



The Federal Supreme Court (F S C) has been convened on 12.8.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temman, Mohammed Rajab Al-Kubaisi, Mohammed Qasim Al-Janabi who authorized in the name of the people to judge and they made the following decision:

The Request:

The agent (ta. sin. ain.) request form the FSC The Public Prosecutor for the convicted under his public agency certified by the notary public in Karrada by the public number (16685) on 8/7/2018 the text as the following:

- 1- On 25/8/2015 in the case (233/jim/2015) The Duhok Criminal Court decided to judgment my clients (ghain. beh. heh.) to death by hanging to death in absentia.
- 2- Because the killing was due to clan-based conflict and revenge among them My client was at the time of the incident in Baghdad and my client's desire to hand himself over to the authorities in Baghdad to declare his innocence and prove that he is innocent of the charge against him. He has tried several times to reach the area to surrender himself, but did not get tribal guarantees not to kill him and to enable my clients to obtain a fair trial beyond the influence of tribalism and sectarianism because he is threatened to kill, even if inside the prison, asked the honorable court to approve the transfer of the case to Baghdad / Karkh so that my client can

surrender himself and get a fair and fair trial away from tribal and sectarian influences and instruct the Dohuk Court to file the suit and deposit it in the Baghdad Karkh Court Thank you and appreciation. The application was under scrutiny and deliberation at the FSC and reached the following decision:

The Decision

When scrutiny and deliberation by FSC found that the terms of reference of the FSC were established in the article (93) of the Constitution of the Republic of Iraq and the article (4) of the FSC Law No. (30) of 2005 including the transfer of criminal proceedings from one court to another, so the request of the convicted agent is outside the jurisdiction of the FSC, so the FSC decides to reject the request from the authority concerned and the decision issued with agreement according to the article (94) of the Republic of Iraq of 2005 and the article (5/2nd) of the FSC Law No. (30) of 2005 on 12/8/2018.