

EUJUST LEX - IRAQ

The European Union Integrated Rule of Law Mission for Iraq



Experientia docet: Experience teaches

Transition...

March/

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Judge Medhat al-Mahmoud, President of the Iraqi Federal Supreme Court (FSC) with EUJUST LEX-Iraq Head of Mission, Br. Gen. László Huszár

It is, in a way, a strange time to be serving with a mission like EUJUST LEX-Iraq. Established in Brussels in 2005, then working remotely by visiting Iraq and also by bringing Iraqis to visit EU Member States; and finally in spring 2011, moving virtually entirely into Iraq, the mission is now preparing to hand over operations and instructional activities to our Iraqi counterparts by the end of this year. It is time to consider what

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we have achieved and how best to bring forward our activities so that the Rule of Law system in Iraq will continue to bear fruit into the future.

This edition of the EUJUST-LEX Newsletter will look at these issues not only from our viewpoint, but also from that of some of our Iraqi counterparts.

It is probably best to look first at what has been achieved. During the last few years a range of activities has been implemented, which have recently been focused on delivering train-the-trainer activities. In total the Mission has run more than 500 courses and trained more than 5,000 students; during the most recent reporting period 508 officials participated in our courses: 124 police officials, 273 judiciary officials, and 111 prison staff.

In addition to our normal courses, there are perhaps four areas that should be highlighted in terms of concrete achievements that can be seen to make a huge difference to the Rule of Law for Iraqis. These are: The Rule of Law Committees; the Police Federal Investigation Training Course (FITC), the Judiciary teams' publication of manuals and the Penitentiary International Standards of Audit Programme (ISAP).

The Mission continues to coordinate with international and Iraqi counterparts through the **Rule of Law committees** in Basra and Erbil. These are very effective committees which were set up with the support and initiative of EUJUST LEX; they work at a realistic level to bring together representatives from the Police, the Judiciary and the Penitentiary services to solve problems that up to now were causing difficulties. For example, in the past there have



Head of Mission, Br. Gen. László Huszár at the Iraq High Judicial Council (the "Clock Tower")

been misunderstandings between the judiciary and the police. The judge dealing with a case might have such a backlog of cases that he would put severe time pressure on the police to produce their evidence by a certain time: this would lead to the police either taking shortcuts, or rushing their investigation, meaning the case would either be thrown out or put back indefinitely. This problem was discussed in detail at the Rule of Law Committee and the system works much better now. Also, prisoners would be condemned to prisons which, due to overcrowding, had no room for them. This problem was also discussed and there is now a much better understanding between the judiciary, the police and the prison service.

This committee has been functioning since

spring 2011 and it has shown itself to be a valuable forum for solving problems.

On 20 January a Ceremony was held in the Baghdad Police College to mark the end of the first Police **Federal Investigation Training Course (FITC)** which had been running over twelve weeks since 14 October 2012 and was more than a year in preparation. It was an excellent example of cooperation between EUJUST LEX-Iraq, the US International Narcotics and Law Enforcement Agency (INL), and the Iraqi Training Qualification Directorate (TQD). Fifteen Police investigators and five Investigators from the Iraqi Judiciary attended the course. The ceremony was hosted by the Director-General of the Iraqi Training Qualification Directorate (TQD), Major-General Dr. Jassim, and was attended by the US Deputy Chief of Mission for Law Enforcement and Rule of Law Assistance, Ambassador James A. Knight, and the Deputy Head of Mission of EUJUST LEX-Iraq, Mr. Paul Kirwan. All agreed that in addition to the excellent international cooperation that was highlighted by the course, the main benefit for the Iraqis was the focus on forensic evidence rather than evidence based on confessions; and the course also provided an opportunity for interaction between the Judiciary and Police participants as they learned each other's ways of operating as well as the best Western practices available.

The FITC was effectively a "Train-the-Trainers" course so as to enable Iraqi instructors to continue to conduct such training, as the US INL winds down its operations and EUJUST LEX-Iraq

brings its own operations in Iraq to a close at the end of 2013. A similar three-week Investigation training programme has been delivered in Kurdistan by the Erbil Field Office police team. In this context, we interview **Dr. Ali Barzan** who is an eminent guest lecturer for our FITC course.

