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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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NOTE

From : General Secretariat of the Council
To : Political and Security Committee
Subject : EUJUST LEX Six-Monthly Report - July to December 2009

Delegations will find attached the EUJUST LEX Six-Monthly Report n°2/2009, as transmitted by the Civilian Operation Commander.

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EUJUST LEX IRAQ

ESDP Civilian Mission – Six-Monthly Report

Date and time of report: 15 January 2010, 15:00 CET

Report type: Mission Review

Reporting period: 1 July - 31 December 2009

Report number: 11

Strength: 49 posts filled out of 53

1. EXECUTIVE SUMMARY

The reporting period was an extremely challenging and eventful one, during which the Mission's objectives were accomplished. The Mission has now commenced its fourth operational phase (July 2009 – June 2010) totalling almost 5 years of operations.

Many significant events and activities took place during the period. During this fourth operational phase the Mission is tasked to pilot in-country activities in Iraq, “including providing strategic advice, follow-up mentoring and training activities, as and where security conditions and resources allow.”

Therefore, of great significance, is the fact that the Mission successfully completed eight pilot in-country activities during the reporting period. These pilot in-country activities supported all three of the Iraqi Criminal Justice System (CJS) groups which the Mission works with – the judiciary and legal professionals; high-level officials of the Iraqi Police Service (IPS); and, the Iraqi Correctional Service (ICS) / Kurdish Region (KR) Ministry of Labour and Social Affairs (MoLSA). They were organised and held in three regions of Iraq i.e. in Central, North and Southern Iraq - namely Baghdad, Erbil and Basra respectively. EU Member States (MS) contributed to the success of these events by offering Rule of Law (RoL) “visiting experts” who acted as lecturers for short periods of time.

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During the past six months the Mission also carried out EU-based aspects of its mandate and reached some significant milestone by facilitating 12 training interventions in EU MS (9 courses and 3 Work Experience Secondments – WES).

The Mission has now successfully facilitated a total of: 111 EUJUST LEX courses; 21 Work Experience Secondments (WES); 3 Regional Thematic Seminars; and, 3 preliminary in-country activities and 8 pilot in-country activities for a total number of 2975 Iraqi participants (1466 police, 684 judiciary and 825 penitentiary).

Highlights during this reporting period include: in October the first training composed of only female penitentiary participants took place in Erbil; in November and December the two police activities in Erbil both included female police officers for the first time in Mission history; also in November the Mission held the first course in “Managing Rehabilitation of Prisoners Programmes” in Spain. Furthermore in December the first two pilot in-country activities in Basra took place.

Liaison and cooperation with Iraqi high level government officials as well as with MS representatives continued to be excellent.

Local and international collaboration and liaison were further enhanced through visits and meetings in Europe, Iraq, and the Middle East.

2. ANALISYS OF PROGRESS AGAINST AGREED SIX-MONTHLY OBJECTIVES

The Mission successfully completed all its planned interventions within the given mandate. Promotion of Iraqi involvement at every stage and cooperation with other international actors were maintained through regular visits to Iraq. Liaison and cooperation have been key Mission functions in this reporting period as the Mission researches the way ahead and the possibilities for new Mission activities beyond 30 June 2010. Of significance were the latest series of meetings which HoM held in Baghdad with senior Iraqi politicians – most notably the Minister of Foreign Affairs (MFA) who expressed satisfaction with the major developments concerning Mission pilot in-country interventions.

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Notwithstanding the extremely challenging environment in Iraq for planning, preparing and delivering its activities, Mission staff managed to reach all the objectives for the reporting period.

3. MISSION STATE

3.1 Overview of activities

The reporting period was an extremely busy one with the completion of a total of 12 EU-based training interventions (9 courses and 3 WES), and most notably, the eight (8) successfully completed pilot in-country events. There were a total of 284 Iraqi participants on the interventions (172 police, 40 judiciary and 72 penitentiary officials) including 86 Kurds and 42 females.

3.1.1 Pilot in-country activities

In October, EUJUST LEX organised its first pilot in-country activity. This was organised with, and for, the Kurdistan Regional Government (KRG) MoLSA in Erbil. It took the form of an “Evaluation Workshop” with the aim of identifying future mentoring and training opportunities for 12 penitentiary officials that have been past participants who had attended EUJUST LEX courses in MS. HoM, KRG MoLSA Ms. Asos Najib Abdullah, her advisor on Prison affairs and MoLSA Director General of Finance and Administration were all present at the closing ceremony. The participants indicated that they found the workshop extremely useful as it gave them the opportunity to discuss the progress of their individual action plans. Penitentiary team staff members further assessed the course participants’ future training needs. The participants particularly valued the presentation on Human Rights linked to the penitentiary field. Parts of the event were broadcast on KR public television. This culminated in a number of training opportunities and follow-up activities being identified for future activities for the Mission.

