



The Federal Supreme Court (F.S.C.) has been convened on 21.6.2021 headed by Judge Jasem Mohammad Abood 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 is authorized to judge in the name of the people, they made the following decision:

Who requested to appoint the competent court:

Ninawa Investigation Court.

The Request:

During scrutiny we found that the Nineveh investigation court requested the Federal Supreme Court by its letter No. (9537) on 31.5.2021 to appoint the competent court spatially to consider the lawsuit of the accused under bail (Sami Sukor Mahmood Hamdan AlZobaey) according to the provision of the article (17) of the law of Human Organ Transplantation and the prevention of trafficking in it No. (11) of 2016 amended, the lawsuit was registered before this court by the No. (59/federal/2021), the Ninawa investigation court based its request on the provisions of article (93/8th/a) of the Constitution of Iraq for 2005.

The request has been set under scrutiny and deliberation by the F.S.C. and it decided the following:

Athraa



The decision:

During scrutiny and deliberation by the F.S.C., it found that on 26.11.2020 the judge of Investigation Court of Mosul left side has referred the investigation papers of the accused under bail (Sami Sukor Mahmood) to Erbil Investigation Court to complete its investigation according to the venue jurisdiction, on 7.2.2021 the Investigation judge in the last court decided to return the investigation papers to Mosul left side Investigation court to complete the investigation of it for the mentioned reasons in the decision of Erbil investigation court judge which is (the lawsuit was registered before of Mosul left Side Investigation Court on 3.10.2019 and that the investigation of it reaches advanced stage). On 24.3.2021 the judge of Nineveh Investigation Court decided to present the investigation papers on the F.S.C. to decide the competent venue court to consider the lawsuit according to the provision of the article (93/8th/a) of the Constitution of 2005 and article (53/alif) of the Criminal Procedures Law No. (23) of 1971 amended. During scrutinizing the investigation papers, it found that on 29.6.2019 the Directorate of Combating Organized Crime in Nineveh recorded the words of the secret informant No. (40) and reported that there was a group of people who used to go to a café in the Al-Dawasah area, who were trading in human organs and transporting people who were persuaded to sell their organs from the city of Mosul to the Erbil governorate, on

Athraa



11.11.2019 the statements of the accused (Sami Sukor Mahmood) he stated that on 2014 when ISIS terrorist gangs took control of the city of Mosul, he left the city and lived in one of the camps for the displaced in the city of Erbil. He got to know the so-called (Ghassan Fadel Ahmed Al-Abadi), and that he introduced him to a person with kidney disease, and that he agreed with the sick person to sell him his kidney, and indeed that agreement was made. In exchange for an amount of eleven million Iraqis, the operation to remove his kidney was performed in the city of Erbil. as the venue jurisdiction is set according to the provision of the article (53/alif) of the Criminal Procedures Law which stated that (the jurisdiction of the investigation is determined by the place where the whole crime or part of it occurred or any act complementing it or any consequence resulting from it or an act that is part of a complex, continuous or consecutive crime or a habit crime, and it is also determined by the place in which the victim was found or where the money was found which the crime was committed about it after it was transferred to it by the perpetrator or a person knowing about it). Therefore, although the investigation has been going on for a long time since 2019 by the Left Mosul Investigation Court, this does not mean that the provisions of Article (53/alif) of the Criminal Procedures Law No. (23) of 1971 amended, especially since the crime took place in its entirety in Erbil Governorate, so the decision of the Erbil

Athraa



Investigation Court judge dated on 7.2.2021 to return the investigative papers to the Mosul Investigation Court is incorrect and contrary to the law. If it seemed to him that he was not competent to investigate, he should submit the matter to the Federal Supreme Court to determine the spatially competent court based on the provisions of Article (93/8th/a) of the Constitution. Accordingly, for the aforementioned, the F.S.C. decided to appoint the Erbil Investigation Court as the competent court to investigate in the venue in the lawsuit of the accused (Sami Sukor Mahmood) according to the provision of the article (17) of the law of Human Organ Transplantation and the prevention of trafficking in it no. (11) Of 2016 amended and to notify the Ninawa Investigation Court about it. This decision has been issued unanimously, final, and binding on all authorities according to the provisions of articles (93/8th/a) and (94) of the Constitution of Iraq of 2005, and articles (4) and (5) of the Federal Supreme Court's law No. (30) Of 2005 (amended) by law No. (25) Of 2021, on (10/Dhu'lqa`da/1442) A.H., 21.6.2021.

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