

Republic of Iraq
Federal Supreme Court
Ref. 55 / federal /2021



Kurdish text

The Federal Supreme Court (F S C) has been convened on 30/6/2021 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jabir Abid, Hayder Ali Noori, Khaled Ahmed Rajab, Ayooob Abbas Salah, Abdul-Rahman Suleiman Ali, and Dyar Mohammed Ali who authorized in the name of the people to judge and they made the following decision:

The requestor of determining the specialized Court/ the investigation Court of Ninveh.

The Request

The judge of the Nineveh Court of investigation requested under the letter numbered (9532) dated 31 May 2021 to determine the competent court in the case of the accused sponsor (Ryan Mahmoud Saleh Alloush) in accordance with article (17) of the Law on Transplantation of Human Organs and prevention of trafficking No. (17) 11) For 2016, there was a dispute of jurisdiction between the said court as a federal court and the Erbil Court of Investigation of the Kurdistan Provincial Judicial Council and on the basis of the powers of the Federal Supreme Court under article (93/VIII/A) of the Constitution of the Republic of Iraq for 2005. The application and the case were placed under scrutiny and deliberation and accordingly the Court issued the following decision:

The decision:

Upon scrutiny and deliberation, it was found that on 27 October 2020, the judge of the Mosul Court of Investigation decided to refer the criminal case of the accused (Ryan Mahmoud Saleh Alloush) and the subject of trafficking in human organs to the Erbil Court of

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Investigation based on article (53) of the Law of Origins Criminal trials No. (23) for the year 1971 amended to complete the investigation and referred to a decision of the Nineveh Criminal Court/ Second Commission in the number (647/jim2/2020) on 30 September 2020. On 23 February 2021, the judge of the Erbil Court of Investigation decided to return the case to the Mosul Court of Investigation to complete its investigation on the basis of the same article above, and his decision was stated in his decision (the complaint was registered with the Mosul Court of Investigation on 29 On 1/2020, it conducted its investigation and went a long way, including recording the statement of the secret informant, recording the statement of the accused, releasing him on bail and other measures. On 23 May 2021, the Nineveh Court judge decided to present the matter to the Federal Supreme Court, which stated that (since the Court of Investigation of Left Mosul, dated 27 October 2020, decided to refer the investigative papers of the accused (Ryan Mahmoud Saleh Alloush) to the Erbil Court of Investigation to complete its investigation following the discriminatory decision of the Nineveh Criminal Court/Second Body numbered (647/C2/2020) on 30 September 2020 and that the Erbil Court of Investigation decided to return the papers The investigation to the Nineveh Court of Investigation on the grounds that spatial jurisdiction is not of public order and without taking into account the text of paragraph (d) of article (53) fundamentalism, on it and on the basis of the text of article (93/VIII/a) of the Constitution of the Republic of Iraq 2005 decided to submit the order to the Federal

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Supreme Court is to determine the competent court in place to hear this case. The case was presented to this court under the book mentioned earlier and through the review of the papers of the case and the observation of its circumstances and circumstances, it is clear that the facts of the case boil down to the act of participation and mediation of the accused mentioned in the field of dealing with the sale and purchase of kidneys through the sale of kidneys as well as finding customers for the accused whose papers in the field of selling kidneys in exchange for sums and commissions and clear from the facts of the case and what is stated in the statement of the accused (Ryan Mahmoud Saleh Alloush) that he agreed with other people and convinced them By agreeing to sell their kidneys in exchange for money and commissions agreed in neighborhoods of Mosul city and then completed medical procedures and examinations in hospitals in Erbil province and since the spatial competence of the investigating courts determines the location where the whole crime took place or part of it or any act complementary to it or any result result resulting from it, under the terms of article (53/a) of the amended Criminal Trial Assets Act (above) and since part of the acts that make up the crime attributed to the accused in this case, which is the first agreement to commit it, took place inside the city of Mosul and that the Court of Investigation of the Left Mosul has come a long way from the investigations and that the sponsor is also the residence of the province was supposed to be In order to reach the truth, the investigation procedures will be completed and the appropriate decision will be

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issued in the light of the results to the Mosul Court of Investigation is incorrect and contrary to the law, as the investigating judge had to observe the provisions of article (93/VIII/A) of the Constitution of the Republic of Iraq of 2005 if he considers that he is not competent to conduct the investigation and submit the order to the Federal Supreme Court to determine spatial jurisdiction Not to decide to return it to the Mosul Court of Investigation and the decision of the agreement was issued in full and binding to all authorities on the basis of the provisions of articles (93/VIII/A and 94) of the Constitution of the Republic of Iraq and articles (4/VIII/A) and (5/II) From the Federal Supreme Court Act No. (30) of 2005 amended by Law No. (25) of 2021 on 19/Dhul Qeada/1442 Hijri, 30 June 2021 AD.

**Signature of
The president**

**Jasem Mohammad
Abbood**

**Signature of
The member**

**Sameer Abbas
Mohammed**

**Signature of
The member**

Haidar Jaber Abed

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Signature of The member	Signature of The member	Signature of The member
Haider Ali Noory	Khalaf Ahmad Rajab	Abdul Rahman Suleiman Ali
Signature of The member	Signature of The member	Signature of The member
Diyar Muhammad Ali	Ghalib Amir Shunayen	Ayoob Abbas Salah