

In the name of God most Gracious most Merciful

Republic of Iraq  
Federal Supreme Court  
Ref. 40/federal/2022



Kurdish text

---

The Federal Supreme Court (F.S.C.) has been convened on 1. 3 .2022 headed by Judge Jasem Mohammad Abod and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haidar Jaber Abed, Haider Ali Noory, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, Diyar Muhammad Ali and Munther Ibrahim Hussein who are authorized to judge in the name of the people, they made the following decision:

The Complainant: Lamaa Jamal Muhammad / academic - her attorney, Dr. Faiza Jabbar Muhammad Baba Khan.

The Complainant (agents him): The decision of the legal department in the Council of Representatives / being in his capacity.

The Summary Request:

The complainant claimed under her bylaw dated 28/2/2022 through her attorney that on 10/2/2022 she submitted an application to the legal department in the Council of Representatives, with a view to her candidacy for the position of President of the Republic, accompanied by a bachelor's degree issued by the College of Girls, when the complainant (agents him) approached the college about confirming the validity of the certificate's issuance or not, it replied that it was not possible to confirm the validity of the certificate's issuance due to the lack of priorities girls with grades and in English, bearing in mind that the College of

Agriculture approached the Ministry of Higher Education and Scientific Research to provide this court with support for the purpose of candidacy for the position of the Presidency of the Republic.

### The Decision:

After scrutiny and deliberation it turned out that the petitioner asked the FSC (to reverse the complainant's decision and issue a decision regarding her eligibility to be nominated because she fulfills all the conditions), and the FSC finds that the grievance is obligatory to respond in form, since Article (5) of the Law on Nomination Provisions for the Post of President of the Republic No. (8) for the year 2012 published in the Iraqi Gazette No. (4231) on 27/2/2012, stipulated that (**First** - Those whose name did not appear in the announcement stipulated in Article (4) of this law have the right to object to the FSC with a written request exempt from fees within a period not exceeding (3) three days from the date of the announcement. **Second** - the court decides on the objection submitted to it in accordance with the provisions of Clause (1<sup>st</sup>) of this Article within (3) three days from the date of registering the objection with it and its decision shall be final and binding). When examining the submitted complaint, it became clear that it did not include the number and date of the decision issued by the Council of Representatives to announce the names of the candidates for the post of President of the Republic from which her name was excluded, and the aforementioned text permitted the objection, not the complaint, in addition to the fact that the objection is the announcement issued by the Council of Representatives It is not from the legal department of the Council of Representatives. In addition to the above, the complaint has become without a subject. This is because this court ruled that the decision of the Presidency of the Council of Representatives No. (4) of 2022 dated 8/2/2022 was invalid, which included opening the door for candidacy for the position of President of the Republic for the second time, based on the decision of the ruling issued by it in No. (23 and its unified 25/federal/2022) in 1/3/2022 for the

reasons referred to in it, which means that all the decisions issued based on it are incorrect, which requires that the grievance be dismissed in form, and when the FSC decided to reject the complaint in form, and the decision was issued by agreement conclusive and binding on all authorities based on Article (5) of the Law Provisions for the nomination for the post of President of the Republic No. (8) for the year 2012 and issued in the session dated 27/Rajab/1443 coinciding with 1/March/2022.

Signature of

The president

**Jasem Mohammad Abod**