

REPUBLIC OF IRAQ COMMISSION OF INTEGRITY



Summary Annual Report 2015

Annual Report 2015

CoI Commissioner's Statement

In the Name of Allah the Most Gracious, Most Merciful
(And seek not corruption in earth for Allah loveth not the corruptors)

It may not be hidden from any observer that corruption has become a global phenomenon from which all the world countries suffer, through its levels differ among countries.

Iraq - as other countries - suffers from this phenomenon, which resulted in establishing oversight agencies to limit it. Although the Commission of Integrity (CoI), Board of Supreme Audit (BSA) and Inspectors-General (IG) offices do work on thwarting corruption in the state's institutions but they cannot alone succeed in this task unless all the efforts unite in this field.

Needless to say that eliminating corruption is not a task related to the core of the oversight agencies' work due to their limited competence, but it is a responsibility lies basically on the Legislative Authority (the Parliament) which main competences are limited to two tasks; legislation and oversight. It is also the task of the Executive Authority (basically the government). The point of saying this is that the task of the parliament and government in eliminating corruption - in cooperation with the oversight agencies - does not need evidence or documents to be submitted to justice; however, it is confined with the collective responsibility for clearing away corruption and not granting any corrupt any position in the state. In this quest, the government and parliament don't necessarily need evidence and identification documents, unlike the oversight agencies which work needs to submit sufficient and convincing evidence to justice for the purpose of issuing verdicts against those who are accused of corruption, otherwise these agencies cannot directly fight corruption.

It's obvious for any judicious person that the process of collecting sufficient and convincing evidence against any accused person, is a super hard process, especially when there are some who are cunning in hiding evidence and leaving no trail behind, making it an obstacle before the oversight agencies in this regard.

Moreover, the responsibility of the oversight agencies comes mostly after a corruption act takes place. Then, they come to solve these cases, not eliminate them, for eliminating corruption needs an integral system and collective efforts.

Based on the above mentioned truth, CoI sought in 2015 to carry its responsibility in fighting corruption - within the limits of its legal competence - through multiple approaches; some of which are direct, leading to fighting corruption directly, and others are indirect, representing a pathway for fighting corruption. Generally, the most important of these approaches can be summarized as follows, and you may find their details and other details within the report.

First: Indirect approaches

- 1 – Development of a platform- work program of Col's headquarters, in order to move accordingly and scientifically studied, away from improvisation, especially the fight against corruption needs for a scientific approach accurately studied.
- 2 – Develop an organizational structure for the Commission- as an institution, this structure was completed, internal system has been developed which it is under execution by the Ministry of Plan\ national center for managerial development.
- 3 – Develop a draft of anti-corruption national strategy by a competent committee, this committee is about to finish, as well as, a national standard was developed to determine anti-corruption indicators.
- 4 – Continued coordination with judicial authority and the Higher Judicial Council, with a view to remove obstacles facing oversight bodies generally and Col in particular.
- 5- Convening of seminars, conferences and workshops which eventually contribute in disseminating honesty and integrity culture, reject corruption which it considered one of the main responsibilities resides with the Commission. The law requires the Commission to do so; its role

was not confined with thwarting of addressing corruption in the State institution.

In implementing to this commitment, Col executed this via coordination with civil- society institutions, media and universities.

Second: Direct approaches

In 2005, Col took direct approaches for fighting corruption, via several actions; most of them were classified as new procedures in the Col's history, but some of the regarded new in the history of Iraq. Generally, the most important procedures may be summed up as follows:

1 – Implementing Act regulating Col's work in a fair and strict way on all exercises of corruption without being affected by external influences.

2 – Forming the field, investigative and audit teams, this represented an in-kind shift. Where the Commission took the initiative, through this approach, moved to the ministries and opened all their files for the purposes of auditing them. It is known that this approach aims at fighting what is conventionally called – the big-scaled corruption.

3 – Forming the field, confidential and inspective teams, which moving to some of the States institutions, which have direct connection with citizen, for addressing extortion cases of unscrupulous. Obviously, this approach aims at fighting – conventionally, the small-scaled corruption.

