



The Federal Supreme Court (F.S.C.) convened on 13.2.2022 headed by Judge Jasem Mohammad Abboud and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haider Ali Noory, Khalaf Ahmed Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, Diyar Muhammad Ali, and Khaled Taha Ahmed who are authorized to judge in the name of the people, they made the following decision:

The plaintiff:

Jihan Abdullah Abbas - her two attorneys are lawyers Abdul Jalil Ismail Hassan and Fatima Hamoudi Ali.

The defendant:

Chairman of the Board of Commissioners of the Independent High Electoral Commission/ in addition to his post - his deputy, the legal employee Ahmed Hassan Abd.

The claim:

The plaintiff claimed, through her attorney, that she had previously participated in the elections of the Council of Representatives, the fifth session, as a candidate in the governorate (Baghdad) District (17). The distribution of the governorate into districts and the district in which she was nominated is four seats according to the quota system mentioned in Article (16) of the law. These seats are distributed to (three seats for the highest votes without mentioning the gender, man or woman, and one seat for women (the quota). And since there is a woman who won her valid

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votes (the third on the constituency), it cannot be calculated (quota) according to the above table. The fourth seat is from the woman's quota and is from her share, and the man who has risen fourth according to the schedule cannot be considered among the four highest votes in the constituency, Violates Paragraph (Third) of Article 16 of the law. According to the electoral law, the winner of the highest number of votes cannot be considered a quota, and the other 6 electoral districts in the Baghdad governorate that obtained the lowest percentages have added one seat to each of them, and accordingly, the plaintiff requested the Federal Supreme Court Adding seat for Constituency 17 in Baghdad Governorate, from its share, as determined by law. The case was registered with this court in No. (191/Federal/2021), and the legal fee was collected for it in accordance with the provisions of Article (1/Third) of the Federal Supreme Court's internal system No. (1) of 2005 and informs the defendant of its petition and documents in accordance with the provisions of Article (2/First).) of the same bylaw, and he responded with his answer sheet in the number (kh/21/1771) on 12/16/2021, which included the following:

1. The Independent High Electoral Commission Law No. (31) of 2019 charts the legal way to appeal against decisions issued by the Board of Commissioners, and that the competent authority to consider objections to decisions issued by the Board of Commissioners is the Judicial Authority for Elections under Article (19/Second) of the aforementioned law, and it is not permissible to appeal Before any other party, therefore, the Federal Supreme Court is not competent to consider this case.

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2. Article (16/Third) of the Iraqi Parliament Elections Law No. (9) of 2020 stipulates (the quota for women is determined for each governorate as specified in the attached table), and with reference to the attached table of the law, which is an integral part of it, it appears that the seventeenth district) In the governorate of Baghdad, there are (4) seats, and this table specified that one woman should be in those seats and that the election results produced a female candidate who won her votes in one of the electoral district seats, and therefore that district exhausted the women's seat with the victory of that candidate, which is consistent with the application of Article (16)) of the aforementioned law.

3. The Judicial Commission for Elections' decision No. (1140/Judicial Commission for Elections/2021) dated 11/21/2021 was issued, including ratification of the contested decision of the Board of Commissioners related to the announcement of the preliminary results of the elections of the Iraqi Council of Representatives on 10/11/2021. The plaintiff's appeal was received Since the decisions of the Judicial Authority for Elections are final based on Article (19/Third) of the Independent High Electoral Commission Law No. 31 of 2019, so the defendant asked the Federal Supreme Court to reject the plaintiff's lawsuit and charge her the expenses. After completing the procedures required by the court's internal system, a date was set for the pleading, in accordance with the provisions of Article 2/Second of it, and the two parties were informed of it. Jurist Ahmed Hassan Abd and Bushar pleaded in the presence of both parties and public. The plaintiff and her attorneys repeated what was stated in the lawsuit petition and requested a ruling according to which the defendant's attorney responded,

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requesting that the lawsuit be dismissed for the reasons stated in the answer list dated 16/12/2021. the court issued the following ruling:

The decision:

Upon examination and deliberation by the Federal Supreme Court, it was found that the plaintiff, Jihan Abdullah Abbas, had previously participated in the Council of Representatives elections for the fifth session in Baghdad Governorate, District (17). She requested inviting the defendant to plead and add a seat to the aforementioned constituency provided that it is allocated to her, and this court finds that the plaintiff's request to add a seat in constituency No. (17) in the Baghdad governorate is outside the jurisdiction of this court contained in Article (93) of the Constitution of the Republic of Iraq of 2005 and Article (4) of Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021, and accordingly her claim is free to respond. Therefore, the Federal Supreme Court decided to reject the claim of the plaintiff, Jihan Abdullah Abbas, for lack of jurisdiction and to charge her fees, judicial expenses, and attorney fees to the defendant's attorney, in addition to his job, the legal employee Ahmed Hassan Abd, an amount of one hundred thousand dinars. The Constitution of the Republic of Iraq for the year 2005 and Articles (4 and 5/Second) of the Federal Supreme Court Law No. (30) for the year 2005 as amended by Law No. (25) for the year 2021 and publicly understood on Rajab 11/1443 AH corresponding to 2/13/2022 AD.

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Signature of
The president

Jasem Mohammad Abbood

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