

In the name of God most gracious most Merciful

Republic of Iraq  
Federal supreme court  
Ref. 22/federal/2021



Kurdish text

---

The Federal Supreme Court (F.S.C.) has been convened on 2.5.2021 headed by Judge Jasem Mohammad Abood 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 is authorized to judge in the name of the people, they made the following decision:

#### The Request:

After scrutiny by the FSC found that on date 5/4/2021 the judge of Investigation Court of al-Mosul request from the FSC under letter No. (7857) appointing the competent court to hear the case in question for the accused fugitives (Akram Basil Eid, Adnan Abdel Hamid, Samir Saber, and Ali Salem Ahmed) in accordance with the provisions of Article (5) of the Combating human trafficking Law No. (28) Of 2012 as (amended), the subject of which is (trading in human organs). The case was registered with this court with the number (22/federal/2021). The case under scrutiny and deliberation by this court and reached the following decision:

#### The Decision:

After scrutiny and deliberation by the FSC found that on date 11/10/2020 the judge of the Investigative court of al-Mosul/Left decided to refer investigative papers of the fugitives accused (Akram Basil Eid, Adnan Abdel Hamid, Samir Saber, and Ali Salem Ahmed) to the Erbil

Investigation Court to complete its investigation, according to venue jurisdiction based on the provisions of Article (53/alif) of the Criminal Procedures Law No. (23) Of 1971 (amended). On date 4/1/2021 the judge of the Erbil Investigation Court decided, and because the complaint was registered with the Investigative court of al-Mosul on 30/9/2019 and that the investigation has reached advanced stages and since the according to venue jurisdiction is not the public order to return the investigative papers to the Investigative court of al-Mosul/Left. The FSC finds that the facts of the case in question boil down to the fact that the Investigative court of al-Mosul/ Right on 19/12/2019 recorded the statements of the informants' sequence (27 and 28) and began the investigation the statements of witnesses were recorded by (Nasser Adri Sharif, Louay Taher Kazem, Ghazwan Ramadan Zubair, Tarek Mohammed Amin Ibrahim, Ahmed Qais Ahmed Fathi, Mohammed Messer Hashem, Samir Abdul Hamid Ramadan, Samah Ihsan Salman, Khaled Mohsen Ahmed, Salman Yahya Salman, Qassim Yahya Salman, Shukr Mahmoud Merhi, Ahmed Sufyan Ananoun) they stated that they participated with other defendants in the sale of human organs, whether sellers of their human organs or charged with bringing in people who are persuaded to sell their human organs, and that all this is done between the provinces of Nineveh, Dohuk and Erbil, an arrest warrant has been issued against a group of defendants, including the fugitives in the case. Therefore, since the locational jurisdiction and based on the provisions of Article (53) of the Criminal Procedure Law, which stipulates that (the jurisdiction of the investigation is determined by the place where all or part of the crime occurred, or any act complementing it, or any result thereof, or any act that is part of a complex or continuing crime Or follow-up or a crime of habit as determined by the place where the victim was found, or the money in respect of which the crime was committed was found after it was transferred to him by the perpetrator or a person who knows it) it is determined in any place where the crime occurred, in whole or in part, and according to what was stated in the

above article, and because the case was registered with the Mosul Investigation Court on 19/12/2019 and several years had passed since the investigation, and that the agreement to commit the crimes in question was made in Nineveh Governorate. Therefore, the Investigative court of al-Mosul/Left is spatially competent to consider it, while noting to the Investigation Court of Erbil that the obligation to observe provisions of Article (93/8<sup>th</sup>/alif) of the Constitution of the Republic of Iraq for 2005 if it appears to it that it is not competent to investigate and to submit the case to this court to determine the court with jurisdiction over it, not to decide to return it to the Investigative court of al-Mosul/Left. Accordingly, and for all of the above, the FSC decided to consider the Investigative court of al-Mosul/Left as being spatially competent to consider this case, and to notify the Investigation Court of Erbil of that as a decisively and obligated ruling for all authorities, and issued according to the provisions of articles (93/8<sup>th</sup>/alif) and (94) of the Constitution of the Republic of Iraq for 2005 and the articles (4 and 5) of FAC's Law No. (30) Of 2005 (amended) with unanimously on 2/May/2021 coinciding with 20/Ramadan/1442.