

In the name of God most gracious most merciful

Republic of Iraq  
Federal supreme court  
Ref. 24/federal/media /2014



Kurdish text

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The Federal Supreme Court (F S C) has been convened on 31.3. 2014 headed by Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, 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:

Applicant for the appointment of competence - Investigation court of Al-Hamdania

The Request:

Investigation court of Al-Hamdania requested the FSC in its letter (183) on 19/1/2014: The investigation court of Khabat returned to us the evidence of the investigation papers of the complainant (lam. ha. mim.) and the accused deferred his fate (kaf. jim. sin.) in accordance with article (453/qaf. ain) in order to complete the investigation and according to the jurisdiction upon examination, it was found that these papers had already been forwarded to the above-mentioned court, as decided by this court on 18/3/2013 on the one hand, on the other hand, the location of the crime and the loading of the product took place in the district of Kallk, which belongs to the District of Khabat and other areas of the Kurdistan region of Iraq in the refineries of Bazian and Qoshtba,

according to the progress of the investigation organized on 17/3/2013 organized by the official to investigate the police station of Bartala that it is not possible to carry out a detection and a plan for the location of the incident. For all of the above, decided to reject the decision to refer and present the papers to your esteemed court in order to rule on the matter and determine the competent court in completing the investigation with the utmost appreciation. The application was put under scrutiny and debated by the FSC and reached the following decision.

### The Decision:

After scrutiny and deliberation by the FSC found that the judge of the Investigation court of Al-Hamdania of the Federal Court of Appeal of Nineveh decided under his decision on 18/3/2013 to refer the investigative papers of the complainant (lam. ha. mim.) and accused (kaf. jim. sin.) in accordance with article (453/qaf. ain) to the Court of Inquiry Khabat to complete the investigation in accordance with its spatial jurisdiction, which is one of the courts of the Province of Kurdistan, Iraq. The judge of the Investigation court of Khabat decided by his decision on 3/10/2013 to return the investigative papers to the Court of Investigation of Hamdania based on the provisions of Article (53/alif) of the Criminal Procedure Law No. (23) of 1971 amended. However, on 9/1/2014, the judge of the Investigation court of Al-Hamdania decided to reject the referral and present the investigative papers to the FSC for the decision to determine the competent court in completing the investigation in the case, based on article (93/8<sup>th</sup>) of the Constitution. Upon examination, it was revealed from the progress of the investigation and from the testimony of the complainant and the accused that the complainant and the accused that the complainant and when he was present in the Warehouse of Karkosek in the Area of Kalk agreed with the accused via a mobile phone where the accused was present in Sulaimaniyah province by providing him with a quantity of

oil products (black and white oil) to be transferred to Iran for the sum of sixty-six thousand and seven hundred U.S. dollars, the load of the product came from the Korksk warehouse in The Kalk district of Khabat sub-districted and from other areas in Bazian, Sulaimaniyah province, Kurdistan province. And since the article (53/alif) from Criminal Procedure Law No. (23) of 1971 amended which state that (The competence of the investigation shall be determined by the place where the whole crime occurred or part of it or any complementary act... Etc .) Since the loading of the product took place in the Klak area of Erbil province of Kurdistan province, it is competent to complete the investigation of the case. Therefore, the FSC decided to consider the Khabat Investigation Court to be competent to investigate the complaint spatially and to notify the Investigation court of Al-Hamdania and the decision was issued in accordance with article (93/8<sup>th</sup>) of the Constitution of the Republic of Iraq in 2005 and unanimously on 31/3/2014.