

Republic of Iraq
Federal Supreme Court
Ref 107/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 6/5/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jaber Abid, Hayder Ali Noori, Khalef Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali, and Khalid Taha Ahmed who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Siham Abbas Ali Hamada / candidate for membership of the Nineveh Provincial Council in the elections
Provincial councils for the year 2023 - her agent the barrister Maan Abed Hantoush Ali.

The Defendants:

1. The Speaker of the Council of Representatives / being in this capacity - his two agents the official jurists Saman Mohsen Ibrahim. and Aseel Samir Rahman.
2. Chairman of the Board of Commissioners in the Independent High Electoral Commission / being in this capacity - his agent the legal adviser Ahmed Hassan Abed.

The Decision

Upon scrutiny and deliberation, it was found that the plaintiff filed the lawsuit before this court through the mediation of her agent and requested inviting the first defendant in addition to his job to plead and rule on the unconstitutionality of the text of Article (9/3rd/Heh) from the Law of the third amendment to the Law on Elections of the Council of Representatives, Provincial Councils and Districts No. (4) of 2023, which stipulates ((The quota for women for each governorate shall be determined as specified in the attached table... Paragraph (14) of the table / Nineveh Governorate)) and the adoption of the number (8) for the

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quota for women in Nineveh Governorate instead of (7), and also requested the second defendant to be invited in addition to his job to plead and rule to cancel the text of Article (3/3rd/7) of the system of distribution of seats for the elections of the irregular provincial councils in Region No. (9) for the year 2023, which stipulates that (the number of women who won their votes in the list shall be approved within the quota allocated to the list for the women's quota) from the date of issuance of the system, considering that the provisions of the Federal Supreme Court is revealing judgments, not established, for the reasons stated in the petition, after registering the lawsuit with the number (107/Federal/2024) and collecting the legal fee for it and notify the defendants of its petition and documents in accordance with Article (21/1st and 2nd) of the Rules of Procedure Court No. (1) of 2022, the first defendant's agent replied with the reply dated 15/4/2024, and the second defendant's agent replied with the reply dated 17/4/2024 both regulations included detailed formal and substantive defenses according to which they requested to reject the case for the reasons contained therein, and after completing the procedures required by the court's rules of procedure, a date was set for the pleading in accordance with Article (21/3rd) thereof, and the parties were informed of it, in which the court was formed and the parties' agents attended, and the public presence pleadings began, the plaintiff's agent responded by highlighting a request dated 29/4/2024, requesting the annulment of the lawsuit petition and reserving the right of his client to establish it in the future, the court noted that (Mohamed Abdullah Mohamed) submitted an application dated (30/4/2024) requesting his entry (a third person) in the lawsuit alongside the defendants, being a member of the Nineveh Provincial Council, whereas the plaintiff requested the annulment of the petition and the defendants' agents did not object accordingly the court

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decided to reject what was stated in the request regarding the inclusion of (Mohamed Abdullah Mohamed _ a third person) in the lawsuit, and to approve the plaintiff's request for the law, the court decided to annul the lawsuit petition based on the provisions of Article (88/1/2) of the Civil Procedure Law No. (83) of 1969, as amended, and the plaintiff charged the fees, expenses and attorneyship fees to the defendants' agents an amount of one hundred thousand dinars distributed in accordance with the law. The decision has been issued unanimously in accordance with Article (94) of the Constitution of the Republic of Iraq for the year 2005, and it has been made clear on 27/Shawwal/1445 A.H. corresponding to 6/5/2024 AD.

Judge
Jasem Mohammad Abbood
President of the Federal Supreme Court

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