The Judiciary team has focused its activities on capacity building at Baghdad and Erbil Judicial Training and Development Institutes as well as addressing white collar crimes. The Judiciary team has also addressed international judicial cooperation in criminal matters by publishing and distributing, through the office of the Iraqi Chief Justice, a **comprehensive manual about the Preparation of Outgoing Requests from Iraq for International Judicial Cooperation in Criminal matters**. It explains how Iraqi authorities should approach other countries in order to successfully achieve the extradition of a wanted person or



One of our most admired members, Maria Grazia Benedetti, is returning to Italy where she will serve again as an appeals court judge. Universally popular, among her many achievements was the coordination of the official visit of the Italian High Judicial Council (in November 2012) which resulted in the signature of a Memorandum of Understanding with the Iraqi High Judicial Council on legal cooperation.

necessary pieces of evidence in a manner to get them properly validated and eventually admissible in an Iraqi court. It also clarifies what may be expected from other countries and their criminal justice systems, and recommends ways and methods to overcome potential hurdles. A further manual about **Corruption and Confiscation** is in preparation. We interview the Director General for Public Relations for the Iraqi High Judicial Council (HJC), **Asaad Dhyaa Khamas**.

The Penitentiary team continues to deliver courses on leadership, prisoner classification and the **International Standards of Audit Programme (ISAP)**. The Mission frequently visited and followed up on ongoing ISAP and prisoners' classification at Al Maqil and Basra Central Prisons in Basra. Perhaps the most impressive result of our Penitentiary training is that, in the recent awards given to the best Prison Governors in Iraq, the top three had been trained by EUJUST LEX-Iraq. This included the Governor of Al Maqil prison in Basra, **Haider Malik**, whom we interviewed in issue 3 of this Newsletter last October.

Cross sector activities focused on enhancing the awareness of Iraq criminal justice system professionals for Trafficking in Persons (TiP) issues and domestic violence. Courses covered issues such as how to recognize human trafficking as a crime according to national and international law and how to distinguish it from other crimes; how to implement a humanitarian and victim friendly approach to the survivors of trafficking; and how to provide protection, rehabilitation, support, voluntary repatriation and witness protection. In view of the crime's transnational character and involvement of organised criminals in it several border law enforcement officers (mainly high ranking police and judicial officers) as well members of the newly established anti-trafficking Central Committee participated in this training.

The Mission continued its excellent cooperation with the EU Delegation in Baghdad by providing its analysis and proposals for possible Rule of Law activities in Iraq post-2013. Finally, an Iraqi view of the possible way ahead is provided by **Ammar Al-Shahbander**, Chief of Mission of the Institute for War & Peace Reporting (IWPR) in Iraq.



*Not all
hard
work...
course
partici-
pants
take a
break*



Interview with Dr. Ali Barzan, Chief Medical Examiner at the Sulaymaniyah Medico-Legal Institute (SMLI)



Dr. Ali Barzan (on left) with Jan-Willem Wieman at the Kurdish region Intensive Investigation Course (KRIIT) held in Sulaymaniyah, Iraqi Kurdistan

at Sulaymaniyah medical school and the Police College.

EJL-I: *How did you become involved with EUJUST LEX-Iraq?*

Dr. B.: As you know, depending on the nature of our work here, we are in daily contact with the courts and other related authorities like the college of police. I received a request from the Dean of the Police College for participation and involvement with EUJUST LEX-Iraq and their activity (Dr. Barzan was a specialist lecturer on EUJUST LEX's Kurdish Region Intensive Investigation Training - KRIIT – a three week course run in the Police College in Sulaymaniyah).

EJL-I: *Please tell us about the work that you are doing in Kurdistan, especially with the police; and about your own involvement with EUJUST LEX-Iraq and their training.*

Dr. B.: I, as a forensic pathologist and anthropologist, together with our colleagues at Sulaymaniyah MLI, examine medical evidence from a legal viewpoint for all the various cases referred to us. Un-

EUJUST LEX-Iraq: *Good morning, Dr. Barzan, and thank you for agreeing to have this interview with us. Can you please tell us a little bit about your background and your career? Where have you trained; where have you lectured; where have you worked?*