4. Issuing decisions by the presidency of commission to implement the travel ban against some accused persons in the corruption cases in order to restrict and urge them to return to justice for settling their legal situation. These decisions included those who are in the position of the responsibility currently; some of them are senior officials.

These decisions issued according to the provisions of applicable COI's law no.(30) in 2011, and its issuance is a pioneering step happens for the first time in the commission's history and the history of the oversight bodies since its establishment, and the results of these decisions have emerged,

after returning a large group of those accused of these cases to justice and settling their legal situation negatively or positively.

5- Opening the file of money inflation and illegal gain for the first time in the history of Iraq, as this file has not been activated before and referring senior officials to the judiciary based on the case of illegal gain.

Perhaps many of the observers do not know the extent of the difficulties faced by the Commission in this file, and some of these difficulties are the lack of evidence and the difficulty in finding it and the lack of cooperation from other parties in presenting or providing evidence as well as the attack against the Commission by each official referred by the Commission to the judiciary, as well as the attack on the Commission by the political bloc to which the official belongs

On this occasion, we affirm that the Commission of Integrity is a constitutional, independent, professional and neutral constitutional body that does not belong to this party or that and it is subject only to the law

The Commission has taken upon itself to fulfill its legal responsibility, despite the difficulties and hostility of some of those accused and referred to the judiciary by the Col.

The Commission will continue its reforms and fighting corruption in accordance with its legal competence. On this occasion, it calls upon the concerned parties to adopt its previous proposals concerning the expansion of its powers, such as linking I.G's offices to Col and amending some of the penal provisions contained in the Penal Code as well as some provisions of the Code of Criminal Procedure In line with the current situation that requires tougher sanctions and more comprehensive treatment.

Dr. Hassan Al-Yassiri
Col Commissioner

Hereunder the most significant indexes executed by the directorates and investigation offices except for the hot provinces (Nenava, Anbar, and Salah Al-Din) in 2015 and according to the following details:

First: The total number of tips, information and criminal cases was (18969), settled cases (13067) and the percentage of the settled cases (69%) according to the following detail:

Details	Total number	Settled cases	
		number	Percentage
Tips	1418	1418	100%
Information	4536	3262	27%
Criminal cases	13015	8387	64,5%
Total	18969	13067	69%

Second: the received tips reached to (1418) for 2015, anonymous tips were totaled (417) with a ratio of (4,29%), not anonymous (1001) with a ratio of (59,70%). The total percentage of execution for the tips was (100%).

Received tip	Number	Not anonymous	Anonymous
Recorded as information	1044	789	246
Referred to other entities	291	158	133
Unified with information	83	45	38
Total	1418	1001	417

Third: Information and taken procedures

The total numbers of the received information executed by Col in 2015 are (4539), with the following details:

Total number	4536		
	1853	85,40%	Referred as a criminal case
	1274	28,05%	Under following- up
	1313	28,95%	Settled by Col
	96	2,12%	Unified with other cases

Total number	Under following- up	Executed	Execution percentage
4536	1274	3262	72%

Fourth: Criminal cases and taken procedures:

The total number of criminal cases executed by Col in 2015 is (13015), cases that were settled (8387) with the following details:

Total number	13015		
	4628	35,56%	Under investigation
	2540	19,52%	Referred to the court of subject
	3326	25,55%	Closed by the competent courts of corruption cases

	1792	13,77%	Referred to other courts for the non specialty
	729	5,60%	Unified with other cases by a verdict of the competent court of corruption cases

Total number	Under investigation	Executed	Percentage of execution
13015	4628	8387	64,5%

Fifth: The number of the accused referred to the Court of Subject is 3955, among them there are 18 ministers* and others ranked ministers against whom 32 referral decisions were issued, and 185 of those who are on special positions, Directors-General (DGs) and those ranked DGs against whom 326 referral decisions were issued.

