

In the name of god most gracious most merciful

Republic of Iraq  
Federal supreme court  
Ref. 86/federal/media/2018



Kurdish text

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The Federal Supreme Court (F S C) has been convened on 27/5/2018 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, Hussein Abbas Abu AL-Temman and Mohammed Rajab Al-Kubaisi who authorized in the name of the people to judge and they made the following decision:

Plaintiffs / 1. (yeh. ha. ta.)  
2. (ha. ain. jim)  
3. (ain. ha. kaf. shin.)  
4. (alif. mim. sad.)  
5. (mim. ain. kaf.)  
6. (theh. feh. ain.)  
7. (sin. yeh. lam.)  
8. (qaf. ghain. dal.)  
9. (beh. ain. lam.)  
10. (mim. aim. mim.)  
11. (sad. ha. lam.)

} their agent (alif. feh. mim)

Defendant / Head of the Federal Supreme Court / being in this capacity  
his agents human rights officers (alif. nun. ha.)

## Claim:

The agents of the plaintiff's claimed that the prosecutor claimed that the countries of the democratic world have standards and mechanisms for preserving rights and freedoms which state it in the constitution, and because the Iraqi people said his speech in the elections that took place on 12/5/2018 and the participation rate was 20%, and that the people did not go to the elections as rejecting and fraudulent and because the Commission, which supervised them linked to political entities and the creation of quotas, so the turnout was weak. Since the House of Representatives has passed the election law adopted the system of St. Lego who came to serve the large blocks, and that the UN Special Representative warned against using electronic devices and reserved for the company that sold the equipment and that the failure of the people to exercise their constitutional right does not prevent the disclosure of the expression of his opinion rejecting the electoral process and the prosecutor's agent violations committed by the Electoral Commission as follows:

1. The size of the forgery which has been practiced against the people, including the sample of my clients and the agent of the plaintiffs.
2. The difference in the size of the participation between the special vote which reached 85% and the general vote, which amounts to 20%.
3. Contrasting the announcement of results.
4. The Commissioner refused to respond to the challenges.
5. The appearance of videos showing the size of forgery and the presence of boxes in unprotected places.
6. The escape of a member of the Commission and Charging the Commission for forgery.
7. Lack of approval of the Commission on the counting and manual counting, which was called by a number of parties and entities.
8. Election scandals in the outside vote have dramatically changed the election.

The agent asked the court to force the president of the FSC not to ratify the final results of the general elections for the membership of the House of Representatives in accordance with article (93/7<sup>th</sup>) of the constitution. The defendant/ being in this capacity was informed of the petition filed which was answered by his pleading dated 13/5/2018 by his agent on 13/5/2018 in which he stated that the judges do not contest or contest any facts attributed to non-persons or parties. Article (4) of the Law of Civil Procedure stipulated that if the defendant is litigated in a case, the fact that he has been given the facts of the dispute will result in a judgment in those facts in favor of the plaintiffs, that my client does not have this right to confirm whether or not it was not issued in the case of proven because it is attributed to those who issued it. That the litigated is not directed to his client and asked to reject the case. The court called the parties and attended the plaintiff's agent and attended the defendant's agent, the hearing was initiated openly and publicly. The plaintiff's agent repeated the petition and requested the judgment in accordance with what was stated therein. He submitted a pleading dated 27/5/2018 in response to the pleading of the defendant's agent. He also submitted an explanatory list dated 27/5/2018 and submitted a request dated 27/5/2018, Requesting the introduction of the Electoral Commission and the President of the Republic third persons in the case, rejected this request and presented the statement issued by the President's Information Office and a statement issued by the commissioners in the Electoral Commission, a copy of these requests the defendant agent who answered I repeat my pleading and I have no answer to what the plaintiff's agent has provided, request for the assignment of experts in constitutional law to interpret article (93/7<sup>th</sup>) of the constitution, and request for saving this lawsuit pending the decision on complaints on the results of the elections. Decided to reject the request and the agent of the parties repeated their statements, where nothing was left to understand the conclusion of the pleadings. The court affirmed the following ruling in public and was understood publicly.

## The Decision :

For scrutiny and deliberated by FSC found that the case of the plaintiffs focused on the violations that accompanied the electoral process for the elections of members of the House of Representatives of 2018 which took place on 12/5/2018 where the prosecutor asked the court to force the Head of the FSC not to ratify the final results of the general elections for the membership of the House of Representatives in accordance with article (93/7th) of the constitution. Because the judiciary does not quarrel and does not count in facts attributed to others (persons or parties) whereas the subject of the case concerns the Independent High Electoral Commission (IHEC), which has the authority to accept complaints and objections to alleged violations occurring during the electoral process, as its decisions are subject to appeal to a judicial body other than the FSC and the president of this court (the defendant/ being in this capacity) does not participate with that party and where article (4) of the Law of Civil Procedure No. (83) of 1969 provided that the defendant in the case is an adversary whose approval of the facts of the dispute entails a judgment in those facts in favor of the plaintiffs. Since the defendant does not have the right to certify the facts in the case or not because they were not issued in the case of proven, but attributed to those who were attributed to him and therefore the dispute in the case is not legally addressed to the defendant/ being in this capacity, the case shall be rejected by this body on the basis of the provisions of the articles (4 & 80/1) of the Law of Civil Procedure. The FSC decided by agreement to reject the plaintiffs' claim and to charge those expenses and legal fees for the defendant's agent human rights officer (alif. nun. ha.) the amount of one hundred thousand dinars in the provision of a permanent presence based on article (94) of the constitution and article (5/2<sup>nd</sup>) of the law of the FSC No. (30) of 2005 and the judgment was understood publicly on 27/5/2018.