



The Federal Supreme Court (F S C) has been convened on 5.3.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu AL-Temman who authorized in the name of the people to judge and they made the following decision:

Plaintiff / 1- (mim. ra. dad.) his agent (ta. jim. alif.)

2- (alif. teh. ta.) her agent (yeh. mim. heh.)

Defendant/Speaker of the House of Representatives / being in this

capacity his attorney the tow human rights officers (sin. ta. yeh.)

and (heh. mim. sin.).

Claim:

The agent (mim. ra. dad.) of the agent (ta. jim. alif.) claimed in the case No. (33/fedral/2018) that in date 22/1/2018 the Presidency of the House of Representatives announced the completion of the quorum for the seventh session of the House of Representatives, in fact, the quorum is incomplete and the number of attendance was (160) deputies and when voting on the law of the first amendment to the Law of the elections of the House of Representatives No. (45) of 2013 . The number of attendees during the voting was not more than (144) and the bylaw of the council stipulated in article (9/1st & 2st) that decisions should be taken by a simple majority after the quorum has been completed, and a quorum of one half plus one which makes the decisions of the council in that session invalid and unconstitutional and contrary to the bylaw and

request the plaintiff's agent to cancel the decisions of the seventh session of the House of Representatives held on 22/1/2018 , including the contested law, law of the first amendment to the law of elections of the Iraqi Council of Representatives No. (45) of 2013 . The plaintiff (alif. teh. ta.) also filed the case No. (34/federal/2018) on the same defendant by her agent and their reasons and considerations requested to cancel the decisions of the seventh session of the House of Representatives held on 22/1/2018 for unconstitutional. For the effort and time, and in accordance with article (76) of the Civil Procedure Law No. (83) of 1969 , the FSC decide unified the case (33/federal/2018) with the case (34/federal/2018) and the first consideration is the original for the previous residence the defendant/ being in this capacity has been notified of the petition and its documents with the case that unified with it, then the two pleading dated 27/2/2018 which stated that the claim of the plaintiffs is incorrect and inaccurate and that the calculation of the quorum is at the opening of the session according to the article (39/1st) of bylaw of the House of Representatives and that the President of the House of Representatives and when questioning the number of attendance assigned to the deputy number of deputies present was (203) deputies. The representative of the defendant said that the number of voters exceeded the necessary for the session, which is the absolute majority so the quorum of the session meets the requirements of the plastic and included the letter of the Department of Public Relations and the council legislation in the council No. (teh/170 in 20/2/2018) who supported what was mentioned in advance and this letter is a reliable official document and can only be challenged by fraud. And on schedule, to plead attended the agent of the plaintiffs and the agent of defendant and initiated in the presence and public hearings. The plaintiff's agent repeated the petition and requested for the judgment, according to it. The second plaintiff's agent repeated the petition and the defendant's agent repeated what was stated in the pleading and the document submitted, where nothing is left and the conclusion of the pleadings was understood and the court issued the following decision in public.

The Decision :

For scrutiny and deliberated by FSC found that the plaintiffs in the case No. (33/federal/2018) and unified with the case (34/federal/2018) has challenged the lack of quorum at the seventh session of the House of Representatives held on 22/1/2018 claiming that the number of deputies present at the session was (160) deputies, while the session requires attendance of (165) deputies and when voting at that session on the first amendment to the law of the House of Representatives No. (45) of 2013. The number of attendees did not exceed (144) deputies, making the decisions of the session invalid and unconstitutional. And request from the FSC to cancel the decisions taken by the House of Representatives at the seventh session held on 22/1/2018 related to the law No. (1) of 2018 that challenge by unconstitutional. And where the two pleading have been shown of the defendant's agent on 27/2/2018 in the original case and its unified that the claim of the agent of the plaintiffs is incorrect and lacks precision, adding that the calculation of the quorum is at the opening of the session in accordance with article (39/1st) bylaw of the House of Representatives The defendant's deputy in his two pleading added that the chairman of the council was doubt of not attending the number of attendance of members of the council assign member of the House of Representatives the master (ha. mim.) counting the number of members of the House of Representatives present to disrupt the electronic voting system has been explained that the deputy in the hall (203) deputies who voted on the bill exceeded the number of what is required in the quorum of the meeting is the absolute majority of the number of members of the council. The agent of the defendant said that the seventh session of the House of Representatives held on 22/1/2018 session the conditions stipulated in the constitution and in the bylaw. The letter was attached to the Department of Public Relations and legislation No.(ain. The/170 on 20/2/2018) which he said (We would like to state the following: session No. 7 on 22/2/2018 One of the deputies was assigned to carry out the task of verification in the availability of quorum and vote counting on the law of the first amendment to the law of elections of the House of Representatives No. (45) of 2013 This is what he meant when the Master r (mim. ha.) which confirmed that the quorum of the plenary session). This letter is considered a valid official document and cannot be challenged except on forgery based on article 22 of the Law of Evidence No. (107) of

1979, and since the claim of the plaintiffs in the consolidated statements does not apply and the reality of attendance at the session that mentioned before. Based on the above evidence, the number of voters exceeded the absolute majority of the members of the council. Therefore, the two cases lost their constitutional and legal authority. Accordingly, the court decided to reject the charges and to charge the plaintiffs with expenses and legal fees for the agents of the defendant, amounting to one hundred thousand dinars. The decision was issued on the basis of the provisions of article (94) of the constitution and article (4) of the FSC Law No. (30) of 2005 and publicly read on 5/3/2018.