Dr. Barzan : Regarding my academic background, I hold the following degrees: a Bachelors degree in General Surgery and Medicine, a High Diploma in Forensic Medicine, completion of all the academic units and practical exercises (post graduate course) in the role of Forensic Anthropologist at Bournemouth University in the U.K., and a Ph.D.in Forensic Medicine. My main career is as Chief Medical Examiner at the Sulaymaniyah Medico-Legal Institute (SMLI); I have also trained and lectured in Iraq, the U.K., South Africa and Germany; and I have worked as lecturer for students in Sulaymaniyah MLI, and

der the orders of the responsible judges the samples could be dead or alive for the Laboratory; and after addressing each case we prepare a medico-legal report to be submitted to the courts. Apart from that, sometimes we are also requested to attend the crime scene with the judge and the Scene of Crime officers (SOCOS); we also are participating as lecturers in the annual teaching process for police college students and successive training for different ranking officers.

EJL-I: *How do you see the future of the Kurdistan police developing? What are the priorities?*

Dr. B.: I can feel there's a valuable improvement and development of the police in Kurdistan; this feeling comes from my daily contacts with them, over a period going back more than one decade.

EJL-I: *What other training would you recommend that EUJUST LEX-Iraq (or other actors/parties) should provide?*

Dr. B.: I hope that the EUJUST LEX-Iraq training programmes will expand to involve all related authorities in crime scene investigations, especially the introduction of D.N.A. analysis.

EJL-I: *As you know, EUJUST LEX is in a period of transition and is in the process of handing over the delivery of its training to local (Kurdish and Iraqi) instructors. Do you have any advice for EUJUST LEX, and how do you think the transition is progressing?*

Dr. B.: I wish them every success in their process of handing over. My advice is, they

should concentrate strictly on finding related expertise for the process of handing over to local instructors, in order to enable the mission to be achieved.

EJL-I: *Finally, Dr. Barzan, are you facing any particular challenges in what you are trying to achieve?*



Perfect sync between instructor and interpreter!

Dr.B.: Absolutely yes, as we are always dealing with families of the victims and they are in a very difficult stage of grief reaction which is medically known as the stage of denial, usually because of impacts from different sources, like cultural, religious and others; these are our regular major challenges during our achievements.

Lastly I want to say the corner stone of reaching success in the field, is a co operation between different related authorities, in which all unite in turn serving humanity and rule of law in the world.

EJL-I: *Thank you very much.*

Dr. B.: With pleasure.

Interview with the Director General for Public Relations for the Iraqi High Judicial Council (HJC): Asaad Dhyaa Khamas



Asaad Dhyaa Khamas (shown on right of photo) during a study visit to Hungary with Judges from the High Judicial Council

EJL-I: *Good morning, Mr. Khamas; please tell us about your background and your role as Director General for Public Relations for the Iraqi High Judicial Council (HJC).*

Mr. K: *In fact, although my title is as you say, my role is really to coordinate all Public Relations affairs between the HJC and all of the other ministries in the Iraqi government. It is a busy job! I hold a B.A. in law and I am also a member of the Academic Committee of the Judicial Development Institute (JDI) and the HJC. Coincidentally, my sister Lubna is first secretary to the Chief Justice of Iraq.*

EJL-I: *Can you please tell us about your relationship with EUJUST LEX-Iraq; what EJL-I has done for the HJC, and perhaps joint ventures such as the visit of the Italian HJC?*

Mr. K: I would like, on behalf of the High Judicial Council, to extend our sincere thanks to EUJUST LEX-Iraq for all the valuable work that they have been doing here in Iraq with our judges. All of the training courses have been excellent (including the wonderful study tour to Hungary that I recently attended) and our judiciary is benefitting greatly. I can honestly say that our standards are improving because of our relationship with EUJUST LEX-Iraq and its judiciary team. And yes, the signing of the MOU with the Italian High Judicial Council was a great achievement and was facilitated by EUJUST LEX-Iraq.

EJL-I: *How do you see this relationship developing? How do you see the continuation of such a relationship, albeit under another form should EJL-I be wound down? What do you think are the important elements that must be continued?*

Mr. K: First, I would like to say that all of us in the High Judicial Council think that it is very important that EUJUST LEX-Iraq continues and that its work carries on uninterrupted. As I have said, the courses and training conducted by EUJUST LEX are invaluable and we can't do without them. We really need their help and support. I might particularly

mention the manual about the Preparation of Outgoing Requests from Iraq for International Judicial Cooperation in Criminal matters, which has been prepared by Prof. Anton Girginov and his team: my judiciary colleagues have told me how useful it is to them and we are delighted to hear that another manual is being prepared. So you can see how important EUJUST LEX continues to be, to us here in Iraq.