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The Mission's second pilot in-country activity was a "Training Seminar" focused at supporting the KRG MoLSA and it also took place in Erbil. The aim of the two days of interventions was to provide training to 19 female penitentiary officers from the KRG MoLSA who specialise in rehabilitation of offenders. The five topics were Human Rights; International Standards; women and juveniles in detention; codes of staff conduct; and female staff empowerment. The Mission received very positive feedback relating to the content, the level and the quality of the presentations. HoM and MoLSA Director General of Finance and Administration were present at the closing ceremony.

The Mission's third pilot in-country activity and the first for the police, assisting the Iraqi Police Service (IPS), took place in Baghdad. The opening ceremony was attended by HoM, Major General Ezzat from the MoI Development Institute (in charge of all foreign related training of the Iraqi police) and the Swedish Ambassador, representing the EU Presidency. The intervention supported 19 senior Iraqi police officials. The topic of the event was "Crime Scene Management" with a strong focus on evidence collection aimed at helping the IPS to switch from confession based investigations to evidence based investigations. Also, many ideas for possible future EUJUST LEX activities were gathered.

The Mission's fourth pilot in-country activity, and the second for the IPS, took place in Erbil with 23 participants present. With regards to curricula the seminar was similar to the event held in Baghdad i.e. "Crime Scene Management" again with a strong focus on evidence collection and the importance of evidence based investigations, thereby promoting and protecting human rights. This was a historical event in the sense that for the first time in EUJUST LEX history, a police seminar was attended by female police officers. The Mission received very positive feedback from the participants on all lectures held during the seminar. The KRG MoI Karim Sinjari and KRG Head of Department of Foreign Relations Falah Mustafa Bakir as well as the British, French and Greek representatives to the KR participated in the closing ceremony alongside HoM.

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The Mission's fifth pilot in-country activity, and the first for the judiciary, was a "High Level Summit on the Iraqi Judicial Development Strategy: Five-Year Plan 2009-2013" and took place in Erbil. The summit, attended by HoM, was an important landmark for the Mission with the main aim to assist the Iraqi judiciary in further developing their five year judicial strategy. This was the first opportunity for the Mission to provide its Iraqi judicial counterparts with strategic advice – one of the three main components of the current mandate for in-country activities. Prominent members of the Iraqi judiciary attended including the Iraqi Chief Justice (CJ) Dr. Medhat Al Mahmood.

Altogether the summit brought together 22 senior judges, court presidents and judicial officials from all over Iraq. The topics, which were agreed with the Iraqi judges, included the independence of the judiciary, the development of the judicial system, how to fight corruption in the public administration, as well as the legal culture and role of the media. The High Judicial Council (HJC) and the Mission will explore ways to work together on topics such as: provision of strategic advice in matters relating to curriculum development for judicial training; trial procedures; and, drafting of legislation. Furthermore, the Mission has been requested to consider providing training and support to a future media centre for the development of a legal and judicial culture in society, as well as developing a national strategy on anti-corruption, with a specific focus on the role of the judiciary. The Mission will carefully analyse the above input received from the Iraqi participants and devise future strategies in line with its mandate and present these for approval by the MS.

The Mission's sixth pilot in-country activity, and the third for the IPS, was the first EUJUST LEX seminar with the topic "Domestic Violence". The Mission organised the event in Erbil with 15 Kurdish participants. The course was based on European Police College (CEPOL) curricula - the first time the Mission benefited from the work of CEPOL – previously each EUJUST LEX curriculum was designed in tandem with Iraqis. The course curriculum included EU best practice with regards to police work within domestic violence. The Mission was encouraged by the participants to arrange similar courses on domestic violence in the future. The recently appointed KRG MoLSA attended the event and also delivered a lecture. She expressed her wish to personally

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attend Mission activities on domestic violence and penitentiary issues in the future. She also expressed her strong interest in receiving strategic advice to her ministry and personal mentoring assistance from competent Mission experts. This is an important development of the Mission's mandated activities.

The Mission's seventh pilot in-country activity, and third for the penitentiary, was an "Evaluation Workshop", similar to the one held in Erbil earlier. This event took place in the UK Consulate's training venue in a Contingency Operating Base (COB) North of Basra, in Southern Iraq. Nine (9) senior penitentiary officials from the Iraqi Corrections Service (ICS) attended the event. The aim was to identify future mentoring and training opportunities for penitentiary officials who had previously participated in EUJUST LEX courses in MS. The participants of the workshop reported that they found it extremely useful and had the opportunity to discuss the progress on their individual action plans. Mission staff members also assessed the course participant's future training needs. In addition the current ICS status was discussed. The Consul of the UK in Basra and Mission Senior Management Team (SMT) members were present during the closing ceremony. This culminated in the identification of a number of training opportunities for future activities for the Mission, including strategic advice and individual mentoring.

