

Republic of Iraq  
Federal Supreme Court  
Ref. 62 / federal /2022



Kurdish text

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The Federal Supreme Court (F S C) has been convened on 17/3/2022 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Ali Noori, Hayder Jaber Abid, Khalef Ahmed Rajab, Ayoob Abbas Salih, 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 Applicant: Nariman Khalid Sadeeq Othman/ the candidate for the post of President of the Republic.

The Request Subject: 1. Issuance for a State Order to suspend all the procedures related to the election of the Republic's President until decision issues about obliging the Council of the Representatives to include the applicant's name into the list of candidates for the post of the Republic's President.

### **The Abstract of the Request**

The FSC had received a request from the citizen (Nariman Khalid Sadeeq Othman) on 16 March 2022, which was directed to the President of the Federal Supreme Court and entitled "Excluding me from running for president of the Republic without right", which contains the conclusion: (1- a request for issuing a State Order to suspend the procedures of electing the President of the Republic until decision issues by the FSC about obliging the ICR to include the name of the applicant on the list of the candidates for the aforementioned post. 2- a request to oblige the ICR to include the name of the applicant on the list of the candidates for the

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above-mentioned post). The reasons mentioned in the request which summarized by the following: (I have been nominated for the post of the Republic's President within the constitutional period for nomination (three days) and I applied all the required papers for the nomination, I had been met by a committee from the legal department in the ICR on 7/3/2022, then and via a text message on the cellular phone that my candidacy is accepted. On 15/3/2022 the defendant had published the names of the candidates on the website of the ICR and I notices that my name did not exist in the (40) candidates whose names were announced. When I asked the ICR about not listing my name within the candidates' names they wrote to me "the Ministry of Higher Education in Kurdistan Region did not send yet the issuance authenticity letter about my university certificate, and this letter was not received by the Higher Education". While he sees that this matter is a big unjust against him, it will deprive him of his constitutional rights. Therefore, he requested from this Court issue a State Order to suspend the procedures of electing the President of the Republic until an investigation takes place and scrutinizes the authenticity of his university certificate and a decision made by the Court in this concern and to oblige the ICR to include his name on the list of the candidates for the post of the Republic's President. Accordingly, the request has been presented.

### **The decision:**

Upon scrutiny and deliberation by the Federal Supreme Court, it became clear that the request submitted, in summary, included the claim for two matters. Which they are: (1- to issue a State Order to suspend all the procedures of electing the President of the Republic

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until a decision is issued by the FSC about obliging the ICR to include the applicant's name on the candidates' list for the post-above-mentioned. 2- to oblige the ICR to include the name of the applicant on the candidates' list for the post above-mentioned). The Federal Supreme Court finds in relation to the first request for the issuance of the state order that it is obliged to respond in the form of the lack of conditions for its issuance provided for by articles (151 and 152) of the Amended Civil Procedures Law No. 83 of 1969, as for the second request to oblige the Council of Representatives to include the applicant's name on the list of candidates for the post of President of the Republic, the Federal Court finds that it represents an objection to the exclusion of the applicant's name from the nomination for the post of President of the Republic, since article (5) of the Presidential Nomination Provisions Law No. (8) of 2012 published in the Iraqi Gazette No. (4231) on 27 February 2012, authorized the objection, which stipulated (first- for those whose name is not revealed in the declaration provided for in article (4) of this Law, the right to object to the Federal Supreme Court with a written request exempted from the legal fee within no more than (3) three days of the date of the declaration. Second- the court decides on the objection submitted to it in accordance with the provisions of item (1<sup>st</sup>) of this article within (3) three days of the date of registration of the objection with it and its decision shall be decisive and binding). Moreover, the FSC finds that the objection is accepted in the form to be presented within the legal period required to be presented in it and when looking at its subject, it was found it must be rejected objectively because scrutinizing the reason behind excluding the applicant's name from the list of the candidates for the post of Republic's President, it has been approved that after

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completing the special documents of the candidate including the certified university certificate from the office which issued it and the specialized Ministry by the form required by the law. The candidate should complete all his documents including the university certificate before applying the request, and because he did not take the aforementioned points into his consideration, he had been excluded from the candidacy of the Republic's President which means that the decision of his exclusion from the candidacy for the post of the Republic's President is correct and corresponding to the provisions of the law which lead to rejecting the request of the objection against it. Accordingly, the FSC decided to reject the request that included several requests in the form of issuing a State Order and objectively about the objection. The decision has been issued unanimously, decisive, and binding for all powers according to the provisions of articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and articles (4 and 5/2<sup>nd</sup>) of the FSC's Law No. (30) For 2005 which was amended by the Law No. (25) For 2021 and the articles (4 and 5) from the provisions of candidacy for the post of the President of the Republic Law No, (8) for 2012. The decision has been edited in the session dated 13/Shab'an/1443 Hijri coinciding 17/March/2022 AD.

**Signature of  
The president  
Jasem Mohammad  
Abbood**

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