

In the name of God most Gracious most Merciful

Republic of Iraq  
Federal Supreme Court  
Ref. 66/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 Jasem Mohammad Abod and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haidar Jaber Abed, Haider Ali Noory, Khalaf Ahmad 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 Objector: Lamaa Jamal Muhammad Al-Talabani/ academic - her attorney, Dr. Faiza Jabbar Muhammad Baba Khan.

The Objection Subject: The decision of the head of the legal department in the Iraqi Council of Representatives / being in his capacity.

The Objection Summary:

The Federal Court received the objection of citizenship (Lamaa Jamal Muhammad Talabani) on 17/3/2022, submitted by the list of her attorney, Dr. Faiza Jabbar Babakhan registered in the number (66/federal/2022), which includes its summary: Objection to the Council of Representatives Presidency's decision to exclude the objector from running for the position of President of the Republic and its request to compel the Presidency of the Council of Representatives to enter her name in the list of candidates for the position of President of the Republic and to include it with the names announced in the list of candidates for the

mentioned position) for the reasons referred to in the petition, which lies in the following: (The objector had previously submitted an application for candidacy for the position of President of the Republic of Iraq to the Legal Department in the Iraqi Council of Representatives on 7/3/2022, and attached with it all the papers proving that she is a college graduate and holds a master's degree from the University of London, according to which she was appointed as a university professor at the College of Agriculture/ University of Baghdad, according to the attachments that support this, However, the legal department in the Council of Representatives decided to exclude her from the nomination due to the inability of the Department of Higher Education and the Department of Missions to support the validity of the documents submitted by it on the pretext that all educational priorities had been lost before 2003, including graduate certificates, and since it was unreasonable that the objector did not have a certificate She was a professor at the College of Agriculture and now she is retired - with the rank of assistant professor, this is supported by the letter issued by the attached university presidency, as it is not permissible for the objector to pay a price for which she is not guilty, represented by burning and losing priorities in the Ministry of Higher Education, the Department of Missions, the presidency of the University of Baghdad, the College of Women and the College of Agriculture, and therefore she asked this court to issue a decision proving her eligibility to be nominated for a position The President of the Republic and contentment with the endorsements it provided according to the annexes), and on the basis of the foregoing, the objection was submitted

## The Decision:

After scrutiny and deliberation by the FSC, it became clear that the objection submitted was focused on the decision of the Presidency of the Council of Representatives to exclude the name of the objector from the nomination for the position of the President of the Republic and requested to obligate the Presidency of the Council of Representatives to enter her name in the list of candidates for the position of President of the Republic and include it with the names announced in the list of candidates for the mentioned position for the reasons indicated in the objection in detail, and the FSC finds that the request for objection submitted to the decision to exclude the name of its applicant from the nomination for the position of President of the Republic, finds its legal support in the provisions of Article (5) of the Law of Provisions for Candidacy for the Position of President of the Republic No. (8) for the year 2012 published in The Iraqi Gazette, No. (4231) on 27/2/2012, which authorized the objection, as it stipulated that: **(First** - Those whose name did not appear in the announcement stipulated in Article (4) of this law have the right to object to the FSC 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 on the objection submitted to it in accordance with the provisions of Clause (1<sup>st</sup>) of this Article within (3) three days from the date of registering the objection with it, and its decision shall be final and binding). Considering its subject, it was found that it focuses on the decision issued by the Presidency of the Council of Representatives, which includes announcing the names of candidates for the post of President of the Republic and excluding the name of the objector from it, because of the inability of the Department of Higher Education and the Department of Missions to confirm the validity of the issuance of documents submitted by it on the pretext of losing all educational priorities before 2003, including graduate certificates, and since that loss was not caused by the objector, and did not result from her negligence,

and that her obtaining the certificate that qualifies her for nomination The position of the President of the Republic is fixed according to the documents that prove her practice of the profession as a university professor and her retirement, which means that it is incorrect to exclude the objector's name from the list of candidates for the position of President of the Republic which requires the ruling to do so and obligating the Presidency of the Council of Representatives to include the name of the objector in the list of names of candidates for the aforementioned position announced and to append it to the list. The Council of Representatives appended the objector to the list of nominations for the aforementioned position, and the decision was issued in agreement and binding on all authorities based on the provisions of Articles (4 and 5) of Law No. (8) of 2012 on 13/Shab'an /1443 coinciding with 17/March/2022.

Signature of

The president

**Jasem Mohammad Abod**