The Mission's eighth pilot in-country activity, and its second for the judiciary, focused on "Juvenile Justice". The event was the follow-up of a regional event on the same topic organised in November 2008 in Amman. It took place in Basra and brought together 9 senior representatives of the Iraqi judiciary. The event benefited from the participation of two visiting experts with relevant expertise in the area of Juvenile Justice. The closing ceremony was attended by the Deputy Consul of the UK in Basra. The purpose of the event was to bring together senior Iraqi judges and experts from EU Member States to interact and discuss the topical challenges in the area of Juvenile Justice in Iraq and possible solutions. The following topics were discussed: the procedural route followed by minors with criminal responsibility; challenges in building a functioning juvenile justice system; association of majors and minors for committing a crime; decisions - sanctioning versus reintegration; the importance and effectiveness of alternative measures - imprisonment as a last

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resort. The aim was to present the Iraqis with the best European practice in this area. The seminar successfully promoted dialogue and networking among Iraqi and European partners on a strategic level, which will improve the existing legislation and practice in the area.

Many lessons have been learned from the successes of, and problems encountered during, the Mission's first pilot in-country activities. The success factors included: careful and thorough planning; Iraqi involvement at every stage; comprehensive security and logistical plans; effective partnerships and support from others - e.g. the Civilian Planning and Conduct Capability (CPCC), the Council Security Office (CSO) and the MS. It is therefore important to note that without the willing assistance of others the Mission could not have operated in the very successful way it did. A comprehensive review of all aspects concerning these events is being concluded. The findings (in terms of security, logistics, finance, partnerships, resources, training value, etc) of these pilot in-country activities will serve as a foundation for discussion of future in-country activities.

3.1.2 EU based-interventions

Core EU based-interventions for the Mission continued as normal, despite the challenge of the previously mentioned pilot in-country activities. The EU-based training interventions comprised of:

For Police and Judiciary together

- 1 x Management of Investigation Course (in the BENELUX countries)

For Police

- 1 x Public Order Management and Human Rights (in Romania)
- 1 x Work Experience Secondment (in Hungary)
- 2 x Train the Trainer (in Denmark)
- 1 x Senior Police Leadership (in Germany)
- 1 x Major and Critical Incident Management (in Spain)
- 1 x Management of Training (in the United Kingdom)

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Penitentiary Courses

- 2 x Work Experience Secondments (in Poland)
- 1 x Senior Prison Leadership (in Italy)
- 1 x Managing Rehabilitation of Prisoners (in Spain)

For the Judiciary

- No EU-based activities took place during the period

The list includes some specialist courses which were requested by Iraqi Ministries, designed by the Mission and delivered by EU MS. The course “Managing Rehabilitation of Prisoners Programmes” was the first of its kind and took place in Spain in November.

In total, the Mission has now successfully concluded almost 5 years of operations in which it has, in cooperation and consultation with the Iraqi authorities and EU MS, designed and delivered 111 courses and 21 WES in EU MS, 3 Regional Thematic Seminars, 3 preliminary in-country events and 8 pilot in-country activities with a total of 2975 Iraqis participating (1466 police, 684 judiciary and 825 penitentiary, including 638 Kurdish and 134 female participants).

3.1.3 Visits

The Mission continues to work on strengthening its relationships with the Iraqi authorities in a number of ways including regular visits to Baghdad and the KR. In light of the current mandate and during the recently concluded pilot in-country activities, HoM held a series of meetings with several senior Ministers of the Iraqi Government, the KRG Government as well as with many key Iraqi authorities, to discuss arrangements and issues relating to in-country activities to ensure full and transparent cooperation between the stakeholders. In addition, HoM and other senior Mission staff took the opportunity when conducting missions in Iraq, and the region, to meet with representatives of other key international organisations, including, for example, EC Ambassador and EU MS Ambassadors; UNAMI and UNDP other actors working in the RoL sector in Iraq.

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In Baghdad HoM met with the Minister of Foreign Affairs (MFA). The MFA expressed his appreciation to the EU for the continued and valued support of the Mission to the RoL sector in Iraq. In the KR, HoM met with the Kurdistan Regional Government (KRG) Head of Department of Foreign Relations; the Chief Justice (CJ) and both the previous and the current KRG Minister of Labour and Social Affairs (MoLSA).

