



The Federal Supreme Court (F.S.C.) was convened on 29.6.2021 headed by Judge Jasem Mohammad Abbood 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 party requesting to appoint the competent court:

Ninawa Investigation Court.

The Request:

The judge of the Nineveh Investigation Court, by his decision dated 23.5.2021 accompanying the letter of the Nineveh Investigation Court No. (9541) on 31.5.2021, requested the Federal Supreme Court to appoint the competent court to consider the investigative case of the sponsored accused (Khaled Amin Abdel Aziz and Aziz Amin Abdel Al-Aziz and Muhannad Muhammad Salih) according to the provisions of Article (5) of the Anti-Human Trafficking Law No. (28) of 2012, the aforementioned investigative judge relied on the provisions of Article (93/Eighth/A) of the Constitution of the Republic of Iraq for the year 2005. the request become under scrutiny and deliberation by the Federal Supreme Court and it issued the following decision:

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The decision:

Upon examination and deliberation from the Federal Supreme Court, it was found that on November 26, 2020, the Mosul Investigation Court judge decided, based on the report submitted to him by the Division of Combating Trafficking in Human Beings and Human Organs, to refer the investigative papers of the sponsored accused (Khaled Amin Abdel Aziz, Aziz Amin Abdel Aziz and Muhannad Muhammad Saleh) in accordance with the provisions of Article (5) of the Anti-Human Trafficking Law No. (28) of 2012 to the Erbil Investigation Court to complete the investigation according to its venue jurisdiction , due to the occurrence of the accident in Erbil Governorate in accordance with the provisions of Article (53/A) of the Code of Criminal Procedure No. (23) for the year 1971 (as amended), and on 7.2.2021, the judge of the Erbil Investigation Court decided that (because the complaint was registered with the Mosul Investigation Court /left on 3.10.2019 and that it had investigated it and went a long way, it was supposed to complete the deficiencies, if any especially since the venue jurisdiction is not part of the public order, therefore it decided to return the papers to the Mosul Investigation Court/ left to complete the investigation. On 23.5.2021, the Nineveh Investigation Court judge decided to submit the matter to the Federal Supreme Court to determine the court with venue jurisdiction over the case that the decision to return the investigative papers constitutes a refusal of the refer, and upon examination, it was found that on 30.6.2019, the Mosul Investigation

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Court wrote the statement of the secret informant No. (40), and his report included information about a group of people trafficking in human organs, according to the details of that statement. After a series of investigation procedures and the issuance and implementation of arrest warrants against the accused, the statements of the accused, including the accused Khaled Amin Abdel Aziz, were recorded on 12.11.2019, he mentioned in his testimony his brother, the accused, Aziz Amin Abdul Aziz, and the testimony of the accused (Muhannad Muhammad Salih) was written on 1.9. 2020, the investigation papers of the aforementioned accused were released, it became clear that the aforementioned accused are residents of the city of Mosul, and that the accused (Aziz Amin Abdul-Aziz) is a fugitive and has not been arrested. As for the aforementioned defendants, they were released on bail, which means that what was stated in the Nineveh Investigation Court letter referred to above was inaccurate in terms of listing the accused (Aziz Amin Abdul-Aziz) among the names of the defendants who were sponsored, as well as the legal qualification of the act of the accused as it is in accordance with the provisions of Article (17) of the Anti-Human Trafficking Law, while the arrest warrants issued were in accordance with the provisions of Article (5) of it, and we did not find any indication that the legal description of the committed crime had changed, which requires more accuracy when addressing this court, also the examination of the investigative papers proved that some of the material acts constituting the committed crime took place in Nineveh

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Governorate, where the agreement was made, and since Article (53/A) of the Code of Criminal Procedure No. (23) of 1971, as amended, 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 resulting from it, or an act that is part of a compound, continuous or successive crime, or one of the crimes of habit, as it is determined by the place where the victim was found or where the money was found in respect of which the crime was committed after it was transferred to it by its perpetrator or a person who knows about it) and since the Mosul left Investigation Court has begun investigation and taking legal measures since 2019 and has made great work in those procedures, especially that the aforementioned defendants are residents of the city of Mosul, so the Nineveh Investigation Court is venue competent to conduct the investigation, and thus its decision on 26.11.2020, which includes referring the investigative papers to the Erbil Investigation Court to complete the investigation according to the venue jurisdiction, is incorrect and contrary to the law, and the same applies to the decision of a judge Erbil Investigation Court on February 7, 2021, which includes returning the investigative papers to the Mosul Investigation Court after being referred to by the aforementioned Court. If the judge of the Erbil Investigation Court, when he considers that he is not competent in the investigation, should have to refuse the referral and submit the matter to this court to decide the court with jurisdiction over the investigation. the Federal Supreme Court

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decided to appoint the Nineveh Investigation Court, which is the court competent to investigate the case under discussion and notify the Erbil Investigation Court of this, and the decision was issued by agreement, final and binding on all authorities, based on the provisions of Articles (93/Eighth/A) and (94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4/Eighth/A) and (5/Second) of the Federal Supreme Court Law No. (30) of 2005 amended by Law No. (25) of 2021 on the (18/ Dhul Qi'dah 1442 AH) corresponding to 29.6.2021 AD.

Signature of
The president

**Jasem Mohammad
Abbood**

Signature of
The member

Haidar Jaber Abed

Signature of
The member

**Sameer Abbas
Mohammed**

Signature of
The member

Haider Ali Noory

Signature of
The member

**Ghaleb Amer
Shnain**

Signature of
The member

Khalaf Ahmad Rajab

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Signature of
The member

Signature of
The member

Signature of
The member

Ayoub Abbas Salih

**Abdul Rahman
Suleiman Ali**

**Diyar Muhammad
Ali**