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The Federal Supreme Court (F.S.C.) was convened on 20.9.2021 headed by Judge Jasem Mohammad Abbood 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 party requesting to appoint the competent court:**

Sharqat Investigation Court.

**The Request:**

The judge of the Sharqat Investigation Court requested, in accordance with Letter No. (3744) dated 30/8/2021, to determine the competent court in the case of the sponsored accused (Riyad Ahmed Ajeel) in accordance with Article (456) of the Penal Code No. (111) of 1969, as amended, due to a conflict of jurisdiction between the aforementioned court as a court of the Federal Judiciary and the Court of Investigation of Erbil affiliated to the Judicial Council of the Kurdistan Region and based on the powers of the Federal Supreme Court under Article (93 / 8<sup>th</sup> / A) of the Constitution of the Republic of Iraq for the year 2005. The application and file of the case were placed under scrutiny and deliberation by this court and accordingly decided the following:

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**The decision:**

Upon examination and deliberation, it was found that on 13/1/2021, the judge of the Shirqat Investigation Court decided to refer the investigative papers of the sponsored accused (Riyad Ahmed Ajeel) it subject matter is (fraud) to the Erbil Investigation Court to complete the investigation, due to the incident taking place in Erbil Governorate. The Shirqat investigation judge relied on his decision to Article (53) of the Code of Criminal Procedure No. (23) of 1971, as amended, and on 5/23/2021, the Erbil investigation judge decided to return the investigative papers to the Sharqat Investigation Court to complete the investigation based on the report submitted to him by the Erbil Plain Police Station, which in it, he stated that this case had gone through an advanced stage of investigation in the Shirqat Investigation Court. On 15/8/2021, the judge of the Shirqat Investigation Court decided to submit the matter to the Federal Supreme Court to determine the court with jurisdiction over the case and to consider the decision to return it from the Erbil Investigation Court as a rejection of the referral decision based on the provisions of Article (93/eighth/a) of the Constitution of the Republic of Iraq for the year 2005 and Article (53/a) of the Code of Criminal Procedure (aforementioned), the investigative papers were submitted to this court according to the aforementioned letter, and by examining them and observing their circumstances and conditions, it becomes clear that the facts of the case are summed up in the attribution of the act of (fraud) to the sponsored defendant (Riyad Ahmed Ajil). That he

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had received an amount of (1,000) thousand US dollars from the complainant (Uday Shalash Hassan) to appoint him to the person of the education of Salah al-Din, and it was agreed in Erbil governorate that the accused and the victim were displaced and that they were residents of the district of Sharqat. the spatial jurisdiction of the investigation courts (determined by the place where all or part of the crime occurred, or any act complementing it, or any result resulting from it, or an act that is part of a complex, continuous or sequential crime, or one of the crimes of habit, as determined by the place where the victim was found. ..etc.) Therefore, since the Sharqat Investigation Court began the investigation on 9/18/2018, where the statements of the complainant (Uday Shalash Hassan) were written down, and on 2/10/2018 the statements of the witnesses (Ahmed Sultan Darwish and Ghassan Shalash Hassan) were recorded and on 31/12/2020 the statements of the accused (Riyad Ahmed Ajil) were written down, and on the same date, an investigation was organized, given that the aforementioned accused postponed his own determination on this case. Therefore, since the investigation in this case has been going on for a long time, it was incumbent on the investigation court, either to refer the investigation papers to the competent court in place, initially if it seemed to it is not competent in it or to continue the investigation and complete it and for all of the above, the Federal Supreme Court decided to consider the Shirqat Investigation Court to be the court with spatial jurisdiction to conduct the investigation and to notify the Erbil Investigation Court of that,

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and that the last court decision dated 20/5/2021 to return the investigative papers to the investigation court of Al-Sharqat is incorrect and contrary to the law, as it had to, if it seemed to it that it was not spatially competent for the investigation procedures, taking into account the provisions of Article (93/ 8<sup>th</sup> / A) of the Constitution of the Republic of Iraq for the year 2005 and presenting the matter to the Federal Supreme Court to determine the competent court spatially, not to decide to return the papers of the investigation to the referring court, the decision was issued by agreement, final, and binding on all authorities based on the provisions of Articles (93/Eighth/A and, 94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4/Eighth/A) and (5/Second) of the Federal Supreme Court Law No. (30) for the year 2005 amended by Law No. (25) for the year 2021 on (Safar 12/1443 AH) corresponding to 9/20/2021 AD.

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Signature of  
The president

**Jasem Mohammad  
Abbood**

Signature of  
The member

**Haidar Jaber Abed**

Signature of  
The member

**Ayoub Abbas Salih**

Signature of  
The member

**Sameer Abbas  
Mohammed**

Signature of  
The member

**Haider Ali Noory**

Signature of  
The member

**Abdul Rahman  
Suleiman Ali**

Signature of  
The member

**Ghaleb Amer  
Shnain**

Signature of  
The member

**Khalaf Ahmad Rajab**

Signature of  
The member

**Diyar Muhammad  
Ali**

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*Athraa*