

Republic of Iraq
Federal Supreme Court
Ref 137/ 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: Diaan Boutros Sliwa - His agent the barrister Iyad Ismail Mohamed.

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, through his agent, claimed that the defendant, in addition to his job, had previously issued the system for registering and approving candidate lists for the Kurdistan Parliament elections Iraq No. (7) of 2024, considering that his district is the authority charged with supervising the elections of the sixth session of the regional parliament according to court decision No. (83 and its units 131 and 185/federal/2023), and Article (2) of this system stipulated that the seats of the 100th parliament shall be divided into four electoral districts as follows: (Erbil 34 seats, Sulaymaniyah 38 seats, Dohuk 25 seats, and Halabcha 3 seats) and for the violation of this article of the aforementioned court decision that obligated the Independent High Electoral Commission to distribute the seats among the electoral districts in a manner that guarantees justice and equality, as well as its violation of the Iraqi Constitution in force as well, therefore, the plaintiff took the initiative to challenge it before this court for the reasons

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mentioned in his petition, including neglecting the representation of the components of all ethnic, religious and national forms, including the Christian component in this division of electoral seats he asked for a ruling on the unconstitutionality of this article, and to instruct the allocation of a quota for the Chaldean, Assyrian and Syriac Christian component with five seats and a seat for Armenian Christians to compete for the candidates of the component, and to consider the region as one electoral district for them, with a load of the defendant in addition to his job fees and expenses. After registering the case with this court No. (137/Federal/2024), collecting the legal fee for it, and informing the defendant of its petition and documents in accordance with Article (21/I and II) of the Court's Rules of Procedure No. (1) of 2022, his agent responded with the reply list dated 3/6/2024, according to which he requested to reject of the lawsuit for the reasons stated therein, including the previous decision of the Federal Supreme Court No. (126/Federal/2024) dated 21/5/2024, which includes the reject of the lawsuit filed in this matter due to the issuance of the decision of the Judicial Authority for Elections No. (355/Authority) Judicial elections/2024) dated 20/5/2024. After completing the procedures required by the Rules of Procedure of the Court, an appointment was set to consider the case without pleading based on Article (21/3rd) thereof, in which the court was formed and the case was considered, 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:

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The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff (Zia Boutros Sliwa) filed this lawsuit against the defendant, the Chairman of the Board of Commissioners of the Independent High Electoral Commission, in addition to his position, and challenges the unconstitutionality of Article (2).from the system of registering and approving candidate lists for the Kurdistan Regional Parliament elections Iraq No. (7) for the year 2024, which states the following: ((First: The Kurdistan Region divides Iraq into four electoral regions (Erbil, Dohuk, Sulaymaniyah, Halabja). Second: The Kurdistan Regional Parliament consists of (100) seats distributed over the following electoral districts: Erbil Governorate (34) seats, Sulaymaniyah Governorate (38) seats, Dohuk Governorate (25) seats, Halabja Governorate (3) seats)), and it was also requested to instruct the allocation of a quota for the Chaldean, Assyrian and Syriac Christian component with five seats and a seat for Armenian Christians to compete for the candidates of the component and to consider the region as one electoral district for them for the reasons mentioned in the lawsuit petition. 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, in which he challenged the unconstitutionality of Article (2) of the system of registering and approving lists of candidates for the Kurdistan Regional Parliament elections Iraq No. (7) of 2024, which includes the reject of the lawsuit as it has become useless, due to the previous adjudication of 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

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20/5/2024, so it is the subject matter of this lawsuit has already been decided by virtue of the aforementioned decision, and this lawsuit is subject to reject because its merits have already been decided, so the Federal Supreme Court decided the following:

First: Rejecting the plaintiff's lawsuit (Diaa Boutros Sliwa), because its merits had already been decided according to the judgment decision issued by this court No. (126/Federal/2024 on 21/5/2024).

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 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 5/2nd) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2022, 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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