

Republic of Iraq
Federal Supreme Court
Ref 28/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 14/2/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul-Rahman Suleiman Ali, and Dyar Mohammed Ali and Munther Ibrahim Hussain, who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Bassim Khazaal Khishan

The Defendant: Head of the Iraqi Council of Representatives / being in this capacity - His agents the official jurists/ Saman Mohsen Ibrahim and Aseel Samir Rahman.

The Dicsion:

The plaintiff claimed that the defendant issued Law No. (4) of 2023 the Third Amendment Law to the Law of Elections of the Council of Representatives, Governorate Councils, Districts and Suburbs No. (12) of 2018, and under Article (14) thereof, item (second) of Article (37) of Law No. (12) of 2018, which stipulates (shall be punished by imprisonment for a period of no less than one year: Second: Gives, offers or promises to give a voter a benefit to himself or others to induce him to vote in a certain way or abstain about voting). It was replaced by the following text: (Entities and individuals that prevent political parties from opening their headquarters and practicing their electoral activities), this amendment immunizes criminals from the punishment that is still imposed on their victims, which contradicts the principles of equality and the principles of democracy stipulated in the constitution and the right of the voter to choose his representative, so he requested a ruling on its unconstitutionality, and after registering the

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lawsuit and informing the defendant of the Speaker of the Council of Representatives, in addition to his job, of its petition and documents in accordance with Article (21 /1st and 2nd) of the court's internal regulations No. (1) of 2022, His agents responded to the regulation dated 24/1/2024, according to which they requested to reject of the case for the reasons stated therein, and after completing the procedures required by the court's internal regulations, 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, so the parties did not attend and began the public presence pleading, and the court noted that the plaintiff submitted on 7/2/2024, a request to annul the lawsuit petition, because it had previously been decided by a previous decision that ruled it unconstitutional, accordingly, and due to the approval of the request to the law, the court decided to annul the lawsuit petition based on the provisions of Article (88/1) of the Civil Procedure Law No. (83) of 1969, as amended, and to charge the plaintiff fees, expenses and full attorneyship's fees to the defendant's agents an amount of one hundred thousand dinars distributed in accordance with the law. The decision has been issued unanimously according to the Article (94) of the Constitution of the Republic of Iraq for the year 2005, and has been made clear on 3/Shaabab/1445 AH corresponding to 14/February/2024 AD.

Judge
Jasem Mohammad Abbood
President of the Federal Supreme Court

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