

EUJUST LEX - IRAQ

The European Union Integrated Rule of Law Mission for Iraq



Experientia docet: Experience teaches

Judiciary Team Books July/August and Manuals published to 2013 Mentor and Advise our Iraqi Counterparts



EUJUST LEX-Iraq Baghdad Head Office Judiciary Team outside the British Embassy offices in Baghdad: from left, Alfredo Strippoli, Anton Girginov (Team leader) and Adam Viplak



European Union
EXTERNAL ACTION

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The chief task of the EU Integrated Rule of Law Mission for Iraq (EUJUST LEX-Iraq) is to provide training to Iraqis working for three main components of the state apparatus of Iraq: police, prisons and judiciary. Human Rights and Gender issues impact on all of these areas. The Mission's Judiciary team currently train Iraqi judges and prosecutors. The team's main objective is to enhance the capacity of the Iraqi judiciary by transferring legal knowledge, sharing practical skills and offering legislative ideas from European judiciaries to judges and prosecutors in Iraq.

So far the judiciary team has conducted serious training work in Iraq. It has increased the interest of many Iraqi law-

yers in seeking information on the latest developments in the European criminal justice systems and European judiciaries in general. But apart from giving lectures and running training courses for the Iraqi Judiciary, one of the major contributions being made by the Judiciary Team in Baghdad is the production, publication and dissemination of practical, detailed manuals that can be used by our Iraqi counterparts in improving their procedures in many areas. This implements the 2012-13 Operational Plan of the EUJUST LEX Mission in Iraq. The lead author of the four books that have been and are being prepared is Professor Anton Girginov, the Head of the Judiciary team. In the Foreword to one of his Manuals, he states that he "is happy to help Iraqi criminal

judges, prosecutors and state officials responsible for international judicial cooperation by sharing his experience in this specific area of knowledge with them".

The first and the fourth books, prepared by the EUJUST LEX-Iraq Judiciary Team to mentor and advise their Iraqi counterparts, are about international judicial cooperation in criminal matters. The title of the first book is "*Outgoing Requests by Iraq for International Judicial Cooperation (Extradition and Rogatory Commissions)*" while the title of the fourth book is "*New Forms of International Judicial Cooperation*". Both books are designed to assist Iraqis in successfully obtaining the legal assistance they may need from foreign countries.

The first book, published in November 2012, addresses the two typical and most used forms of international judicial cooperation in criminal matters: Extradition and Rogatory Commissions. The book contains practical advice as to how to

The Four Manuals:

1. "*Outgoing Requests by Iraq for International Judicial Cooperation (Extradition and Rogatory Commissions)*"
2. "*Anticorruption and Confiscation*"
3. "*Overview of Five European Judiciaries*"
4. "*New Forms of International Judicial Cooperation*"

seek the extradition of wanted persons and how our Iraqi court to request evidence from abroad and ensure that it will be considered valid and admissible in an Iraqi court. The book also clarifies what may be reasonably expected from the judicial authorities of the requested countries, Crime analyzing in particular the potential hurdles and problems which are likely to arise in the process of international judicial co-operation in criminal matters, and proposing practical ways and methods to successfully overcome them. The book further lists “dos and don’ts” aimed at guiding Iraqi judges through practical scenarios with a view to avoiding difficulties and disappointment given the specific peculiarities of the Iraqi judicial system. This book has been warmly received and is highly appreciated by Iraqi counterparts, including judges, scholars and diplomats.

The other (fourth) book is also about “*International Judicial Cooperation*” and is expected to see the light in late September 2013. Its



William Irvine (shown on right), Head of the EUJUST LEX-Iraq Penitentiary team, visited Hammad Hammadi Al-Musawi, (then) Director General of the Iraqi Correctional Service (ICS) and presented copies of the mission’s latest manual on “Anti-Corruption and Confiscation” published by Prof. Anton Girginov of the Judicial Team.

Criminal

In addition to the four new forms of International Judicial Cooperation, the international transfer of prisoners is also discussed in the book. Although it is a long-established, relatively simple and easy-to-perform form of international cooperation, its significance, especially in relation to extradition, has sometimes been underestimated. The book features a substan-

tial section containing recommendations to Iraqi counterparts on necessary legislative and organizational improvements which are needed in order to enhance Iraq's success in obtaining extradition and other forms of legal assistance from foreign countries.

The judiciary team's second book was published in July 2013. It is entitled "*Anticorruption and Confiscation*". This book aims at supporting all those who seek to combat bribery and other forms of corruption in Iraq. It interprets Iraqi substantive and procedural criminal laws applicable to corruption cases. Besides, the book suggests necessary amendments to Iraqi laws and the improvement of internal organisation in Iraq to meet the requirements of the UN Convention against Corruption. The book also clarifies the peculiarities of crime-related confiscations and modern criminal assets recovery. It focuses on the legislative expansion of the range of confiscable objects as a result of the transition from the "crime proceeds concept" to the "unexplained wealth concept" which is much wider in scope. Particular attention is paid to the preparation of outgoing requests for institution of confiscation proceedings abroad being, so far, more reliable than requests for recognition and enforcement of own final confiscation orders in foreign countries. Copies of the book have been requested by and given to the legal departments of the Iraqi Presidency and the Parliament of Iraq, the High Judicial Council, the Judicial Development Institute in Baghdad, the Judicial Training Institutes in

Baghdad and Erbil, the Iraqi Commission of Integrity.

The title of the judiciary team's third book, which has just been published in August 2013, is "*Overview of Five European Judiciaries*". Its idea is to raise our Iraqi counterparts' awareness of the main features of their European partners, and to take over appropriate models from them. The book constitutes a review of the judicial systems of countries in Europe focusing on the structure and administration of justice there. The European countries that have been selected for the review are not very far from Iraq, namely: Bosnia and Herzegovina, Bulgaria, Hungary, Italy and Romania. Among them, Bosnia and Herzegovina is not in the European Union: it is only a potential candidate for EU membership. Nevertheless, it is interesting for Iraq due to its similar constitutional structure: Republika Srpska which is an entity of Bosnia and Herzegovina with its own judicial system resembles the Iraqi Kurdish Region which is an autonomous formation within Iraq that also has its own judicial system as well.

الله أكبر



In The Name of God,

Most Merciful, Most Gracious

To: The European Union Integrated Rule of Law Mission for Iraq

Appreciation

The Deanship of the College of Law – Baghdad University would like to express its highest gratitude to EUJUST LEX-Iraq for presenting a copy of

***“Preparation of Outgoing Requests by Iraq
for International Judicial Cooperation in Criminal Matters”***
to our library.

Looking forward for more generous gestures for the service of our dear country.

Prof. Dr. Jamal Ibrahim Al-Haideri

College Dean

*Letter of Appreciation received from Prof. Dr.
Jamal Ibrahim Al-Haideri, Dean of Baghdad
University College of Law*



Prof. Anton Girginov of the EUJUST LEX-Iraq Judiciary Team presented copies of his latest manual on “Anti-Corruption and Confiscation” to Judge Ezzat Tawfiq Jafar, the Deputy Commissioner of the Iraqi Commission of Public Integrity. (From left): Alfredo Strippoli, Judiciary team, Judge Ezzat Tawfiq Jafar, Anton Girginov and Fathi Al-Juari, senior advisor to the Iraqi President and editor-in-chief of the legal magazine “Legislation and Judiciary”.

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).

This Newsletter is published by **EUJUST LEX-Iraq**

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