

In The Name Of God, Most Gracious, Most Merciful

**Republic of Iraq
Federal Supreme Court
Ref.18 /Federal/Media/2014**



Kurdish text

The Federal Supreme Court has been convened on 24/2/2014, 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-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, and Hussein Abbas Abu Al-Temman, who authorized in the name of the people to judge and they made the following decision :

The Request:

The judge of Talkef's court of the investigation requested from the FSC- based on its letter No.(84) dated on (16/1/2014)- to determine the geographically competent court to complete the investigation of the investigational case - No.(221/2014) of the injured (Ha.Qaf.Qaf.)- based on the article (23) from traffic law. The request got put under scrutiny and deliberation by the FSC and it reached the following decision.

The Decision:

During the scrutiny and deliberation by the FSC, it found that the judge of Duhok court of investigation- which belongs to the region of Kurdistan- has referred to, on 5/9/2013, Simel court of investigation which belongs to the region of Kurdistan the investigational papers of the complainant (Ha.Qaf.Qaf.) which got damaged in hit and run accident at the junction of Bashiqa that belongs to Bashiqa court of investigation based on the article (23) from the law of traffic but Simel court of investigation decided to refer the investigational papers to Talkef's court of the investigation that belongs to the presidency of Nineveh federal court of appeal based on its decision on 9/9/2013 but the Talkef's court of the investigation decided on 9/1/2014 to

reject the referral because the case out of its geographical competence and it presented the papers to the FSC to determine the geographically competent court to try this case based on the article (93/8th) from the constitution. Since the crime happened in the junction of Bashiqa and the article (53/Alif) from the law of criminal procedure No.(23) for 1971 (amended) stipulated ((the competence of investigating shall be determined due to the place where the whole crime happened or just a part of it, or any act that completed it)), so Bashiqa court of investigation is competent to try the case and it belongs to Nineveh federal court of appeal and the decision of Simel court of investigation to refer the investigational papers to Talkef's court of the investigation is not right. For the above, FSC decided that the Bashiqa court of investigation is competent to investigate in the investigational papers of the injured (Ha.Qaf.Qaf.), not Talkef's court of the investigation. The decision was issued unanimously and based on the article (93/8th) and the article (94)from the Constitution on 24/2/2014.