

(Translated from Arabic)
IN THE NAME OF GOD, MOST GRACIOUS, MOST MERCIFUL

Republic of Iraq
Federal Supreme Court
Ref. 226/federal/media/2018



Kurdish text

The Federal Supreme Court (FSC) has been convened on 20.12.2018, headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen who are authorized in the name of the people to judge and they made the following decision:

THE REQUEST:

The Judge of Naynawa Investigation Court specialized with integrity cases requested from the FSC by the letter no.(2165) on 12/11/2018 to designation of the competent court to hear the investigation case no.(68/Qaf.12/2018) (the subject of the case was that some of Kurdistan Governorates_ Dhok section_of Ministry Of Migration and Displacement to distribute the in-kind food support without administration and distributing commotion) according to article (340) Qaf. Ain. , based on article (93/eighth/Alif.) of the Iraqi Constitution for year 2005.

The FSC put the request for discussion and deliberation , and the FSC reached to the following decision :

THE DECISION:

During scrutiny and deliberation by the FSC, the Court found that the Judge of Dhok Investigation Court specialized with integrity cases of Kurdistan Region by his decision dated 6/9/2018 referred the investigation case no.(68/Qaf.12/2018) [the subject of the case was that the Ministry Of Migration and Displacement distribute the in-kind food support in Sinjar sup-district and Zammar district without administration and distributing commotion] according to article (340) Qaf. Ain. to Naynawa Investigation Court specialized with integrity cases which considered a branch of the Naynawa Federal Appeal Court according to competence and venue jurisdiction, however Naynawa Investigation Court specialized with integrity cases decided in it decision dated 26/9/2018 to refuse the referring and to present the case to before the FSC to

designation of the competent court to hear the investigation case according article (93/eighth/Alif.) of the Constitution.

On the scrutiny it become clear that the violation occurred on Sinjar sup-district and Zammar district of Naynawa, article (53/Alif.) of The Code of Criminal Procedure no.(23) for year 1971 amended stipulate on (the investigation competence specified by the place where the crime (the violation) or part of it or any action related to it ..etc. occurred) therefore Naynawa Investigation Court specialized with integrity cases is specified to hear the case which considered a branch of the Naynawa Federal Appeal Court, therefore the decision of Naynawa Investigation Court specialized with integrity cases to refuse the referring consider a violation to the Law, and Naynawa Investigation Court specialized with integrity cases consider the venue competent Court to hear the aforementioned case. So the FSC decided to consider Naynawa Investigation Court specialized with integrity cases is specified to investigate the case for the venue jurisdiction and to notify Dhokk Investigation Court specialized with integrity cases with this decision.

The decision has been issued according to article (93/eighth/Alif.) of the Constitution with unanimous agreement on 20.12.2018.