EJL-I: *Do you think that personal relationships help, in pursuing our joint objectives? I am thinking in particular of the work that our former colleague, Maria Grazia Benedetti, has done with the HJC.*

Mr. K: You are correct; the signing of the MOU with the Italian High Judicial Council was very good for us and was facilitated by EUJUST LEX-Iraq, but in particular by Maria Grazia Benedetti, the Italian Appeals Court judge. We are sorry that she has left your mission and would love to see her back in Iraq. In particular, we would seriously like to pursue the activation of the MOU and we believe that her direct participation would facilitate this. We are following this goal as a priority.

EJL-I: *Thank you very much!*



(From Left): Prof. Anton Girginov, Head of the EUJUST LEX-Iraq Judiciary Team, with the President of the Iraqi Federal Supreme Court (FSC), Medhat al-Mahmoud; Fathi al-Juari, editor-in-chief of "Legislation and Justice", the Iraqi legal journal and senior legal adviser to the President of Iraq; and Asaad Dhyaa Khamas

Interview with Ammar al-Shahbander, Chief of Mission of the Institute for War & Peace Reporting (IWPR) in Iraq.



Since the fall of the old regime, IWPR has worked to build skills, enhance institutions and support reliable media production across the country, working with local journalists and media outlets. Its goal is to establish a widespread culture of professionalism, seeking to inculcate an appreciation of international skills and standards – what some Iraqis now refer to as the “IWPR approach” to balanced and responsible reporting. Their work is distinguished by a hands-on, practical approach to training and production. Workshop-based formal instruction is supported by extensive follow-on mentoring in producing quality reporting. Expert support, guidance and feedback over the entire course of the journalistic process layer in experience-based learning for the long-term, while resulting in an increase of factual, reliable and high quality reporting.

Ammar joined IWPR in 2004 and currently holds overall responsibility for activities in Iraq, where IWPR has offices in Baghdad, Suleimaniyah and Erbil. He provides leadership for programs including a new Iraqi Media Institute, print and radio production, and developing female Iraqi journalists. Ammar is also a special advisor on media, outreach strategy and civil society issues to an Iraqi member of parliament and environment minister. Before joining IWPR, Ammar worked as civil society program director for the Iraq Founda-

tion. He opened the Foundation’s office in Baghdad, developed and managed the organization’s projects. Prior to that, as assistant manager, he was responsible for editorial management of the opinion pages of the Iraq Information Network. He has covered the Middle East with a special focus on Iraq over many years. Ammar holds a degree in sociology and international relations from the University of Westminster in London. Ammar speaks fluent Arabic, Persian, English and Swedish.

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JL-I *Good morning Ammar, and thanks for taking the time to talk to EUJUST-LEX-Iraq. Can you please tell us something about yourself and your background?*

Ammar:

I'm an Iraqi-Swede, raised overseas since my childhood, educated in Britain, and currently work in Iraq, I'd like to believe that in reality I'm a multicultural international citizen, who has picked up a lot of knowledge travelling around the world. I hold a degree in Sociology and International Relations, I joined IWPR in 2004 after spending a year in Iraq with the US based Free Iraq Foundation. Since then I have been actively involved in IWPR's work in Iraq and around the region.

EJL-I:*Please also tell us about the Institute for War & Peace Reporting (IWPR) and the work it is doing in Iraq.*

Ammar:

IWPR has been active in Iraq since the summer of 2003, helping to establish a new generation of highly-trained civil society and media professionals to help create responsible and reliable reporting in an extreme environment and encouraging policy development that supports a strong and independent media. The Institute has also worked extensively on capacity building projects aimed at supporting and professionalizing the political leadership of the country.

Among IWPR's many programs in Iraq, the Institute has offered:

Leadership training for women. Under various components of the Women Media Initiative established in 2005 and continuing today, IWPR has trained hundreds of women leaders, within politics, media and civil society. The existing Women in the Commercial Sector project is a prime example of this type of programming, under which women leaders are trained on leadership, management and media aware-

ness, and which is developing Iraq's first women-owned and operated advertising agency. Other relevant programs include the Human Rights Media Links program, under which leaders within the human rights advocacy community (which includes both men and women) on advocacy and mobilization.

