

## Statement No. (30)

### **Subject: The Principle of Legal Stability and Electoral Equal Opportunity in Relation to Exclusion Decisions**

In the context of its diligent monitoring of the electoral process and ensuring its conduct in accordance with legal principles and democratic standards, the Electoral Expertise Center emphasizes the importance of adhering to the principles of justice, equality, and the protection of political rights of candidates, as well as guaranteeing equal electoral opportunities. From its professional and oversight position, the Center draws attention to recent developments concerning exclusion decisions, which raise concerns related to the principle of judicial stability and legal certainty.

Given that exclusion cases are among the most contentious and problematic issues due to their direct impact on political rights and the principle of equal opportunity, the expansion in applying exclusion grounds — coupled with judicial endorsement contrary to previous established rulings — raises fundamental questions regarding respect for judicial precedent and the protection of legal certainty in a manner that safeguards electoral integrity and public trust in the process.

The Center wishes to clarify the following observations:

#### **First:**

In 2014, the Electoral Judicial Panel issued a final and binding decision (No. 68/2014 dated 9 April 2014), stipulating that “exclusion may not be based on complaints related to good conduct after the approval of candidates’ lists.” However, the Independent High Electoral Commission (IHEC), along with the Judicial Panel in its recent rulings, did not abide by this binding precedent and proceeded to exclude candidates after their approval, including Khalid Al-Mafraji, Mohammed Al-Daini, Taha Al-Lahaibi, and others. This contravenes the principle of legal stability and the binding force of judicial decisions.

#### **Second:**

The Judicial Panel previously defined the legal condition of “good conduct” in Article (7/Third) of the Elections Law No. 12 of 2018, in its decision (No. 21 dated 25 August 2025), stating that “good conduct may only be negated by a final court

ruling convicting the candidate of a dishonorable crime or corruption offense, even if pardoned.” Despite the clarity and binding nature of this definition, the IHEC — and the same Judicial Panel — failed to apply it in recent exclusions, leading to the exclusion of candidates contrary to established judicial criteria, including the aforementioned names and, as well as candidate Haider Al-Mulla, candidate Yazan Al-Jubouri, and others.

**Third:**

It is a well-established legal principle that restrictions are exceptions and cannot be broadly interpreted in a manner that infringes political rights. Furthermore, an appellant cannot be harmed by his own appeal, and the scope of appeal represents its binding limits. Despite these settled rules, the Judicial Panel adopted an expanded interpretation beyond the grounds of appeals submitted, constituting a departure from legal standards and affecting procedural justice and candidates’ rights. The case of candidate Haider Al-Mulla is a clear example.

**Fourth:**

The IHEC did not adhere to the binding force of judicial rulings that acquitted certain candidates or dismissed cases due to insufficient evidence, and instead adopted interpretations inconsistent with judicial outcomes while ignoring similar cases for other candidates without clear criteria. This represents a breach of the principle of equal standards and electoral neutrality. “The cases of candidate Mohammed Al-Daini, candidate Haider Al-Mulla, and candidate Yazan Al-Jubouri serve as a clear and compelling precedent in this regard.”

**Fifth:**

Some candidates were excluded based on what was termed a “technical decision,” a ground lacking basis in the Elections Law and devoid of constitutional or legal justification to restrict the constitutional right to run for office. The use of such terminology to justify exclusion undermines electoral legality and political participation guarantees, and constitutes a departure from required legal reasoning. The case of candidate Issam Behnam Matti is an illustrative example.

**Sixth:**

Statements attributed to the IHEC suggested that exclusion decisions may continue beyond election day pursuant to the Candidate Registration and Certification System No. (3) of 2025. This contradicts constitutional and legal provisions, as no administrative regulation of lower status may restrict electoral rights established by law. Article (93/Seventh) of the Constitution explicitly designates the Federal Supreme Court as the sole authority to ratify final election results after their announcement. No other body — including the IHEC — may exercise this jurisdiction at any stage.

Furthermore, Article (43/Third) of the amended Elections Law No. 12 of 2018 authorizes the IHEC only to annul votes in one or more polling centers if it is proven that the candidate or political entity committed electoral crimes specified in Articles (37) and (38). The law does not grant the IHEC authority to exclude candidates or annul candidacy after results are announced under any pretext. Such authority is exclusively vested in the Federal Supreme Court at the ratification stage only.

Accordingly, expanding this limited authority from partial vote annulment to full exclusion of candidates constitutes a violation of the law, an encroachment on constitutional jurisdiction, and a breach of legal hierarchy, undermining constitutionally protected political rights.

**Electoral Expertise Center for Studies & Training**  
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