



The Federal Supreme Court (FSC) has been convened on 23.12.2018, headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban ,Mohammed Saib Al-Nagshabandi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff : (Alif,Dal,Mim,Ha,Kaf) – his agent the barrister (Heh,Ain,Ain)

The Defendants : ICR Speaker/ being in this capacity his two agents the legal officials , the manager (Sin,Ta,Yeh) and the assistant counselor (Heh,Mim,Sin)

The Claim :

The Plaintiff agent claimed that on 19.9.2018 he presented a request to the ICR included his nomination to the president of republic position on 2.10.2018 has been accepted within the elects for this position , and the voting has been completed by the ICR without allowing him to enter the council hall during the voting although his request , to say his program. Although his name mentioned in the media and the ballot was secret. Based on what aforementioned the Plaintiff requests the Decision to reelect the new president and publicly not by a secret ballot , and he will not abandon his legal right because he is Iraqi inherited from forefathers and he should be within the elects according to what the Constitution Stipulated. Lastly in case he didn't win the case he requests to spend all the privileges which is granted to the president and to spend it to him personally. The Defendant agent being in this capacity presented a draft dated on 6.12.2018 included his defenses which he summarized it that the constitutional text which has been violated from the Defendant hasn't been clarified. The challenged clauses text its estimation is for the ICR so the case must be rejected. After the case listed and recorded a date for the argument has been appointed. On the dated day for the argument the court has been convened and both parties has been called. The parties presented and the public present argument has been started. Both parties repeated their sayings and previous

requests. The case is ready for deciding, the argument end has been understood and the court issued the following decision :

The Decision :

During the scrutiny and deliberation from the FSC the court found the plaintiff challenged that he wasn't allowed to enter to the ICR hall to say his election statement although his nomination has been accepted. also he challenged the secrecy of ballot for the president position. He requested the decision to reelect the president and it should being by the public ballot not secrecy and he will not abandon his right in nomination and to spend for him the granted privileges for the president in case he didn't win the case. From the case observation and developments we didn't find that the Plaintiff mentioned a Constitutional Text has been violated in the president election operation , other requests is a practicability matters which is not within the competences of the FSC, so the FSC decided to reject the case because it didn't rely on a Constitutional document, from other side the challenges has been listed on a practicability matters which is not within the competences of the FSC, and to burden him the expenses and fees of the advocacy for the agents of the Defendant amount of thousand hundred Iraqi dinar divided between them equally . the decision has been issued decisively relying on the article (94) of the constitution unanimously and has been understood publicly on 23.12.2018