

Republic of Iraq
Federal Supreme Court
Ref. 59 / Federal / 2022



The Federal Supreme Court (F.S.C.) convened on 16.3.2022 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haider Jaber Abed, Haider Ali Noory, Khalaf Ahmed Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali who are authorized to judge in the name of the people, they made the following decision:

The Applicant:

Diary Ali Al-Barzanji / Candidate for the Presidency of the Republic of Iraq.

The subject of the request:

He requested to file a lawsuit against the legal department of the Council of Representatives and the staff supervising receiving requests and conducting the interview and granting authorization for their failure to respond and depriving the applicant of the right to nominate and compete for the position of the Presidency of the Republic.

The request summary:

The Federal Supreme Court received the request of the citizen Diary Ali Al-Barzanji, the candidate for the presidency of the Republic of Iraq on 3/14/2022, addressed to the Federal Supreme Court entitled (Filing a case), which includes its summary of filing a lawsuit against the legal department of the Council of Representatives and the staff supervising receiving requests and

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conducting the interview and granting Authorization for their failure to respond and depriving him of the right to nominate and compete for the position of the Presidency of the Republic for the following reasons: ((I am a candidate for the presidency of the Republic of Iraq, after the decision to cancel the extension of the nomination was issued by the esteemed Federal Supreme Court and the start of a new deadline for the nomination for the position of the President of the Republic, I submitted a nomination request via the e-mail of the legal department of the Iraqi Council of Representatives on 8.3.2022, fulfilling the required conditions (university certificate, Iraqi citizenship for the candidate and his parents, and a curriculum vitae that included political experience). the response came from the Legal Department by order to come to its headquarters from Gate (3) opposite Al-Rasheed Hotel for the purpose of the personal interview and bringing the original documents without specifying a specific deadline for conducting the interview, after attending on Wednesday, Thursday and Sunday (13.3.2022) they insulted us greatly and made us stood in front of the gate from the beginning of the working hours to the end without sending us the authorization to enter the Green Zone and then the legal department to conduct the interview, knowing that the aforementioned department has no inquiries point at the aforementioned gate, and that the army personnel (protection) are the ones who enter the auditors according to the authorization granted by the legal department, and the aforementioned department was contacted via e-mail to explain this case to grant us the required authorization and enter for the interview but no avail. They replied that the authorization is not within their authority and that the nomination and interview period has expired, although there is a big

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difference between the nomination period and the interview, bearing in mind that the nomination request was submitted within the specified period and the deadline for the interview was not notified despite the aforementioned department's question about it, and this suggests that there is no specific period for the interview, and this led to my being denied nomination and competition for the position of President of the Republic)), and on the basis of the foregoing, the application was submitted to this Court to file the case in accordance with the details referred to in the request.

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it became clear that the submitted application included its summary (filing a lawsuit against the legal department of the Council of Representatives and the staff supervising receiving applications, conducting the interview, and granting authorization for their failure to respond and depriving him of the right to nominate and compete for the position of the presidency) for the reasons referred to in detail in the application. The Federal Supreme Court finds that the request is obligatory to be dismissed formally, since Article (5) of the Law No. (8) of 2012 published in the Iraqi Gazette No. (4231) on 27/2/2012 stipulates (First -Those whose name did not appear in the announcement stipulated in Article (4) of this law has the right to object to the Federal Supreme Court with a written request exempted from legal fees within a period not exceeding (3) three days from the date of the announcement. Second: the court shall decide the appeal submitted to it in accordance with the provisions of Clause (First) of this Article within (3) three days from the date of registering the

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objection with it, and its decision shall be final and binding). The aforementioned article determined the jurisdiction of this court to consider the objection submitted by those whose name did not appear in the announcement issued by the Council of Representatives containing the names of candidates for the position of President of the Republic in accordance with the term and conditions stipulated therein. Which includes announcing the names of the candidates for the position of the President of the Republic, for not mentioning any number and date for any decision issued by the Council of Representatives to announce the names of the candidates for the position of the President of the Republic from which his name has been excluded, and that what was mentioned in the request regarding (filing a lawsuit against the legal department of the Council of Representatives and the staff supervising receiving requests And conducting the interview and granting authorization for their failure to respond and depriving him of the right to nominate and compete for the position of the Presidency of the Republic for the reasons referred to in the request), the decision on it is outside the jurisdiction of this court referred to in Article (5) of the Law of electing to the presidency No.(8) of 2012, as well as outside its jurisdiction referred to in Articles (52 and 93) of the Constitution of the Republic of Iraq and Article (4) of the Federal Supreme Court Law No. (30) of 2005 with (25) of 2021 and due to lack of jurisdiction, which requires rejecting the request in form, the Federal Supreme Court decided to reject the appeal in form, and the decision was issued by agreement conclusive and binding on all authorities based on the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4) and 5/Second) of the Federal Supreme

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Court Law No. (30) of 2005 amended by Law No. (25) of 2021, and Articles (4 and 5) of the Law of Provisions for Candidacy for the Post of President of the Republic No. (8) of 2012 and issued in the session dated 12/Shaaban / 1443 AH corresponding to 3/16/ 2022 AD.

Signature of
The president

Jasem Mohammad Abbood

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