

Republic of Iraq
Federal Supreme Court
Ref 142/ 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: Sarkout Hamid Abdulkader.

The Defendants:

1. Chairman of the Board of Commissioners in the Independent High Electoral Commission / being in this capacity - His agent the human rights employee Ahmed Hassan Abd.
2. Speaker of the Kurdistan Regional Parliament Iraq / being in this capacity.

The Claim:

The plaintiff claimed in the petition that the population of the Kurdistan Region is estimated at six million people, but Article (1) of the Kurdistan Parliament Election Law Iraq No. (1) of 1992, which included that the parliament consists of one hundred members, and Article (2) of the system of registering and approving candidate lists for the Kurdistan Parliament elections Iraq No. (7) of 2024, issued by the Independent High Electoral Commission, included that the Kurdistan Regional Parliament consists of (100) seats divided into (Erbil 34 seats, Sulaymaniyah 38 seats, Dohuk 25 seats, Halabja 3 seats), while Article (49/1st) of the Constitution, stipulated that the Council of Representatives shall consist of a number of members at a ratio of one seat per hundred thousand inhabitants Iraq representing the entire Iraqi people are elected by universal, secret and direct suffrage, whereas the increase in the number of seats, which is estimated at (40) seats, is a

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waste of public money and a decrease in the level and performance of members of the Kurdistan Parliament, therefore, the plaintiff asked this court to rule on the unconstitutionality of Article (2) of Law No. (7) of 2024, and Article (1) of Law No. (1) of 1992, and to reduce the number of seats in the Kurdistan Regional Parliament from (100) seats to a number of seats according to the statistics of the Iraqi Ministry of Planning. After registering the case with this court No. (142/Federal/2024), collecting the legal fee for it, and informing the defendants of its petition and documents in accordance with Article (21/1st and 2nd) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022, the first defendant's agent responded with the reply regulation dated 3/6/2024, and 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 including rejecting the lawsuit filed in this matter for the issuance of Decision of the Judicial Authority for Elections No. (355/Judicial Authority for Elections/2024) on 20/5/2024. After completing the procedures required by the Court's Rules of Procedure, a date was set for the consideration of the case without pleading in accordance with Article (21/3rd) thereof, and the court was formed and the case was considered, the court scrutinized the plaintiff's requests, substantiations, and defenses the agent of the first defendant, and noted that the second defendant did not respond, and since the court has completed 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's claim is summarized in demanding a ruling on

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the constitutionality of Article (2) of the Candidate Lists Registration System No. (7) of 2024 and Article (1) of the Kurdis Iraq tan Parliament Election Law No. (1) of 1992, as amended, and reducing the number of seats in the Kurdistan Regional Parliament from (100) seats to anumber of seats according to the statistics of the Iraqi Ministry of Planning, and the court finds through reviewing the case file and the list submitted by the first defendant's agent that the plaintiff's lawsuit was previously decided on its merits according to the decision of this court No. (126/Federal/2024) on 21/5/2024 regarding his request to rule on the unconstitutionality of Article (2) of the candidate lists registration system No. (7) of 2024, the challenge to the constitutionality of the aforementioned article was on the basis that it violated the provisions of the Constitution of the Republic of Iraq of 2005, due to the failure to allocate seats for minority quotas within the seats allocated to each electoral district in the Kurdistan Region, but it became clear to this court through its scrutiny of the decision issued by The Judicial Authority for Elections No. (355/Judicial Authority/2024) on 20/5/2024, that it resolved the problem related to the minority quota in the Kurdistan Region, and since the decisions of the Judicial Authority for Elections formed in the Supreme Judicial Council are final and may not be appealed with regard to matters related to elections exclusively based on the provisions of Article (19/3rd) of the Independent High Electoral Commission Law No. (31) of 2019, so the plaintiff's claim in this regard is subject to reject, as for the plaintiff's request to rule on the unconstitutionality of Article (1) of the Kurdistan Parliament Election Law, Iraq No. (1) for the year 1992 amended and reduced the number of seats in the Kurdistan Regional Parliament from (100) seats to a number of seats according to the statistics of the Iraqi Ministry of Planning, this court has already ruled on this request by virtue of its decision on the

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number (83 and its units 131 and 185/federal/2023) on 21/2/2024, which includes in its first paragraph ((First: The unconstitutionality of the phrase (eleven) contained in the first article of the Kurdistan Parliament Election Law Iraq No. (1) for the year 1992 as amended to read as follows: (The Kurdistan Parliament consists Iraq of one hundred members)) thus, the plaintiff's claim must be rejected of all its requests, as it has already been decided by virtue of the aforementioned decisions of this Court in view of the foregoing, the Federal Supreme Court decided as follows:

First: Rejecting the plaintiff's lawsuit (Sarkout Hamid Abdulkader), because its merits have already been decided under the two decisions of the judgment issued by this court No. (126/Federal/2024 on 21/5/2024) and the number (83 and its units 131 and 185/federal/2023 on 21/2/2024).

Second: Charging the plaintiff the expenses, fees and advocacy fees of the first defendant's agent, the official jurist, Ahmed Hassan Abed, an amount of one hundred thousand dinars distributed in accordance with the law.

The decision has been issued unanimously, final and binding on all authorities 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 2021 and it has been edited in the session dated 15/Muharram/1446 A.H. corresponding to 22/7/2024 AD.

Judge
Jassim Mohammed Abood
President of the Federal Supreme Court

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