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The Federal Supreme Court (F.S.C.) was convened on 11.7.2021 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 requested the Federal Supreme Court by the Letter No. (10708) on 20/6/2021 to specify the court with jurisdiction over the investigative case of the sponsored accused (Walid Waad Taha Abdullah) in accordance with the provisions of Article (17) of the Human Organ Transplantation and preventing Trafficking in it Law No. (11) for the year (2016), and its subject is trafficking in human organs in partnership with a group of accused whose cases are separated from this case, based on the provisions of Article (93/Eighth/A) of the Constitution of the Republic of Iraq for the year (2005). The case was subject to scrutiny and deliberation by the Federal Supreme Court and issued the following decision:

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**The decision:**

Upon examination and deliberation by the Federal Supreme Court, it was found that on (2/24/2021) the judge of the Mosul Investigation Court decided, in light of the reading submitted to him by the Division for Combating Trafficking in Human and Human Organs, to refer the case of the sponsored accused (Walid Waad Taha Abdullah) to Dohuk investigation Court to complete the investigation according to the venue jurisdiction in accordance with the provisions of Article (53/a) of the Code of Criminal Procedure No. (23) for the year (1971) amended, and on (19/5/2021) the judge of the Duhok Investigation Court decided to refer the investigative papers to the left Mosul Investigation Court to complete the investigation in accordance with the provision of Article (53/A) of the aforementioned Code of Criminal Procedure, and on 06/16/2021, the Nineveh Investigation Court judge decided to submit the matter to the Federal Supreme Court to determine the competent court to consider the case, and upon closer examination of the complaint, it was found that it is related to the accused (Walid Waad Taha Abdullah) in agreement with other defendants to sell one of his kidneys for a cash amount of twelve million dinars., as he stated in his written statement on 24.2.2021 before left Mosul Investigation Court that he agreed with the accused Nashwan so called (Abo Ahmad) to sell one of his kidneys to a patient and they both went to the governorate of Dohuk and medical examinations were conducted for him and the security approvals were obtained and he remained in

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a hospital in the governorate of Dohuk and conduct the surgery of lifting his kidney, and stayed in the hospital for two days in the hospital which he don't know it' name. then he received the agreed amount the amount of twelve million dinars, after which he left the hospital, and since it is established from the facts of the case that the judge of the Dohuk Investigation Court conducted his investigations in the case and addressed the Dohuk Governorate Health Presidency for the name of the hospital in which the accused lay and underwent the surgery of removing his left kidney, and the aforementioned department's answer was given in the number (5520) on (18/5/2021), which included that no surgery had been performed for the accused (Walid Waad Taha Abdullah) in Dohuk Governorate. since Article (53/a) of the Code of Criminal Procedure No. (23) for the year (1971) amended, stipulates that: ((The jurisdiction of the investigation shall be determined by the place where the whole 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 sequential crime, or one of the crimes of habit, as determined by the place where the victim was found. This is the money in respect of which the crime was committed after it was transferred to him by the perpetrator or a person who knows about it)). As the agreement of selling the kidney of the accused (Walid Waad Taha Abdullah) took place in the city of Mosul. Therefore, the Federal Supreme Court finds that the Nineveh Investigation Court is venue competent to consider the case against him. So it decided to appoint the Nineveh Investigation Court to

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consider the case and complete the investigation in accordance with the provisions of the law, and notify the Dohuk Investigation Court of that, with a note to the aforementioned court that the provisions of Article (93/eighth/a) of the constitution must be observed. The Republic of Iraq for the year 2005 and presenting the matter to the Federal Supreme Court to determine the competent court to consider the case if it found that it was not competent to consider it, not to refer it again to the court to which the case was referred to previously, the decision was issued final and binding on all authorities and issued in agreement based on the provisions of Articles (93/ Eighth / A and 94) of the Constitution of the Republic of Iraq for the year 2005 and Article (5) of the Federal Supreme Court Law No. (30) of (2005) amended by Law No. (25) of 2021 on 30Dhu al-Qa'dah /1442 AH corresponding to 7/11 2021 AD.

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Signature of  
The president

**Jasem Mohammad  
Abbood**

Signature of  
The member

**Haidar Jaber Abed**

Signature of  
The member

**Ayoub Abbas Salih**

Signature of  
The member

**Sameer Abbas  
Mohammed**

Signature of  
The member

**Haider Ali Noory**

Signature of  
The member

**Abdul Rahman  
Suleiman Ali**

Signature of  
The member

**Ghaleb Amer  
Shnain**

Signature of  
The member

**Khalaf Ahmad Rajab**

Signature of  
The member

**Diyar Muhammad  
Ali**

*Athraa*