Issue-focused training. IWPR has had ongoing issue-focused programs in Iraq, beginning with a series of issue trainings in 2003-2005 and through the Local Governance Reporting Project in 2006-2007, as well as in the Iraqi Media Development Program in 2007-2011. In 2003-2005, IWPR's Special Issues Reporting project trained more than 600 reporters on politics, security, economics, women's issues, human rights, and service delivery; IWPR's Local Governance Reporting Project has trained hundreds more reporters and activists on governance and service delivery.

IWPR also enjoys a large network of contacts and supporters within Iraqi society, a network that was founded and nurtured over years of serious programming and successful projects. The network includes a large number of politicians, civil society activists, professionals within both the government and private sector. The network also includes members from all sects, ethnicities and minorities.

Over the past four years IWPR has implemented a number of large, politically significant programs, such as the elections support program, the safety, security & legal protection for journalists, the elections monitoring program, and women leadership programs. The success of programs of this type relied heavily on creating a political network and gaining buy-in from policy

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with prestigious consultants such as Adroit Consultants of the U.K.

EJL-I: *EUJUST-LEX-Iraq is due to close at the end of 2013. What, in your opinion, are the most important areas which must be continued, albeit under another umbrella?*

Ammar:

I believe it is extremely important that the EUJUST-LEX continues its mission in Iraq, specifically the training aspects and work with the security sector in general. Iraqi authorities are supportive of such efforts, especially that the American support in these areas is downsizing. I know for example that the MOI would support any EUJUST-LEX project that would provide training for police investigators and the forensic labs, or any other efforts by the EUJUST-LEX to transfer best practices and knowledge to Iraqi institutions.

EJL-I: *Thirty years ago, Beirut was in chaos and a very dangerous place. Now, it's cosmopolitan and booming. Honestly, what do you see as the future for Iraq, and when do you think things will really start to improve?*

Ammar:

I believe with the support of international partners, especially the EU – for cultural and historical reasons- Iraq will be able to recover from its current conditions and develop into a leading democratic country in this region. I would estimate the curve at 15-20 years, however, things will most likely get worse before getting better.

EJL-I: *Are there any other matters you would care to mention?*

Ammar:

I would like to thank you John and thank EUJUST-LEX mission in Iraq for this opportunity, and hope the EUJUST-LEX programs in Iraq continue beyond 2013.

makers and other high ranking civil servants.

In addition, and because of the large number of media & civil society related programs that IWPR has implemented in Iraq, IWPR also enjoys a unique relationship and access to the top echelon of media & civil society in this country. These relationships involve both organizations and individual actors with a serious standing within the sector and society at large.

EJL-I: *You are aware of the work of the EUJUST-LEX mission in Iraq, with its Police, Judiciary, Penitentiary and Human Rights teams. Do you think there are any areas in which IWPR and EUJUST LEX-Iraq could cooperate or work together?*

Ammar:

Definitely, at the moment IWPR is involved in/interested in projects concerned with legal reform, access to justice and security sector reform. The work the EUJUST-LEX mission in Iraq is doing is extremely important and highly relevant to our own work. Specifically, projects involving Community Policing and Legal Reforms are areas we could cooperate closely on right away, as we already do



Dave Bramley (EUJUST LEX-Iraq Senior Rule of Law Expert in Basra) expresses congratulations to Haider Malik, the Director of Al Maqil Prison in Basra.

*The Director General of the Iraqi Correction Service in Baghdad, General Hamid Hamadi, announced in March, that Haider has been formally recognised as **one of the top three highest performing Prison Directors in Iraq, all of whom were trained by EUJUST LEX.***

Dave has been mentoring Haider since 2010 in Basra, and Haider has also attended a number of EUJUST LEX-Iraq training courses in both Iraq and Europe.

EUJUST LEX-Iraq is the EU's first integrated rule of law mission. Following the fourth extension of its mandate, the Council of the EU agreed that EUJUST LEX-Iraq would be extended until 31 December 2013. Since October 2011, EUJUST LEX-Iraq's Head of Mission is Brigadier General László HUSZÁR (Hungary). He succeeded Carl Törnell (Sweden),

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