

Republic of Iraq
Federal Supreme Court
Ref 91/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 30/6/2024 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 Munther Ibrahim Husain who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Barham Raouf Ali.

The Defendant: Speaker of the Kurdistan Regional Parliament – Iraq / being in this capacity.

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff Barham Raouf Ali filed the lawsuit before this court against the defendant, the Speaker of the Kurdistan Regional Parliament - Iraq / in addition to his job, requesting a ruling on the unconstitutionality of Article (1/2nd) of Law No. (15) of 2018 issued by the Kurdistan Regional Parliament Iraq amending the Iraqi Personal Status Law No. (188) of 1959, according to which paragraphs (4, 5, 6, 7) of Article 3rd of Law No. (188) of 1959 were suspended. In the Kurdistan Region – Iraq and replaced by the following: (It is not permissible to marry more than one woman except with the permission of the judge ...) in accordance with the conditions specified in the article for the reasons mentioned in his petition. After registering the case, collecting the legal fee for it, and notifying it to the defendant in accordance with Article (21/1st and 2nd) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022, his answer was not received, in accordance with Article (21/3rd) of the aforementioned Rules of Procedure of the Court, a date was set for the pleading and the parties

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were notified of it, in which the court was formed and the plaintiff appeared himself, and the defendant's agent did not appear despite the notification in accordance with the law and began to conduct the public presence pleading the court noted the request submitted by the plaintiff dated 13/5/2024, which includes the annulment of the lawsuit petition, and for the approval of the request to the law, the Federal Supreme Court decided to annul the lawsuit petition based on Article (88/1) of the Civil Procedure Law No. (83) of 1969, as amended, and to charge the plaintiff with fees and expenses, and the decision has been issued unanimously and final based on Article (94) of the Constitution of the Republic of Iraq of 2005, and Article (5/2nd) of the Federal Supreme Court Law No. (30) of 2005 as amended by Law No. (25) of 2021 and publicly understood on 23/ Dhu al-Hijjah/1445 A.H. corresponding to 30/6/2024 AD.

Judge
Jasem Mohammad Abbood
President of the Federal Supreme Court

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