

# EUJUST LEX - IRAQ

The European Union Integrated Rule of Law Mission for Iraq



*Experientia docet: Experience teaches*

## *Interview with Anton Girginov, EUJUST LEX-Iraq's Head of Judiciary Team*



the last 15 years with the Head Prosecution Office in Sofia. In addition, I deliver lectures on substantive criminal law at the Law Faculty of the University of Plovdiv (Bulgaria).

I have also worked on several international missions: twice in Kosovo, as an international judicial trainer for the OSCE and the head international trainer for the UN; in East Timor as an international prosecutor for the UN and in Bosnia and Herzegovina as a criminal justice expert for the EU Police Mission there (EUPM).

*EJL-I: Can you please explain what the EUJUST LEX-Iraq Judiciary Team is trying to achieve in Iraq?*

AG: Under our new mandate and recently presented OPLAN, we are now transitioning from a training mission into one where the emphasis is on Mentoring, Monitoring and Advising (MMA). In future, we intend to

*EJL-I: Welcome to the Baghdad Head Office of EUJUST LEX-Iraq. Can you please tell us a little bit about yourself: your background and experiences?*

AG: Well, I am a national public prosecutor in the Bulgarian judicial system. I have been working over

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stress the MMA aspects so that our ultimate aim can be achieved: that is, that the Iraqis themselves will be in a position to continue to develop their own training and education in the Judiciary field of the Rule of Law. I must highlight that our judiciary team has just been formed and is relatively new. We have to hit the ground running to get the recognition from our local counterparts that we can not only give lessons as educators but also leave qualified students behind us in the difficult areas of judicial training.

*EJL-I: Please, tell us about the people you have on your team.*

AG: The Judiciary Team is composed of Maria Grazia Benedetti, an Italian judge; Adam Viplak, who is qualified to be a Hungarian judge when he reaches the required age, and myself (all of us are located in Baghdad) ; and also Jan Alte Hansen, a Norwegian judge and Jan Van Wijland, a Dutch public prosecutor (both located in the EUJUST LEX Field Office in Erbil). We also expect another colleague in Baghdad from the latest “Call for Contributions”. I would mention that at present, our team has no representative in Basra but we have to cover its area as well.

*EJL-I: Are there any special aspects of your work that you would like to mention?*

AG: As part of my background, I have studied the 19th century Ottoman Criminal Law which was a replica of the French criminal law of that time and was applied in my country as well until the end of the 19th century. It so happens that the same law also applied in Iraq, because the Ottomans also ruled here till the end of the First World War. This means that there are many similarities in our laws with which I am familiar. So, I feel well qualified to offer our Iraqi counterparts help and advice together with my colleagues from the team who are excellent professionals.

As part of this, we have already prepared a number of discussion or working papers on areas of Iraqi law that we feel need attention. These areas include: Corruption, Human Trafficking, the Transfer of Prisoners, and the Death Penalty. We feel that it is incumbent on us to be as proactive as possible in helping our Iraqi counterparts.

We have the ambition to prepare two comprehensive Manuals for all judges and prosecutors in Iraq. This year we shall finalize a Manual for outgoing requests by Iraq for international judicial cooperation in criminal matters. Next year we must prepare a Manual for investigation and prosecution of corruption and criminal assets recovery.

Lastly, along with our lecturing and mentoring activities, we will leave to our local counterparts some other written materials: on judicial ethics and integrity, on organization of European judiciary and judicial training, and so on. We will do our best to support our Iraqi colleagues in their difficult work of enhancing the capacity of their judicial system.

## *EUJUST LEX-Iraq: The Baghdad Head Office (BHO) and the Rule of Law International Policy Committee (RIPC)*



### *Entrance Sign for the “Inn Coming” Bar at the Clubhouse*

Dotted around the British Embassy compound, where EUJUST LEX-Iraq has its Head Office, are small concrete shelters known as “duck and covers”. The security officer briefing us said that when you hear the alarm, you have between two and three seconds to reach the safety of

one of these shelters or other “hard cover”, or else you should dive down and lie flat on the ground: projectiles hitting a hard surface explode upwards and outwards, so if you’re flat you have a good chance of not being hit.

“Duck and Cover: That’d make a good name for a pub”, I said to my guide, Dave Pickering from Lancashire in England.

“They already have such a bar, in Afghanistan, I think”, he said. “The one here is called the ‘Inn Coming’”. Sure enough, the Club house beside the swimming pool in the embassy compound has a small sign with that name, penetrated by what looks like a Katyusha rocket.

Apart from the clubhouse and its swimming pool, the embassy compound is characterised by beige/brown T-walls and “Hesco” barriers: large canvas reinforced sacks filled with earth and sand that offer effective protection against incoming direct and indirect projectiles. These line the roadways that separate the office, living and dining areas throughout the compound, all of which are “hardened” or protected against incoming ordnance.

