



The Federal Supreme Court (F S C) has been convened on 1.29.2018 headed by the Judge Madhat Al-mahmood and membership of Judges Farouk Mohammed Al-sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Aboud Salih Al-Temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu Altemmen who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: The Representative (ain.mim.ain.mim)/ his agent the barrister PhD. (ain.shin).

The Defendant: the Speaker of the ICR/ being in this capacity- his agents the director (sin.teh.yeh) and the legal consultant assistant (heh.mim.sin).

The Claim

The agent of the plaintiff claimed that the ICR had issued law No. (1) for 2018 (amending of ICR law No. (45) for 2013) and listed and amendment in the provisions of article (2) of amending law, and it amended clause (4th) of it whereas it conditioned that the candidate of the ICR membership must acquire a bachelor's degree or what equals. The agent of the plaintiff also claimed that this condition is contradicts with article (14) of the constitution, as well as articles 16 & 20 & 38/1st and article 46 of the constitution. He mentioned in the petition of his case the significance of teachers and their place in the community, therefore, forbidden the teachers from candidate for elections is not right instead of returning favor to them for the efforts they exerted to serve the community. The agent of the plaintiff requested according to the constitutional articles which he indicted to, to call upon the defendant/ being in

this capacity for pleading and judge by unconstitutionality of first amendment for the ICR elections law No. (45) for 2013. The defendant/ being in this capacity was notified with the petition of the case, and he answered on it by its draft dated on 1.28.2018 which he listed in that there is no contradiction between the constitutional articles which the plaintiff clarified and conditioning of the ICR in the candidate for the ICR membership to acquire a bachelor's degree or what equals according to the tasks which setting on the ICR member because he monitor, accounting the executive power, respecting the judicial power, scrutinize and approve financial issues. The Speaker of the council presented voting on the challenged text three times, and as a cause of that he got the adequate number to pass the suggestion which approved by the council. As well as this matter considered a legislative choice and correct implementing for the provisions of article (61/1st) of the constitution, and this choice does not touches the principle of separation between powers. The agents of the defendant requested to reject the case of the plaintiff. As a cause of public in presence of both parties pleading, the agent of the plaintiff repeated what listed in the case of his client. The agents of the defendant/ being in this capacity requested to reject the case. The court had ended the pleading, and issued the following decision:

The decision:

After scrutiny and deliberation by the FSC, the court found that the plaintiff challenges in the petition of his case unconstitutionality of first amendment of ICR elections law No. (1) for 2018 which amended the ICR election law No. (45) for 2013, and he concentrated his challenge on clause (4th) of article (2) of aforementioned amending law which conditioned in the candidate of the ICR membership (to acquire a bachelor's degree or what equals) in pretence that it is violates articles (14 & 16 & 20 & 38/1st & 46) of Republic of Iraq constitution. Whereas this court had judged in the case No. (15/federal/2018) and the unified cases with it numbered (16 & 17 & 18 & 19 & 20/federal/2018) which initiated before this case temporally and with the same subject of this case. The court judged in those cases by rejecting it, because there weren't a contradiction with article (2/4th) and the rest of

second amending articles of the ICR elections law No. (1) for 2018 with the constitution. Therefore, trying the subject of this case is not important because it was already tried in the abovementioned cases which requires to reject it for this reason. Therefore, the FSC decided to reject the case of the plaintiff and to burden him the expenses and advocacy fees of the defendant agents amount of one hundred thousand Iraqi dinars. The decision issued decisively, unanimously on 1.29.2018.