3.1.4 Collaboration with other International Interventions

HoM, DHoM and Mission staff conducted visits to Iraq and the Middle East to liaise with other international actors involved in the RoL sector in Iraq in order to exchange information and ensure complementarity of efforts. For example, during their visits to Iraq, HoM and SMT held a number of meetings with representatives of the EC, the UNAMI, UNDP and other international donors in order to coordinate efforts in the Iraqi RoL sector. The Mission received very positive feedback and reassurance that Mission activities are complementary with other international interventions in Iraq.

The Mission will continue to have a dialogue with other international organisations, in order to prevent overlapping of efforts in Iraq. During his visits, local and international partners expressed their high appreciation towards Mission pilot in-country activities.

During the period HoM participated in an "International Workshop on Peace & Capacity-building Operations: Rethinking Policing and Beyond" presenting ESDP-operations in general and the Mission specifically as a case study for the panel debate on "Sustainable Peace through International Intervention: Exploring Processes & Actors." The workshop took place in Brisbane, Australia, and HoM's intervention was sponsored by the event organiser, the University of Queensland.

During a visit to United Arab Emirates, HoM meet with the Senior Advisor at the National Police Academy to discuss future regional cooperation. Abu Dhabi (AD) has already been a location used for training of Iraqi Police and the new AD MOI senior adviser is about to launch a community

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policing project with UK police officers mentoring AD counterparts. As the IPS are specifically interested in this style of policing HoM arranged to be briefed on the progress of the project with an aim of potential future partnerships with the Mission (under the mandated regional aspects of the Joint Action).

3.2 Human Resources

After almost 5 years as Head of Mission, Stephen White concluded his work for EUJUST LEX at the end of 2009. Including HoM, the Mission recently lost 3 staff members in key posts as DHoM and one Mission Security Officer (MSO) (of the Mission's 3 MSOs) also left the Mission. Within such a small Mission this has a major impact. During this reporting period, the Mission grew significantly, mainly due to the closing of the 22nd call for contribution. Staffing numbers went up by 78%, going from 27 to 48 staff members. During the past 6-months, 22 new staff members joined the Mission :

1 Senior Rule of Law Training Expert, 1 Chief of Staff, 1 Political Advisor, 4 General Coordinators Baghdad Liaison Office (BLO), 2 General Coordinators Brussels Coordination Office (BCO), 3 Rule of Law Experts - Penitentiary BCO, 1 Rule of Law Expert - Police BLO, 2 Rule of Law Experts - Police BCO, 1 Rule of Law Expert - Judiciary BCO, 1 Reporting Officer, 1 Assisting Logistics Officer, 1 Accounting Officer, 1 Deputy CIS Officer, 1 Assistant to the Administration, 1 Local Interpreter BLO. One Mission Security Officer (MSO) decided to leave our team. In short, 48 out of 53 post are currently filled. There are currently 5 vacant posts, being 1 Rule of Law Expert Evaluation / Best Practice Officer, 1 Rule of Law Expert - Penitentiary BLO, 1 Security Officer, 1 CIS Officer and 1 Local Interpreter BLO. These 5 vacancies, together with the DHoM post, will be included in the next call for contribution, which will be launched during the 2nd week of 2010. Newly approved selection procedures are, by their nature, making the selection process lengthier and thus it is expected that new staff will only be joining the team as of April onwards.

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3.3 Financial update

After five months, 1 July 2009 to 30 November 2009, of the current 12 month budget, 1 July 2009 to 30 June 2010, the Mission shows a spending rate of 61%. Personnel costs are running at 71%. The reason for the lower than budgeted cost is that the important addition of new posts as from 1 July 2009, an increase with 43%, did not materialise in new staff joining the Mission until September and in some cases October. This also means that the spending rate will continue to grow slowly as we approach the end of the budget period, even if the staffing of the Mission remains unchanged. The Mission expenditure budget shows a spending rate of 40%. An important part of Mission expenditure is charged over bank cards which means that there is considerable lead time in processing these costs. For this reason, only a limited amount of the actual costs have been charged to the Mission so far.

For running expenditure, the Mission records a spending rate of 80%. The most important part of running expenditure is costs incurred for life support and security in Baghdad. While these costs have been low initially, they have risen substantially since October with the arrival of important new staff in BLO. Capital expenditure records a 54% spending rate. This figure tends to go up when an important tender is completed and then fall until the next tender takes place. It should continue to rise over time as more and more tenders are being completed. Regarding representation, the spending rate was 84%. The Mission has not had any Contingencies so far. The Mission anticipates that spending will increase as we move towards the end of the budget period.