These precautions are not to imply that the embassy compound is under constant attack. Far from it; no incidents have occurred within the compound since an isolated one in October 2011, and that was the first for several years.





## Entrance to the British Embassy

Baghdad itself, outside the International or Green Zone, has regular incidents involving small arms fire or improvised explosive devices. These surge, on average, once per month; but for the most part, the inhabitants of the British compound, including the members of EUJUST LEX, are relatively unaware of the unrest except for what they read in the daily situation reports and news items.

The British Embassy contains a wing in its workplace accommodation that houses the offices of the World Bank and other tenants in addition to those of EUJUST LEX-Iraq. The EJL Head of Mission (HoM), Br. Gen. László Huszár, shares an office with his deputy, Swedish diplomat Jonas Westerlund. The other

members of the EJL staff are spread out among several offices: The Judiciary, Penitentiary and Police teams; the HoM's special staff; the operations staff, including the Evaluation team; and the security and administrative staffs.

Until the spring of 2011, most EUJUST LEX staff were based in Brussels and visited Iraq as necessary to carry out training, or organised trips for Iraqis onto training courses in EU Member States. Since then, however, because the security situation has improved, the whole mission is based in Iraq. The teams work somewhat independently, running their own Judiciary, Penitentiary and Police courses with and for the Iraqis; but the overall effort is coordinated by the operations staff under the guidance of the Head of Mission, and is lat-

er reviewed both by the teams themselves and by the evaluation team.

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An example of the guiding role that EUJUST LEX-Iraq is playing in the promotion of the Rule of Law in Iraq, is its hosting of the **Rule of Law International Policy Committee**, better known as the **RIPC** (Rip-see). A meeting was held in the Judicial Development Institute (JDI) in Baghdad on 26 June 2012. Chaired by Anton Girginov, EUJUST LEX-Iraq's Judicial Team Leader, the attendants included an illustrious group with represent-



atives from the Office of the Justice Attaché, U.S. Embassy; USAID; the US Department of State; the British Embassy; the Japanese Embassy; and the International Organisation for Migration (IOM).

EUJUST LEX-Iraq's Head of Mission László Huszár opened the Session by describing how, with EUJUST LEX-Iraq's transfer to Iraq, the Mission took up the task of bringing together rule of law actors in the RIPC, to exchange information and avoid any overlap of activities. "Today," he added, "we're here to talk about EUJUST LEX-Iraq's future plans in the new mandate." The idea is to involve Iraqi counterparts and prepare for a handover of activities.





*Rule of Law International Policy Committee, (RIPC) in action*

EUJUST LEX-Iraq's Police Team Leader, Robert Lamburne, then gave a fascinating briefing about "Iraqi forensic investigation capacity," describing how over 30 years ago, prior to the former regime, Iraq had been a leading centre in the Middle East for forensic science. Many of the senior forensic Iraqi Police Service (IPS) Officers have worked in the forensic field for more than 20 years. However, as a result of the leadership under the former regime, the war with Iran and the conflicts of 1991 and 2003, the forensic capability of Iraq had been decimated. The aim of this programme is to rely more on forensic evidence rather than confessions in securing convictions. Bob then described how the Forensic Strategy from 2005 to 2011 had resulted in: providing 30 scenes of crime vehicles in Basra and the southern Provinces; building a dedi-

cated Laboratory in Basra; and managing the build of a forensic training laboratory in the Baghdad Police College, completed in October 2006. Forensic team personnel had set up a permanent programme of Forensic Awareness training, qualifying over 5000 personnel by 2009. In cooperation with the Americans, forensic laboratories in Baghdad (Karada and Baghdad Police College), Erbil & Basra were built, enhanced and equipped. Finally, a minimum of 72 forensic scientists were trained, 12 nationally in six disciplines in a two - year programme which included fingerprint experts, document analysts, firearms experts, biologists (DNA experts) and chemists/toxicologists.

Bob was asked about the ability to preserve electronic evidence such as in mobile phones (texts, contacts, apps etc.) and com-

puters. He replied that a lab has been equipped with a device that strips phones of evidence and that there have been successful cases. The new curriculum for the Federal Investigation Training Centre entails a 12-hour section on the preservation of electronic evidence in computers.

So far around 1,500 officers in the Ministry of the Interior have been trained. There is still a lot more to be done but progress is being made. Iraqi courts are positive with regards to forensic evidence.

