

Republic of Iraq  
Federal Supreme Court  
Ref. 46 / federal /2021



Kurdish text

The Federal Supreme Court (F S C) has been convened on 28/7/2021 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jabir Abid, Hayder Ali Noori, Khaled Ahmed Rajab, Ayoob Abbas Salah, Abdul-Rahman Suleiman Ali, and Dyar Mohammed Ali who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Halu Ghazi Suleiman – the Head of Doopez for Environment Protection/ being in this capacity – his agent the PhD barrister Abdul-Rahman Hajji Zeebari and Emad Jaleel Abdullah.  
The defendant: the Speaker of the Iraqi Council of Representatives/ being in this capacity – his agents the legal counsellor Haytham Majid Salim and the official jurist Saman Muhsin Ibrahim.

### **The Claim**

The plaintiff claimed through his agent that the defendant, speaker of the Iraqi Parliament/ in addition to his job, passed the Iraqi Parliament Elections Law No. (9) for 2020 and for the existence of constitutional irregularities in some articles and paragraphs of the said law requested legal amendments to it and the repeal of paragraphs contrary to the Constitution for the following reasons:

1. Article (1) Chapter 1, the electoral district (each specific area has been allocated a number of seats in accordance with the provisions of this law) where areas within the electoral district were randomly defined and based on political agreements and the administrative boundaries of districts and districts within the same province were exceeded in violation of international standards requiring an independent body. It is called the authority to demarcate the borders, and the division of electoral seats in the House of Representatives was carried out

*saady*



contrary to article (49/first) of the Constitution of the Republic of Iraq for 2005, under which one parliamentary seat was allocated to every 100,000 inhabitants, i.e. the number of members of the House of Representatives must be (401) members except quota seats according to statistics of the Ministry of Planning for 2021.

2. The text of Article (13) Chapter IV of the Electoral Act No. (9) of 2020 is unconstitutional for not conducting the census, as well as there is a waste of the rights of the voter and candidate stipulated in paragraphs III and IV of article (2) of the same law.
3. There is no justice in the division of electoral districts in terms of the number of voters in each electoral district, as this number varies from district to district in many provinces, including Kirkuk province (first, second and third constituencies) and this method of division is contrary to the text of article (49/first) of the Constitution of the Republic of Iraq for 2005 and other constitutional articles that are far from justice and equality.
4. Article (39) of the Iraqi Parliament Elections Act No. 9 of 2020 (subject to appeal) stipulates (IV: Iraqis abroad vote for their constituencies using the biometric card exclusively) while the right to vote may not be taken from Iraqi voters, whether at home or abroad, because they all have the same rights.
5. The aforementioned electoral law merged the rights of religious minorities and made the Christian and Sabian component in a single electoral district, in which this emptied the positive discrimination granted to them constitutionally, as well as the independence and privacy of the two religions.
6. Iraq's Parliament Elections Act No. (9) of 2020 did not address cases of replacement of members of the House of Representatives upon

---

*saady*

Republic of Iraq  
Federal Supreme Court  
Ref. 46 / federal /2021



Kurdish text

resignation, dismissal or death contrary to article 49/V of the Iraqi Constitution.

Based on the provisions of article (1/III) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2005, the case was registered with this Court in 46/Federal/2021 and the defendant is informed/in addition to his job of the petition on the basis of article (2/first) of the rules of procedure above and his agents requested their regulations dated 8 June 2021 to dismiss the plaintiff's case/ in addition to his employment because he did not limit his case to the request for an unconstitutional ruling on the articles in question or the amendment of those paragraphs or articles, and did not specify the constitutional texts that he claims to violate the texts to which he is challenged, in addition to the fact that the legislation of the Iraqi Parliament Elections Act No. (9) of 2020 was a legislative option within the jurisdiction of the Council above in accordance with the provisions of article (61/first) of the Constitution, After the agents of the parties submitted their lists and the court briefed them with its annexes and based on the provisions of article (2/II) of the aforementioned rules of procedure, the date of the case was set and the parties were informed and attended by the plaintiff/ in addition to his job attorney Dr. Abdul Rahman Haji Al-Zebari as well as the defendant/ in addition to his job and his agents legal counsel Haitham Majid Salem and the official jurist Saman Mohsen Ibrahim. The public in the presence argument initiated. The plaintiff / being in this capacity repeated what was mentioned in the petition and requested the verdict according to it and the most prominent list of clarifications dated 28 July 2021 in which he reiterated what was stated in his requests in the petition and the agents of the parties reiterated their statements and requests and where there

*saady*



---

is nothing left to say and the court understood the conclusion of the case and issued the following decision:

**The decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff, in addition to his job, requested the repeal of the legal paragraphs contrary to the Constitution, the standard of electoral justice and the foundations of democracy in the Iraqi Parliament Elections Act No. 9 of 2020, which was initiated by the defendant. In addition to its function and the making of legal amendments to articles and paragraphs contrary to the Constitution, the Court finds that article (6) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2005 required the plaintiff to have a case, direct and influential interest in his legal status or Financial or social and the plaintiff should provide proof that a realistic damage has been done as a result of the challenged legislation of the law, which is required to cancel or amend some of its paragraphs and to be directly damaged and it should not be future or unknown, and the contested text should have been applied to the plaintiff/ in addition to his function or to be applied to him, and that application would violate one of his constitutional rights and the theoretical interest is not sufficient to accept the constitutional action, and from the above, the reasons given by the plaintiff in his case do not qualify him to set up such a case because there is no direct interest in him in the initiation of this case and therefore his case is due to be answered, the court decided to

---

*saady*

Republic of Iraq  
Federal Supreme Court  
Ref. 46 / federal /2021



Kurdish text

dismiss the case of the plaintiff Ha ha ha if Ghazi Suleiman / president of the Organization for environmental protection Doubs / in addition to his job and load fees and expenses and the fees of the defendant's agents speaker of the Iraqi Parliament/ in addition to his job legal counsel Haitham Majid Salem and human rights employee Saman Mohsen Ibrahim amount (100,000) 100 thousand dinars distributed between them in accordance with the law, The ruling was made in agreement on the basis of article (94) of the Constitution of the Republic of Iraq of 2005 and article (5) of the Federal Supreme Court Act No. (30) of 2005 amended by Law No. (25) Of 2021 and publicly understood on 17/Dhul Hujja/1442 Hijri, 28 July 2021.

<b>Signature of The president</b>	<b>Signature of The member</b>	<b>Signature of The member</b>
<b>Jasem Mohammad Abbood</b>	<b>Sameer Abbas Mohammed</b>	<b>Haidar Jaber Abed</b>
<b>Signature of The member</b>	<b>Signature of The member</b>	<b>Signature of The member</b>
<b>Haider Ali Noory</b>	<b>Khalaf Ahmad Rajab</b>	<b>Abdul Rahman Suleiman Ali</b>

*saady*

Republic of Iraq  
Federal Supreme Court  
Ref. 46 / federal /2021



Kurdish text

---

**Signature of  
The member**

**Diyar Muhammad  
Ali**

**Signature of  
The member**

**Ghalib Amir  
Shunayen**

**Signature of  
The member**

**Ayoob Abbas Salah**