A revised communication from the European Commission implies that International Contracted Staff should be transformed into Local Contracted Staff. In that case, the cost for this staff will increase with approximately 50 %. Regarding running expenditure, the costs will rise substantially following the entry into force of a new technical agreement with the UK regarding life support and perimeter security in Baghdad. From now on, the Mission will pay a fixed rate for its accommodation in the UK Embassy, whereas earlier, it only paid for days actually spent under UK duty of care. Mission expenditure will also take on a higher spending rate as more travel expenses

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get processed. Given the uncertainties provided through the many changes underway, it is difficult to predict the final outcome of Mission spending at the end of the budget period. The budget period should however end at a substantially higher spending rate than the present 61%.

3.4 Visibility: how the Mission is perceived by stakeholders and other actors

The Mission Press and Public Information (PPI) team aims to provide timely, accurate and effective communication with the public, agencies and media through presentations, publications on the official website and graphics. During the last reporting period the Mission has adopted a Press and Public Information strategy in harmony with security requirements, in close cooperation with the Council's Press Office. The Mission's official website is constantly updated with latest achievements.

Furthermore HoM has been active in raising the visibility of the Mission by being interviewed in-country and in the MS. One of the pilot in-country activities for the police in Erbil was visited by Kurdish TV having HoM interviewed on this occasion. In addition, HoM and staff members have successfully delivered lectures in the in-country pilot events. The Missions promotional DVD, brochure and factsheet, available in English, French and Arabic have been distributed to several audiences, which helps to raise the visibility of the Mission and its activities.

On 17th December in the Council Press Conference Room, Brussels, HoM conducted a press conference to media and press delegates outlining the achievements of the Mission to date.

4. POLITICAL AND SECURITY UPDATE

4.1 Political update

Political life during the reporting period was very much election dominated. After the provincial elections in January, elections were held in the KR in July followed by national elections yet to be held and scheduled for 6 March 2010. It was especially issues concerning the latter which again surfaced and clearly demonstrated Iraq's continued obstacles and challenges on the way toward a

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more stable future. In principle it is two key issues that dominate the political theatre, impact each other mutually and the security situation altogether: Division and Representation.

Firstly, in terms of division, there is a divide along ethnic and sectarian lines with Kurds and Shias seeking to reshuffle power relations after a Sunni-Arab dominated scene during the previous regime. Additionally, divides exist within individual groups, for example the Shia – Shia divide between PM Al Maliki's more nationalist oriented Da'wa Party (DWP) and Al Hakim's Islamic Supreme Council in Iraq (ISCI) representing strong federalist, rather disintegrating tendencies. The Iraqi society used to be a mixed one with inter-sectarian marriages and living situations, but post-Saddam developments, including large-scale ethnic cleansing, have established factions and forced many to adapt an identity they may not have felt as strongly about before. It is this divide which leads to fears over a lack of political representation of one's individual group, be it ethnic or religious or secular. Most if not all of the discussion about the 2010 election law took place around this very issue.

With regards to representation there have been many problems. After months of dispute, the election law was finally approved by the Council of Representatives (CoR) on 8 November, but subsequently vetoed by Vice President (VP) Al Hashemi who voiced concerns over the representation of displaced Iraqis abroad and related voting rules and procedures.

On 6 December, the CoR agreed on a compromise solution and finally passed the bill. Main points of the election law comprise an increase in CoR seats from 275 to 325; an open-list system improving the chances for individual candidates; added seats for Kurdish provinces and the Sunnis of Ninewah province; CoR seats for Christians and other minorities, and the rule that out-of-country votes will be counted in the voters' province of origin. Both, the preceding discussions as well as the veto were about fair representation and the required procedures to put such in place. Of particular relevance in this context is the question of the disputed Tamim province with its capital Kirkuk, belonging to federal Iraq but being claimed by the KR. While the KRG and political parties assert that the continued influx of Kurds into the province consists of those who had been dispersed

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under the Saddam regime, mainly the Arab and Turkmen population allege that these “returnees” were actually people who had never lived there. To date no viable arrangement on power and wealth sharing as well as on territorial boundaries has been reached.

All of the above impacts negatively on the security situation but equally represents the key for positive change. If and when hostile actors can be convinced to join the political process, security improves. This fact has been demonstrated in the overall dropdown in death rates in 2009 which is mainly attributed to the fact that Sunni parties and former insurgents decided to participate in the political process around the provincial elections in 2009 after having boycotted them in 2005. Whether this trend continues will depend on the next Iraqi government and its true dedication to work toward an inclusive society.

