

Republic of Iraq
Federal Supreme Court
Ref 139/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 21/5/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Ali Noori, Khalef Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali Munther Ibrahim Husain, and Jassim Jazaa Jafer who are authorized in the name of the people to judge and they made the following decision:

The Applicant the barrister: Ayad Ismail Mohammed the agent for his clients Sakar Hamad Amin Hamad, Hetaf Mahmoud Mohammed Selim, Jamal Ali Ahmed, Hoshyar Saber Saeed, Sabiha Hama Hama, Yousef Nouri Saadallah, Ari Kaka Shin Saber and Jalal Khalil Rajab.

Abstract of the request:

The application submitted by lawyer Ayad Ismail Mohamed - the defendants' agent Saker Hamad Amin Hamad and his group was received by this court, and he claimed in his application under the provisions of Article 53/Alif of the Code of Criminal Procedure No. 23 of 1971, as amended, which stipulates that "the jurisdiction of the investigation shall be determined by the place where all or part of the crime occurred, any complementary act thereof, any consequence thereof, or an act that is part of a composite, continuous or sequential crime, or a crime of habit, as well as the place where the victim was found or where the money in respect of which the crime was committed was found after his transfer to the perpetrator or a person with knowledge thereof), article (94) of the Iraqi Constitution of 2005, and article (30) of the Internal Regulations of the Federal Supreme Court No. (1) of 2022 in order to determine the competent investigation court to conduct the investigation, it must request the investigative papers from the Integrity Investigation Court in Kirkuk and scrutinize them

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under the jurisdiction of this court to transfer the investigative papers of the defendants listed in the petition submitted under the territorial jurisdiction to investigate the crime attributed to the defendants and transfer the papers from the Kirkuk Integrity Investigation Court to the Kurdistan Region Integrity Investigation Court Iraq being the subject of the crime. After reviewing the contents of the application and conducting the scrutinies, the Court issued the following decision:

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the applicant requested, under its regulation dated 13/5/2024, to request investigative papers from the Integrity Investigation Court in Kirkuk and scrutinize them under the court's jurisdiction to transfer the investigative papers of the defendants submitting the request under the territorial jurisdiction to investigate the crime attributed to them and transfer the papers from the Kirkuk Integrity Investigation Court to the Kurdistan Region Integrity Investigation Court Iraq being the subject of the crime, and the Federal Supreme Court finds regarding the request of the defendants' agent that the powers and competencies of this court are stipulated Exclusively governed by articles (52 and 93) of the Constitution of the Republic of Iraq of 2005 and Article 4 of the Federal Supreme Court Law No. 30 of 2005, as amended by law No. 25 of 2021, None of these competencies and powers entitles the court to consider the plaintiff's requests, and for the foregoing, the Federal Supreme Court decided to reject the request submitted by the defendants' agent, which includes (requesting investigative papers from the Integrity Court in Kirkuk and checking them and transferring the papers from the Kirkuk Integrity Investigation Court to the Kurdistan Region Integrity Investigation Court, Iraq being the subject of the crime) for lack of

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jurisdiction, and the decision has been issued unanimously, final and binding based on the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq of 2005, and Articles (4 and 5/2nd) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021, and it has been made clear in the session dated 12/Dhu al-Qa'dah/1445 A.H. corresponding to 21/5/2024 AD.

Judge
Jassim Mohammed Abood
President of the Federal Supreme Court

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