Livia Styp-Rekowska, of the International Organisation for Migration (IOM), then gave a briefing entitled “Trafficking in Persons Working Group – how it came about, achievements, methodology, challenges and way forward.” She listed the achievements of this group: Coordinating assistance to victims of trafficking; providing commentary on the Trafficking in Persons (TIP) law (being used in the Kurdish Region); the establishment of a Counter-Trafficking Committee; over 60 Iraqi staff trained in Baghdad and Erbil; a Ministry of the Interior role in implementing the TIP law; and the conduct of regular meetings (every 5-6 weeks)

Then, Bob Lamburne outlined the new EUJUST LEX-Iraq Operation Plan. The new mandate runs from 1 July 2012 to 31 December 2013. The Mission is divided into five Rule of Law teams: police, judiciary, penitentiary, human rights and gender, and evaluation. Based on a request from PM al-Maliki, a curriculum for police training is being developed together with the US Department of State Bureau of In-

ternational Narcotics and Law Enforcement Affairs (INL); this will be the standard qualification training for police investigators. The current deadline for the curriculum is 19 August, after which it will be processed by the Iraqis and handed back to INL/EUJUST LEX-Iraq to start implementing the training at the Federal Investigation Training Centre (Baghdad Police College). The curriculum includes basic training as well as specialised training such as electronic evidence.

Anton Girginov, Head of the EUJUST LEX-Iraq judiciary team, described how they are focusing on international judicial cooperation and corruption/money laundering. Regarding international judicial cooperation, the emphasis is on outgoing requests by Iraq; the main reason for this is that outgoing requests serve the Iraqis’ interests and that they are much more difficult than incoming requests.

Matti Virkkunen of EUJUST LEX-Iraq’s penitentiary team explained how the team, during the previous mandate, focused on training in leadership development, crisis and major incident management, contingency planning and crisis management, handling convicted terrorists and consequence pedagogics. The target group was management and middle management officials of the Iraqi Correctional Service (ICS) and the Kurdish Region’s Ministry of Labour and Social Affairs (MoLSA); and social researchers. The training included both in-country courses and EU Member States courses (work ex-

perience secondments). Annual seminars with the ICS and the MoLSA were conducted as tools for looking back and planning for future. The new mandate, starting on the 1st July, is divided into three six-month periods ending on 31 December 2013, including a gradual hand-over of activities with train-the-trainer and Mentoring, Monitoring and Advice (MMA) activities. The training will also focus on a standard auditing programme, rehabilitation and re-integration of prisoners and the classification of prisoners. The ICS is planning for 20,000 new beds and it is hoped that the new approach will be used in these facilities. The Mission has ongoing projects in all three locations (Baghdad, Erbil and Basra). The long term plan is to provide targeted courses to an appropriate number of participants together with curricula and training packages using the Train-the Trainer (TTT) approach. This will enable the knowledge learned to be retained in the future. Our mandate is to help the ICS and the MoLSA to run their penitentiary systems professionally and to sustain their own further development according to international standards, recognised best practises and human rights.

USAID explained how its “Access to Justice” programme intersects the rule of law and civil society fields. It is focused on educating and increasing people’s awareness of their rights, as well as on providing legal assistance to vulnerable groups, working with NGOs, law school clinics, legal professionals, and BAR associations. Vulnerable groups include women, people with disabilities, Internally Displaced Persons (IDPs) and minorities. USAID is also working on provisions for pro bono legal assistance (proposed in a new draft law) and the facilitation of ID documents, which are often necessary for access to justice.

The UK representative explained how plans are being prepared for groups from the Ministry of the Interior /Federal Police to visit the UK later this year. Activities will include crowd control and public order; and forensics projects are being considered. The UK will also continue to support EUJUST LEX-Iraq through activities and seconded staff.

The US Bureau of Democracy, Human Rights and Labor is focusing on human rights through the strengthening of the rule of law, mass grave excavations, and women’s issues. There will be more focus on judicial protection for certain vulnerable groups.

Finally, the Civil Society Portfolio, UNOPS, provided a very useful brief, which gave background information on the Iraqi Civil Society; it mentioned common links with USAID’s activities.

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### *The Pool at the “Inn Coming”*

*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), Francisco Díaz Alcantud (Spain) and Stephen White (UK).*

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# The John Smith Rule of Law Fellowship Programme



"The opportunity to serve our country-  
that is all we ask" - John Smith

## What is the John Smith Memorial Trust?

The John Smith Memorial Trust is a British charity set up in memory of the great British politician John Smith. The Trust enables future leaders from countries in transition to come to the UK and study our democratic practices. The programmes which the Trust offers illustrate the importance of good governance and the rule of law to achieving social justice and how integrity in public service is key to leadership.

The Trust has been running since 1996 in the Former Soviet Union and now has an Alumni Network of over 300 fellows. Following on from the Trust's success in that region the Trust is now expanding and running a program in the Middle East with the funding and support of the British Foreign and Commonwealth Office.

## Who are we looking for?

Young leaders aged between 25 and 40 who speak fluent English and have at least five years experience working in the field of the Rule of Law.

## How do you apply?

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## When is it?

The next two programmes are:

2nd-22nd November & 22nd February-15th March

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