

Republic of Iraq  
Federal Supreme Court  
Ref 132/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 22/7/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jaber Abid, Hayder Ali Noori, Khalaf Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali, and Jassim Jazaa Jafer who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Yerwant Nisan Marcus.

The Defendant: Chairman of the Board of Commissioners of the Independent High Electoral Commission / being in this capacity – His agent the Legal adviser Ahmed Hassan Abed.

**The Claim:**

The plaintiff claimed that the defendant/ being in this capacity issued (the system of registration and approval of candidate lists for the elections Kurdistan Parliament Iraq No. 7 of 2024) considering that its constituency is the authority charged with supervising the elections of the sixth session of the Regional Parliament according to Court Resolution No. (83 and its units 131 and 185 / Federal/2023), and Article (2) of this system stipulates the division of the 100 seats of Parliament into four electoral districts as follows: (Erbil 34 seats, Sulaymaniyah 38 seats, Duhok 25 seats, Halabcha 3 seats), in violation of this article of the aforementioned court decision, which obligated the Independent High Electoral Commission to distribute seats to the electoral districts in a manner that ensures justice and equality, as well as its violation of the Iraqi Constitution in force, the plaintiff took the initiative to challenge it before this court for the reasons mentioned in his petition, including neglecting the representation of components of all ethnic, religious and national forms, including (Armenian nationalism)

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in this division of electoral seats, therefore, he asked for a ruling on the unconstitutionality of this article, and ordering the allocation of a quota for the Armenian component with one seat to compete for the candidates of the component, and to consider the region as one electoral district for them, and charging the defendant in addition to his job fees and expenses. After registering the case with this court No. (132/Federal/2024), collecting the legal fee for it, and informing the defendant of its petition and documents in accordance with Article (21/1<sup>st</sup> and 2<sup>nd</sup>) of the Court's Rules of Procedure No. (1) of 2022, his agent responded with the reply regulation dated 3/6/2024, according to which he requested to reject the lawsuit for the reasons stated therein, including previously adjudicated by a decision Federal Supreme Court No. (126/Federal/2024) on 21/5/2024 including rejecting the lawsuit filed in this matter for the issuance of the decision of the Judicial Authority for Elections No. (355 / Judicial Authority for Elections/2024) dated 20/5/2024. After completing the procedures required by the court's internal regulations, a date was set for the consideration of the case without pleading based on Article (21/3<sup>rd</sup>) thereof, in which the court was formed and the case began to be heard, the court scrutinized the plaintiff's requests, his supports and the defenses of the defendant's agent, and after completing its scrutinies the end of the minutes has been made clear and the court issued the following decision:

### **The Decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff filed this lawsuit against the defendant, Chairman of the Board of Commissioners of the Independent High Electoral Commission, in addition to his job, challenging the unconstitutionality of Article (2) of the Law of Registration and Approval of Candidate

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Lists for the Kurdistan Regional Parliament Elections Iraq No. (7) of 2024, which states the following: ((First: The Kurdistan Region divides Iraq into four electoral regions: (Erbil, Dohuk, Sulaymaniyah, Halabja). Second: The Kurdistan Regional Parliament shall be formed of (100) seats distributed over the following electoral districts: Erbil Governorate (34) seats, Sulaymaniyah Governorate (38) seats, Duhok Governorate (25 seats), Halabja Governorate (3 seats)), for the reasons stated in the petition, it was also requested that the Armenian component quota be allocated to one seat to be contested by the candidates for the said component, and that the region be considered a single constituency for them. Upon examination, it was found that this court had previously issued its decision No. (126/Federal/2024) dated 21/5/2024 based on the lawsuit filed by the Prosecutor Prime Minister in the Kurdistan Region against the defendant, Chairman of the Board of Commissioners in the Independent High Electoral Commission, which challenged the unconstitutionality of Article (2) of the system of registering and approving candidate lists for the Kurdistan Regional Parliament elections Iraq No. (7) of 2024, which includes the reject of the lawsuit, as it has become useless, in order to decide on the subject of the quota according to the decision issued by the Judicial Authority for Elections No. (355 / Judicial Authority for Elections/2024) issued on 20/5/2024, so the subject matter of this lawsuit has already been decided under the aforementioned decision, and this lawsuit is subject to reject because its subject matter has already been decided, so The Federal Supreme Court has decided the following:

First: Rejecting the plaintiff's lawsuit (Yerwant Nisan Marcus), because its merits had already been decided by virtue of the judgment decision issued of this court in the number (126/Federal/2024 on 21/5/2024).

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Second: Charging the plaintiff with expenses, fees and advocacy fees of the defendant's agent/ being in this capacity in an amount of one hundred thousand dinars it is distributed in accordance with the law.

The decision has been issued unanimously, final and binding based on the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq of 2005, and Articles (4 and 5/2<sup>nd</sup>) of the Federal Supreme Court Law No. 30 of 2005 as amended by Law No. 25 of 2012 and it has been edited in the session dated 15/Muharram/1446 A.H. corresponding to 22/7/2024 AD.

**Judge**  
**Jasem Mohammed Abood**  
**President of the Federal Supreme Court**

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