At the time of writing this report, no predictions can yet be made as regards the possible outcome of the elections. However, it is expected that none of the main parties and coalitions will emerge with a clear majority. On 9 December the Independent Electoral Commission of Iraq (IECI) released the official coalition list. 14 coalitions are found on this list of which less than half can be considered competitive. With some degree of simplification the, arguably, most significant coalitions can be grouped as follows: On the nationalist and centralist side the Al Maliki / DWP led State of Law coalition; Unity of Iraq, a largely cross-sectarian and cross-ethnic coalition with MoI Jawad Al Bulani and prominent Anbar tribal leader Ahmad Abu Risha; the Iraqi Nationalist Movement with VP Al Hashemi, former MP Iyad Allawi and PM Saleh Al Mutlaq. On the rather ethnic / sectarian and decentralist side the newly founded, Iran influenced and Shia dominated Iraqi National mainly comprising the Islamic Supreme Council in Iraq (ISCI) and the movement of Muqtada Al Sadr as well as former PM Al Jaafari. Furthermore, there is the parliamentary bloc Kurdistan List with its own obvious interest in a decentralised Iraq. Forming a new government is likely to take weeks if not months, but nevertheless, for EUJUST-LEX it will be crucial to maintain the existing good relationships with Iraqi authorities and officials and to create new bonds when and as soon as possible new counterparts are in office.

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4.1.1 Human Rights

Iraqi media and International media announced that Iraqi authorities plan to execute more than 1000 detainees, of which 17 women, before the election early next year. Many of the condemned prisoners have been convicted of offences such as murder and kidnappings. Amnesty International and other International organizations strongly suspect that most have been sentenced after unfair trials.

In separate news, media sources also reported the upcoming execution of up to 126 women by the end of the year. These women are reportedly being convicted of having served under Saddam's Government, or convicted of common crimes based on confessions obtained under torture. It is not clear whether these women are part of the above-mentioned 1000 detainees. Both reports continue to point at death sentences in Iraq being administered after unfair trial and/or based on confessions obtained under torture; both of which are severe violations of the Iraqi penal code and HR.

Indeed, it appears that the government is trying to present itself as being tough on crimes and capable of overcoming the difficult security situation in the country, especially in light of the recent incidents to have hit Baghdad. Opposition politicians have expressed concern that executions may be carried out to allow the ruling al-Da'wa party to gain political advantage ahead of elections.

Minority protection continues to be an issue severely impeding Iraq's stability. According to a report from Human Rights Watch (HRW), ethnic minorities living in Northern Iraq face a HR "catastrophe" as Arabs and Kurds vie for control. The report indicates that Yazidis, Shabaks and Christians continue to face attacks by Sunni Muslim extremists (bombings, targeted attacks) and harassment by Kurdish forces (arbitrary detention intimidation). HRW report focused on the province of Nineveh which is one of Iraq's most ethnically diverse province which is being claimed by both Arab and Kurdish leaders.

4.1.2 Kurdistan Region

In July 2009 the autonomous KR held elections for the Kurdistan Parliament with 2,5 million registered voters. The Kurdistan List, a coalition of the two major Kurdish parties (Kurdistan Democratic Party and Patriotic Union of Kurdistan) gained 59 MPs and thus formed the government, with significant challenge from the newly established Change (“Goran”) List with 25 MPs. EUJUST-LEX continues to maintain good relationships also with the new government. In November, HoM met in Erbil with KRG MoI Karim Sinjari and KRG Head of Department of Foreign Relations Falah Mustafa Bakir as well as with the newly appointed MoLSA, Ms. Asos Najib Abdullah. All assured the Mission of the KRG’s continued support. Minister Abdullah subsequently gave a presentation during a Mission course on Domestic Violence and expressed her strong interest in the Mission providing strategic advice to her ministry as well as in the Mission’s mentoring assistance.

4.2 Security

The reporting period saw two different developments: An improved general security situation on one side as well as three large scale bombings on the other. The Iraqi security forces, with Multi-National Force-Iraq (MNFI) support, continued to make significant progress in fighting violence. Both, the number of incidents as well as the number of civilian casualties decreased considerably. The month of November, for example, showed the lowest death rate since the beginning of the Iraq invasion in 2003. As compared to 2008, numbers went down 50% with another 10% reduction as compared to the first 6 months of 2009. However, terrorist organizations and insurgent groups continued their attacks on MNFI and Iraqi Security Forces using Improvised Explosive Devices, including Vehicle Borne IEDs. Nevertheless, as per Status of Forces Agreement, from 1 July all Coalition forces withdrew to barracks and are no longer engaged in day-to-day operations on the streets. Iraqi forces have assumed full responsibility for security in all of Iraq’s 18 provinces including Baghdad and the International Zone (IZ). Iraq’s intelligence services continued to improve in both capability and confidence, but will need ongoing support before they will be able to

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effectively identify and respond to internal and external terrorist threats. The ISF achieved strategic victories over insurgent cells in Baghdad and Anbar, but nevertheless insurgents still manage to retain some pockets there. An increase in deadly attacks carried out by Al-Qaida Iraq (AQI) was recorded in the provinces of Ninewa and Diyala.