Sixth: The Arrest Orders and Habeas Corpuses

A- Arrest Orders

The number of judicial arrest orders has reached 2719, 772 of them were executed while the unexecuted ones are 1146.

Percentage of execution is 40%

The number of the ministers and those ranked ministers against whom arrest orders were issued ministers* was 18, while the number

* The word (minister) refers to the current and former ministers, the same applies to those of equal ranking to a minister.

of arrest orders issued against those on special positions , DGs and those ranked DGs was 100.

B- Habeas Corpus

The number of judicial habeas corpus reached 5627, 3568 of them were executed, while the number of the unexecuted ones by the competent entities is 1057.

Percentage of execution is 77%

The number of the ministers and those ranked ministers - against whom 52 habeas corpus were issued - was 27, while 505 habeas corpus were issued against 247 who are on special positions, DGs and those ranked DGs.

Judicial orders	Total number	Number of orders executed	Numbers of unexecuted orders by competent entities	Ministers & those ranked ministers		special positions, DGs and those ranked DGs.	
				Their number	Number of orders issued against them	Their number	Number of orders issued against them
Arrest Orders	2719	772	1146	18	27	100	162
Habeas Corpus	5627	3568	1075	27	52	247	505

Seventh: Detention Orders

808 judicial detention orders were issued on corruption cases, 18 of them were issued against 16 accused from those on special positions, DGs and those ranked DGs.

Eighth: Issued Provisions of Conviction and Release

The number of issued (conviction - release) provisions in 2015 were 1961. 1081 of them were conviction provisions against 1313 accused; 9 of them were ministers and those ranked ministers against whom 10 conviction provisions were issued and 54 of those on special positions, DGs and those ranked DGS against whom 63 conviction provisions were issued.

Ninth: Seizure Operations & Seized Money

The Commission executed 68 seizure operations, 16 of them were executed by Baghdad Investigation Directorate and 52 operations were executed by the investigation directorates and offices that belong to this Commission in the other provinces, where the number of the red handed accused was 109 along with a large number of exhibits.

Tenth: Public Funds recovered, judicial verdicts of recovery and waste of public funds prevented>

The public funds recovered, mismanagement and waste halted or ordered to recover by judicial verdicts amount to **760,511,444,426** Iraqi Dinars and **343,524,909** American Dollars, which amounts in total to **1,169,306,086,136** Iraqi Dinars, detailed below:

A- Assets Recovered:

37,528,859,617 Iraqi dinars were recovered as results of corruption investigations.

B- Public Funds Recovery ordered by judicial verdicts:

The judicial verdicts ordered the recovery of 11,488,660,803 Iraqi Dinars and **43,524,909** American Dollars, which amounts to **63,283,302,513** Iraqi Dinars in total. The aforesaid verdicts are 35 for the sum in Iraqi dinars and 3 verdicts of recovery for the sum in American Dollars. The first of the latter is a verdict regarding a manipulation of real estate status registry to be used in making baseless mortgages in the Iraqi Trade Bank in Najaf. The funds recovered in the aforesaid case amounts to **22,708,285** American Dollars. The second verdict of recovery for the sum in American Dollars amounts to 19,980,539, and the third amounts to **836,085\$**. It should be noted that a number of the said recovery verdicts have been rendered imperative and final. The imperative and final recovery verdicts ordered the recovery of **4,317,976,040** Iraqi Dinars.

C- Public Funds Waste Prevention

The Commission's investigations lead to preventing the waste of public funds by halting illegal payments that amounted to **711,493,924,006** Iraqi Dinars and **300,000,000** American Dollars. This makes the total amount of illegal payments that were prevented **1,068,493,924,006** Iraqi Dinars.

Eleven: Financial Status Disclosure

A- The total number of financial disclosure statements received in 2015 is **21,072.**

B- The Officials covered in the disclosure statements are:-

#	Position	Response Rate
1	Presidency of the Republic	100%
2	Prime-Ministership	75%
3	Presidency of the Parliament	100%
4	Ministers of the Cabinet	100%

5	Commissioners and those of equal ranking to Ministers	100%
6	Members of the Parliament	59,5%

C- Audit financial disclosure report of the state senior officials and the security services.

