aforementioned Candidate not from Faili Kurds, whereas he belongs to Arabic tribe, he also famous figure in governorate of Wasit and he belongs to Al-Fadhila party. Accordingly, the objector is challenging the dedication of Faili Kurds seat to this person, and he restricted his requests by the following: (1. to retrieve the seat to its rightful owner from Faili Kurds. 2. To rerun manual sorting and counting for Candidates. 3. To rerun manual sorting and counting of the objector in the Islamic Republic of Iran. 4. To correspond the directorate of civil affairs in Wasit to inquire them about the record copy of (objected against). He ended his requests by dedicating the quota seat for Faili Kurds

in governorate of Wasit to him, and after registering the case, the objected against were notified by the petition of the case and its documents. The agent of the objected against presented an answering draft dated on 11.6.2018 which includes his defends on the petition of the case, among these defends that the FSC is incompetent to try the case. Whereas no clause in the FSC's law mentioned trying of Candidates objections on the elections results, and the only challenge method of such objections shall be initiated before formed judicial committee in the federal cassation Court. This is what Parliament election law No. (11) For 2007 in article (8) stipulated, and he attached with the draft a number of documents which approve his belonging to Faili Kurds tribe. As answer to what listed in the draft above-mentioned, the agent of the objector presented a draft which includes his answers about what listed by the (objected against) in his draft dated on 24.6.2018. And on the set day of argument, the Court has been convened and the both parties were called upon, the agents of both parties attended and the public in presence argument proceeded. The agent of the plaintiff repeated his previous sayings and requests, and the agent of the defendant repeated his sayings. He requested to reject the case for the reasons he. Whereas nothing left to be said, the end of the argument has been made clear and the Court recited the decision publicly.

The Decision

During scrutiny and deliberation by the FSC, the Court found that the plaintiff claims in the petition of his case that higher independent electoral commission had announced on 19.5.2018 the elections results for 2018, and the seat which dedicated for Faili Kurds in governorate of Wasit to the (objected against) the Candidate (mim.ain.alif.jim) in spite of that he is not from Faili Kurds, because he is from Arabic tribe and belongs to Fadhila Party. He summarized his request in the case by retrieving the seat to its rightful owner, whom they are Faili Kurds. He also requested to rerun manual sorting and counting for Candidates on this seat including the plaintiff (the objector), and to correspond the

directorate of civil affairs in governorate of Wasit to inquire them about the record copy of (objected against). Then, to dedicate the seat for the plaintiff. The FSC finds that the higher independent electoral commission law No. (11) For 2007, and in the article (8) of it had restricted the competence of solving disputes between Candidates by the electoral administration which considered one of the commissions' formations. The decision issued by this administration is challengeable before the (judicial electoral committee) which formed in the federal cassation Court. This method is what the plaintiff (objector) should follows. Based on that, trying the objection presented by the plaintiff (the objector) is out of the FSC jurisdiction which stipulated in the article (93) of the Constitution, and article (4) of the FSC law No. (30) For 2005. Therefore, the Court decided to reject the case of the plaintiff (the objector) for incompetence, and to burden him the expenses and advocacy fees of the agent of the (objected against) amount of one hundred thousand Iraqi dinars. The decision has been issued decisively, unanimously and obliging according to provisions of article (94) of the Constitution and article (5) of the FSC's law No. (30) For 2005. The decision was recited publicly on 27.6.2018.