Despite a considerable improvement in overall security, the reporting period witnessed four major bomb attacks (19 August, 25 October, 8 December and 15 December) killing hundreds and injuring 1000s of Iraqi civilians. The attacks were largely interpreted as a worsening trend in violence after the American withdrawal from city centres. However, when looking at the facts, different and less gloomy conclusions are equally justifiable. Firstly, it is important to note that the three bombings follow a certain pattern of violence which shows ups and downs in a by-monthly rhythm rather than a constant rise. Against the prevailing trend of reading these incidents, the ebb and flow in violence may as well be seen as a sign of the relative weakness of extremist individuals and groups since it shows that they are only able to launch large attacks every other month as opposed to much more frequent previous attacks. Moreover, it is important to realise the different trend in terror which these attacks represent. As opposed to a strategy of blind terror targeting certain population groups as a whole (“the Shias”, “the Sunnis”), last 6 months’ attacks targeted specific government institutions allegedly dominated by Shia parties or judicial institutions representing the rule of law. Additionally, circumstances strongly suggest that there is no correlation between mass bombings and the overall security situation. Whilst mass attacks always take a high death toll, the general security situation, as pointed out above, has significantly improved. However, during the continued run up to the elections in March an increase in politically motivated violence can be expected. It remains important, however, to realise that this is not an end point but part of a future development which is yet to be shaped. Much will thus depend on the willingness and ability of the next government to genuinely work towards real reconciliation and inclusiveness.

Another area with potential implications for peace and security is the North of Iraq. Whilst the situation within the recognised territory of the autonomous KR is relatively stable, it remains volatile in those territories disputed by Kurds, Arabs, Turkmen and other national minorities, especially in and around the cities of Kirkuk and Mosul. Article 140 of the Iraqi Constitution

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provides for a referendum on redrawing the line separating the KR from the rest of Iraq. However, while the Kurdish side insists on article 140 to be implemented, mainly Arabs and Turkmen resist, favouring a power-share deal accommodating all of the different groups. In the meantime, tensions remain high between central Baghdad and the Kurdish authorities with the Kurdish own military force, the Peshmerga, and the ISF facing each other at the partially undefined borderlines.

5. WHAT POSSIBLE CHANGES SHOULD CPCC CONSIDER FOR THE NEXT REPORTING PERIOD?

5.1 Mandate extension/new financing period

On 24 March 2009, the Political and Security Committee (PSC) agreed that EUJUST LEX should be extended for another 12 months until 30 June 2010. During this period the Mission should conduct, in addition to continuing its core business, a pilot phase including activities in Iraq. To the Iraqis and the international community this is a very positive sign of EU commitment for Iraq albeit in some quarters it is overdue. Clearly there are a number of critical factors which will have an impact on the implementation of the mandate – specifically, but not exclusively, the security situation.

EUJUST LEX has commenced initial consideration of plans and possible preparations for the period beyond June 2010 (based on Iraqi needs and priorities) in line with Member States and CPCC guidance. The Mission is putting particular emphasis on analysing and including the experience gained during its recently conducted pilot in-country activities. Clearly one of the key challenges over the next few months (January to March 2010) will be delivery of more in-country events – while at the same time, assessing them and making recommendations for extension of the mandate beyond June 2010 – and offering specific proposals for interventions during any extension.

5.2 Suggestions for PSC discussions and strategic guidance

HoM made a presentation to CivCom on 16th December on the results of the first 8 pilot in-country activities as well and the most recent EU-based interventions along with issues and challenges for the future. The Mission intends, to concentrate their efforts over the first few months of the next

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reporting period on planning and delivering another full series of pilot in-country activities. These and the experiences and lessons learned from the first set of in-country interventions, will hopefully enable HoM and CivOpsCdr to present meaningful recommendations for the future of EUJUST LEX after July 2010 in due course.

6. LESSONS LEARNED

The Mission has used the opportunity of the past 8 pilot in-country activities to learn experiences for future in-country interventions. Clearly there are many “lessons learned” to be considered for arranging future in-country activities. Below are some of the most important observations.

When delivering in-country activities the number of Mission staff present at the location should be carefully considered to constantly have the optimal amount of staff on each location. It is also important the Mission ensures there is an advance party of key Mission staff present at the training location 2-3 days prior to the start of the activity. In order for the Mission to fulfil its mandate to carry out strategic advice and mentoring, it would be advantageous if the total number of Mission Security Officers (MSOs) was increased to ensure flexibility with regards to mobility when in-country (as each in-country visit must be accompanied by an MSO). Overall it would be relevant for the CSO to carry out a review with regards to the current security restrictions in the North and South to better make use of the few MSOs working with the Mission.

