

In The Name Of God, Most Gracious, Most Merciful

**Republic of Iraq
Federal Supreme Court
Ref.19 /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.(83) dated on (16/1/2014)- to determine the geographically competent court to complete the investigation of the investigational case - No.(24/2014) of the injured (Za.Jim.Sad)- that is referred to him from Simel court of investigation, based on its decision on (30/10/2013),. 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 Faida police station, on (26/10/2013), the investigational papers of the injured woman (Za.Jim.Sad.Sin) -who became injured due to burning itself in her home in Bashika- within works of Simel court of investigation but the judge of this court decided – based on his decision on (30/10/2013) – to refer the investigational papers to Talkef court of investigation to try it, based on its geographically competent, but the judge of Talkef court of investigation decided on (19/1/2014) to reject the referral and present the

investigational 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 accident happened in Bashiqa where the injured woman burning herself in her home, 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)) and the crime happened in Bashiqa, 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, the Bashiqa court of investigation is competent to try the case and the FSC decided that the Bashiqa court of investigation is competent to investigate in the investigational papers of the injured woman (Za.Jim.Sad), 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.