



The Federal Supreme Court (F.S.C.) has been convened on 30.6.2021 headed by Judge Jasem Mohammad Abod 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 are authorized to judge in the name of the people, they made the following decision:

The Requester for the Appointment of the Competent Court:
Investigative Court of Nineveh

The Request:

In its letter numbered (9535) of 3/٥/١2021, the Investigative Court of Nineveh requested that the competent court be located in the case of the accused, (Ahmed Shaaban Thanoun Abdullah al-Gharawi), which is under article (17) of the Human Trafficking Law, where the Investigative Court of al-Mosul /Left has already referred the case to the Investigative Court of Dohuk for completion of its investigation and according to spatial jurisdiction under its decision of 27/10/2020. The Investigative Court of Dohuk decided to bring the case back to the Investigative Court of al-Mosul /Left in accordance with its decision on 25/4/2021 the Investigative Court of Nineveh decided to submit the matter to the FSC to determine the competent court spatially to hear the case, which is subject to its decision on 23/5/2021. The case was placed under scrutiny and deliberation by the FSC and the following decision was issued:

The Decision:

After scrutiny and deliberation found that it was noted that the conclusion of this case is that the accused (Ahmed Shaaban Thanoun Abdullah al-Gharawi) in 2019 sold his kidney for ten million dinars after agreeing to do so with the fugitive accused (Samir Saber Hassan) alias (Samir Al-Aeraj) and it was noted that the investigative measures were taken by the Investigative Court of al-Mosul /Left and after the investigation was completed, the accused was referred to the Nineveh Criminal Court/heh2 in custody in accordance with Article (17/1st) of the Human Organ Transplant and Prevention of Trafficking Law No. (11) of 2016 (amended), and in the light of the subscription articles (47, 48, and 49) penalties pursuant to referral decision No. (738/referral/2020) on 9/8/2020, the Nineveh Criminal Court issued the second body in its discriminatory capacity resolution No. (648/jim2/2020) on 30/9/2020, which included interfering with the decision to refer, overturn and return the case to its court in order to refer it to the Dohuk Criminal Court for completion of its investigation according to spatial jurisdiction based on article (53/dal) fundamentalism Following the decision of the veto, the Investigative Court of al-Mosul /Left issued its decision 27/10/2020 to refer the case to the Investigation Court of Duhok and according to the spatial jurisdiction and after the presentation of the case to the Court of Inquiry of Dohuk decided to refer the papers to the Court of Inquiry of Mosul left and according to spatial jurisdiction based on article (53) fundamentalism, so the Investigation Court of Nineveh decided to present the case to this court to determine the competent court spatially in its view it was noted from the course of the investigation that the agreement to sell the kidney of the mentioned accused took place starting in the city of al-Mosul and that the Investigation Court of al-Mosul /Left has come a long way in investigating this case and there is no legal justification to refer the case to the Investigation Court of Duhok, since spatial jurisdiction is determined in accordance with article (53/alif) of the of Criminal Procedure Assets Law No. (23) of 1971,

which stipulates that (determines the jurisdiction of the investigation where the whole crime took place or part of it or any complementary act or any result resulting from it or an act that is a penalty for a complex, continuous or successive crime or of the crimes of habit as defined by the place where the victim was found or found the money for which the crime was committed after being transferred to him by the perpetrator or someone who aware of it.) This means that the Investigative Court of Nineveh is competent spatially to investigate, so the FSC decided to appoint the Investigative Court of Nineveh, the court competent to hear the case spatially and re-sue it to complete its investigation fundamentally and notify the Investigative Court of Duhok, its decision on 25/٤/2021, which included referring the investigative papers to the Investigation Court of al-Mosul/ Left for completion of the investigation, is incorrect and against the law, as it had to observe the provisions of Article (93/8th/alif) of the Constitution of the Republic of Iraq for 2005. It is considered that it is not competent to hear the case when referring it to it and to submit the matter to this court to determine the competent place to conduct the investigation and not to decide to refer it again to the Investigation Court of al-Mosul a decision issued a decision by decisively and obligated to all authorities based on the articles (93/8th/alif) & (94) of the Constitution of the Republic of Iraq for 2005 and Article (5/2nd) of FSC's law No. (30) of 2005 (amended) by Law No. (25) of 2021 and (53) of the Criminal Procedure Law No. (23) of 1971 unanimous on 30/June/2021 coinciding with 19/Dhu Al-Qada/1442.

Signature of
The president
**Jasem Mohammad
Abod**

Signature of
The member
**Sameer Abbas
Mohammed**

Signature of
The member
Ghaleb Amer Shnain

Signature of
The member
Haidar Jaber Abed

Signature of
The member
Haider Ali Noory

Signature of
The member
Khalaf Ahmad Rajab

Signature of
The member
Ayoub Abbas Salih

Signature of
The member
**Abdul Rahman
Suleiman Ali**

Signature of
The member
**Diyar Muhammad
Ali**