

# IN THE NAME OF GOD, MOST GRACIOUS, MOST MERCIFUL

Republic of Iraq  
Federal Supreme Court  
Ref. 10/federal/media/2015



Kurdish text

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The Federal Supreme Court (F.S.C.) has been convened on 18/2/2015 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abu Al-Temmen who are authorized in the name of the people to judge and they made the following decision:

## **The Request**

The personal status court of Thatt Al-Salasil has requested by its letter No.(501/shin/2015) on 11/2/2015, to consider the constitutionality of article (39/3) of the personal status law N.(188) for 1959 as it contradict with article (2) paragraph (alif) of the Iraqi republic constitution which stipulated that (no law may be enacted that contradicts the established provisions of Islam).

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## **The Decision**

During scrutiny and deliberation by the F.S.C. on its session dated above, the court found that to make a decision in the request of the personal status court of Thatt Al-Salasil require to observe that article (39/3) of the amended personal status law No.(188) for 1959, regard the compensation for the arbitrary divorce that claimed to contradict with the principal of Islam, whereas this compensation decided for the wife in case of divorce by the husband and he was arbitrary in it, this compensation and reparation for her for such a divorce, according to that such compensation doesn't contradict with the principal of Islam stipulated in article (2) paragraph (alif) of the Iraqi republic constitution for 2005, the decision has been issued unanimously on 18/2/2015.