Further it could also be beneficial for the Mission to create a bank of national interpreters of high quality in order to have better access to interpreters to serve increased demand with more future in-country activities. Also communication with the Iraqi ministries needs to be improved to ensure hotel accommodation is not booked for participants (as originally requested by the ministries) and later not used (because some local participants decided to return home in the evening). Another “lesson learned” is also that it is beneficial to have a close relationship between local suppliers in-country such as hotels, to more easily resolve some logistical aspects of training activities.

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Finally, issues relating to body armour must be considered comprehensively (again). For example, the current requirements for Mission staff to use body armour while in-country can cause problems and delays at certain airports. Hopefully, with better cooperation from airport security personnel, the transfer of body armour will become more efficient. This issue arises because Mission experts are operating in different parts of Iraq and personal armour must be carried for each intervention.

7. PLANNING NEXT SIX MONTHS INCLUDING MISSION'S OBJECTIVES FOR NEXT REPORTING PERIOD

In line with the CivCom advice adopted by PSC, and the Joint Action, the Mission will continue its EU-based interventions by designing, coordinating and delivering training interventions – courses and WES - in EU MS. In addition, the Mission will aim to meet its in-country targets for the 4th phase, namely: conduct up to 18 pilot in-country activities for the Iraqi police, penitentiary and judiciary; provide strategic advice; and initiate mentoring in the above disciplines. There are many “critical success factors” to which attention will be paid to throughout the next phase.

On the "plus side" there are many solid foundations for in-country activities to be built on:

- the excellent technical and strategic partnerships which the Mission has forged with key stakeholders in the Iraqi Government - the PM Office, MOI, MOJ, MFA, CJ etc.;
- the critical mass of almost 3000 EUJUST LEX alumni, many of whom are in key positions within the Iraqi CJS;
- the partnerships with other stakeholders within the international community (IC) who are assisting RoL in Iraq - EC, UN, USA, bilateral interventions by MS etc.;
- the "lessons learned" from the recent pilot in-country activities mentioned in this report;
- the support of MS already mobilised (in EU, the region and in Iraq) over almost 5 years.

Clearly, however, there are concerns and challenges:

- the volatile unpredictable security situation and how ISF will cope;
- the pace of political development and community reconciliation as elections draw nearer;
- the need for alternative training venues in-country. This necessitates further research on the locations currently used (Baghdad, Erbil and Basra) and later approval from the CSO.

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Of specific concern for the Mission is the "how to?" question. In other words, how best to:

- strike the correct balance between EU-based interventions and pilot in-country activities;
- mobilise EU visiting experts in-country;
- provide strategic advice to the CJS authorities in Iraq;
- provide follow-up and mentoring to former EUJUST LEX participants in-country;
- safely deliver in-country training to Iraqi CJS professionals.

But much work has already been done in all of the above issues.

8. COMMENTS BY HoM

The Mission has now successfully completed almost 5 years of its operational phase. In the last six months, EUJUST LEX training interventions continued to receive positive endorsement from the Iraqi Government and key ministries dealing with CJS issues. Strategic and technical partnerships with the Iraqi authorities, the MS and other international actors involved with RoL activities for Iraq have been strengthened and reinforced. New interventions – in EU Member States and in Iraq - have been successfully implemented. It is clear that the Mission now faces a challenging next phase during the incoming period.

While each of the Mission's RoL teams has some clear ideas as to what future activities in country might look like, clearly there are still some big questions to be asked. These relate, in simple terms, to the balance which can be achieved between Iraqi requests and Mission deliverables. In the case of Iraqi needs they are many and varied, so priorities need to be identified which relate to the Mission's strengths and potential. In the case of "Mission deliverables" this depends on: the security situation, political will, the strategic directions given by PSC to the Mission, the resources available (financial, staff, expertise) and logistical support. Selection of topics for future work, the objectives of interventions, their locations, the styles of event and the resource requirements are all currently being explored.

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Finally, as this is my last report as HoM, I would like to record my sincerest gratitude to the MS, the Presidencies, CPCC and all other institutional partners (such as the EC, CSO, the cabinet of the SG/HR, Council Press Office) for affording me the privilege of holding the office and leading the Mission. I am indebted to the Government of the Republic of Iraq and its many ministers and representatives including its ambassadors to MS for all their support. I wish the new HoM and the Mission every success in the future. Most of all I wish to see Iraq fulfil its potential in every way possible in keeping with its own, and the European Union's, vision of success. I am grateful to all who have helped me and the Mission contribute in a small but, I believe, significant way, to the promotion of rule of law and protection of human rights in Iraq.

Stephen White
Head of EUJUST LEX Mission
Brussels
31 December 2009

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