



The Federal Supreme Court (F.S.C.) has been convened on 28.8.2013 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 Abbas Abu Al-Temmen whom are authorized in the name of the people to judge, they made the following decision:

The Plaintiff:

(ain.heh.nun.ha.) - his agent the attorney (yeh.kaf. alif.).

The defendant:

The President of the Independent High Electoral Commission (I.H.E.C.)— in addition to his post.

The claim:

The agent of the plaintiff claimed that the seat of the list no.(1/465) was allocated for women despite that he obtained the largest number of the voters' votes, that violated the provision of article (4) of the Constitution which stats the equality of opportunities for all Iraqis, also article (16) that stated (equal opportunities shall be guaranteed to all Iraqis), therefore the decision of the (I.H.E.C.) consider as confiscating

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to the voter opinion, the method of (Sainte-Lague) didn't state the (quota of women) but rather it stated ratio of (25%) of seats to be distributed on women, if that wasn't achieved, it become one third, if the required number wasn't achieved then paragraph (dal) and (heh) shall be implemented. The agent of the plaintiff requested to issue a decision that the system, he also requested to but paragraph (waw) under implementation after paragraph (Jim), and to repeal paragraphs (dal. Heh.) and to replace them with the following statement (if the required women seats wasn't achieved, then to fulfil from the lists of one seat by replacing the winner man who obtained the lest votes, with the seat of women's quota, or to grant the seat for the woman that obtained votes in the lists of one sea. on the argument day, the court call upon the parties, the agent of plaintiff and the agent of defendant all attended and started in presence session. The plaintiff' agent stated that his client (ain.heh.nun.) has died as a martyr on 25.6.2013, as result of the bombings that occur in Toz Khurmatu, he requested to nullify the case petition, the defendant' agent replied that he had no objection to that, he also disregard the request to pay the advocacy fees. whereas nothing left to be said, the argument is closed, the decision issued publicly.

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The decision:

During scrutiny and deliberation by the F.S.C., it found that the plaintiff agent has initiated this lawsuit requesting to compile the defendant in addition to his post to put paragraph (waw) instead of paragraph (Jim) and to nullify paragraphs (dal, heh) of third step of Seats Distributing System no.(12) of 2013 and replace it with article that he suggested in the request under the claim of violating the Constitution. on the argument day the agents of the parties attended and started in presence public argument, the plaintiff' agent stated that his client has died as a martyr on 25.6.2013, as result of the bombings that occur in Toz Khurmatu, he requested to nullify the case petition, the defendant' agent replied that he had no objection on that, he also disregard the request to pay the advocacy fees. For the aforementioned, the court decided to nullify the case petition according to the provision of article (88) of the Civil Procedures Law no. (83) for 1969 as the subject of the case is part of the associated rights to the plaintiff himself that is annulled by his death. The decision was issued unanimously on 28.8.2013.

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