

Republic of Iraq
Federal Supreme Court
Ref 99/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 7/5/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jaber Abid, Hayder Ali Noori, Khalef Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali, and Khalid Taha Ahmed who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Wissam Shaker Muhaisen, Mayor of Al-Qasim District.

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

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff filed his claim before this court and requested a ruling the unconstitutionality of Article (24) of Law No. (4) of 2023 (Third Amendment Law to the Elections Law of the Council of Representatives, Provincial Councils and Districts No. 12 of 2018), which stipulates (Alif- In the absence of district councils for any reason, their powers shall be transferred to their governorate councils in the absence of provincial councils for any reason, the governor shall assign the mayor), and after registering the lawsuit, collecting the legal fee thereon, and informing the defendant of its petition and documents in accordance with Article (21/1st and 2nd) of the law internal court No. (1) of 2022 his agents responded with the reply regulation dated 4/4/2024 and requested to reject the lawsuit for the reasons stated therein, after completing the procedures in accordance with the requirements of the court's internal regulations, a date was set for the pleading and the parties were informed of it, in which the court was formed, but the

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plaintiff did not appear despite the notification in accordance with the law, and the defendant's agent attended and began to conduct the public presence pleading, the court reviewed the plaintiff's requests and his supports, the defendant's agent responded and requested the annulment of the lawsuit petition, and because the request approved the law and based on the provisions of Articles (56/2) and (57) of the Civil Procedure Law No. (83) of 1969, as amended, the court decided the following: Annulment of the plaintiff's petition Wissam Shaker Muhaisen and charging him one third of the advocacy fees legally approved for the defendant's agents. The decision has been issued unanimously and final in accordance with Article (94) of the Constitution of the Republic of Iraq for the year 2005 and it has been made clear on 28/Shawwal/1445 A.H. corresponding to 7/5/2024 AD.

Judge
Jasem Mohammad Abbood
President of the Federal Supreme Court

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