

Republic of Iraq
Federal Supreme Court
Ref. 61 / federal /2022



Kurdish text

The Federal Supreme Court (F S C) has been convened on 16/3/2022 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Ali Noori, Khalef Ahmed Rajab, Hyder Jabir Abid, Ayoob Abbas Salah, Abdul-Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Request Presenter: Muzhir Hummadi Atiya Talal/ the candidate for the post of the Republic's President.

The Request Subject: presenting a complaint against the legal department of the ICR and the employees in charge of overseeing the presentation of the application, making interviews and granting the authorization because they neglected the reply and deprive the application presenter of the right of nomination and competition for the post of the Republic's President.

The Request Summary

The request of Muzhir Hummadi Atiya Talal, a candidate for the presidency of the Republic of Iraq on 14 March 2022, was received by the Federal Supreme Court, addressed to the Federal Supreme Court entitled "Complaint" which includes filing a complaint against the Legal Department of the Council of Representatives and the officials overseeing the receipt of applications and conducting the interview, granting authorization for their failure to respond and denying him the right to run and compete for the presidency of the Republic for the reasons that lie as follows: (i am a candidate for the presidency of the Republic of Iraq, I applied for nomination via e-mail for the legal department of the Iraqi Parliament, which was announced, with a

saady

Republic of Iraq
Federal Supreme Court
Ref. 61 / federal /2022



Kurdish text

photocopy of the required documents as required by the candidate, the request was sent with documents on 7 March 2022, the second day of nomination, and the reply came from the Legal Department of the Council of Representatives by e-mail the following day on 8 March 2022, that the documentary is complete and acceptable and you must attend the Legal Department of the Council of Representatives with the original documents and its photocopy, and were addressed at the same moment to inform them that i will attend on Wednesday, 9/3/2022 at 10 a.m. , and when I went on the date and the date mentioned, I found a group of applicants waiting for the authorization papers or permissions to enter the Legal Department and waited until the end of the official work hours and was not authorized to enter, and then I came the next day and until the end of the official working hours I was not interviewed, and I attended on Sunday (13 March 2022) and I was not allowed in. I made a call with the legal department of the ICR, and they told me that the interview and nomination is over. I feel that I have been subjected to fraud, knowing that I have a doctorate in political science, work as a professor of international relations, have been opposed to the former regime, have the rank of retired brigadier general of the valiant Iraqi army, and are currently working in the field of visual media in the presentation of an analytical political program on a satellite channel, and based on the foregoing, the application was submitted to this court to file a complaint in accordance with the details referred to in the application.

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it became clear that the application submitted to this court contained its

saady



conclusion (filing a complaint with the Legal Department of the Council of Representatives and the officials overseeing the receipt of applications, conducting the interview, and granting authorization, for failing to respond and denying him the right to run for office as the President of the Republic) for the reasons referred to in detail, and the Court finds that the request shall be rejected formally because the article (5) of the provisions for the nomination of the President of the Republic post No. (8) for 2012 which published in the Iraqi Gazette by the number (4231) on 27/2/2012 had stipulated (first- for those whose names did not appear in the announcement stipulated in the article (4) of this law has the right to object before the FSC with a written application, and this application shall be exempted from fees within not more than 3 days from the announcement date. Second: the Court decides the objection presented to it according to the provisions of item (1st) of this article within (3) days from the date of registering the objection, its decision is decisive and binding). Therefore, the aforementioned article had determined the jurisdiction of this Court in trying the objection presented by those whose names were not shown in the announcement issued by the ICR which included the names of the candidates to occupy the post of the Republic's President according to the duration and conditions stipulated in it, and when scrutinizing the request presented, it was found that the request didn't include an objection against the decision issued by the ICR which included the announcement of the candidates for the post of the Republic's President for not mentioning any number or date for any decision issued by the ICR to announce the candidates' names for the post aforementioned which his name was excluded from and what was listed in the request about (presenting a complaint against the legal department of the ICR and

saady

Republic of Iraq
Federal Supreme Court
Ref. 61 / federal /2022



Kurdish text

employees in charge of receiving the request, conducting interviews and granting authorization because they neglected the replying to his request and deprived him from the right for candidacy and nomination for the post of the Republic's President for the reasons he mentioned in the request). Deciding such requests considered out of the jurisdiction of the FSC indicated in article (5) of the nomination provisions for the post of the Republic's President of Law No. (8) for 2012 above-mentioned. Moreover, this subject is regarded out of its jurisdictions indicated in articles (52 and 93) of the Republic of Iraq Constitution and article (4) of the FSC's Law No. (30) for 2005 which was amended by Law No. (25) for 2021 for incompetence, and this matter required to reject the request formally. Accordingly, the FSC decided to reject the case formally, and the decision has been made unanimously, decisive according to the provisions of the articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and articles (4 and 5/2nd) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021, and articles (4 and 5) of nomination provisions law for the post of the Republic's President No. (8) for 2012. The decision has been edited on 12/Shab'aban/1443 Hijri coinciding 16/March/2022 AD.

**Signature of
The president**

**Jasem Mohammad
Abbood**

saady