Inflation scrutiny of the funds of covered person is very critical and difficult task, as it may increase the available information and the allegations about enrichment of some officials in return for lack of supporting evidence for these allegations. In spite of the existence of a section in the prevention office which is one of the commission offices specialized with auditing and reviewing the financial disclosure reports of the covered persons to define the inflation in their funds, the commission has paid a special attention to this topic particularly with regard to the senior officials of the state and the security service and for that CoI commissioner issued a ministerial order to form a higher committee under the presidency of CoI deputy commissioner and the membership of some D.Gs and other CoI employees, tasked with the following:

- 1- Reviewing the financial disclosure reports of the state senior officials and the security service and identify the names of the suspected with enriching their money or illegal gain.
- 2- Prepare files and present report in each case, together with the appropriate recommendation to CoI commissioner for review to referral to the judiciary.

The committee has taken several measures to achieve this task, including:

- a- Prepare a list included the names of some officials in the state and security service.
- b- Instruct the competent offices in the commission and the support committee to investigate the funds of some names appeared in the list.
- c- Instruct the extradition office to take the necessary measures in coordination with Iraqi embassies in the countries expected to keep funds belonged to the names mentioned in the list.

The committee finished phase 1 and 2 of its work after it had prepared a list included the names of a large number of the state officials and security service, and it reached the following results:

1- Contacting the competent offices to scrutinize and investigate the movable and immovable property of the state senior officials, their spouses, sons and brothers inside and outside Iraq.

2- It appeared that 48 names that appeared in the list have violations in their financial disclosure ranged between non-conformity between their financial disclosure with what they have, enrichments and fund inflation or abuse of function.

The measures above mentioned is consider a new action by the commission in spite of its difficulty and the difficulties in obtaining information.

Twelve: files of receiving wanted fugitives and recovering smuggled money:

1- Statistics of what COI worked on of receiving wanted fugitives
COI dealt with 540 files of receiving of wanted fugitive as follows: 167 files were complete and 81 files were prepared in 2015 exclusively.

According to the following details:

File stage	Files of 2015	Files of former years	Total
Ready	81	86	167
Under preparation	105	208	313
Closed	25	35	60
Total of files	211	329	540

Distribution of statics of what COI worked on of receiving wanted fugitives according to the position:

File stage	Minister and ranked minister	Special position, DGs and those ranked DGs	Under DG	Total
Ready	24	72	71	167
Under preparation	6	58	249	313
Closed	2	-	58	60
Total files	32	130	378	540

It should be noted, that the activity of commission performance at the speed of supply the file of receiving fugitives, has risen significantly, where the number of the available files (34) files in 2013, and rose to (56) in 2014, then (81) files in 2015.

2- Statistics of recovery files of smuggled funds

A Statistics of what COI worked in the files of smuggled funds recovery:

The commission completed (100) files to recover the smuggled funds, supplied (37) files of it, were (26) files has supplied exclusively through 2015, according to the following details:

File stage	2015 files	files of former years	Total
Ready	26	11	37
Under preparation	33	9	42
Closed	9	12	21
Files total	68	32	100

As The statistics distribution was in the files of smuggled funds recovery of what COI worked according to the position as following:

File stage	Minister and those ranked minister	Special positions, DGs and those ranked DGs	Under the degree of director general	Total
Ready	4	10	23	37
Under preparation	2	12	28	42
Closed	-	9	12	21
Files total	6	31	63	100

Statics of recovered smuggled money files opened during 2015 only

File stage	Minister and ranked minister	Special position, DGs and those ranked DGs	Under DG	Total
Ready	1	7	18	26
Under preparation	-	9	24	33
Closed	-	1	8	9
Total files	1	17	50	68

Thirteen: Travel ban decisions

Travel ban decisions were issued by CoI headquarters for the first time in its history. The said decisions involved some of those accused in corruption cases, including a number of ministers or those of equal ranking. They also involved MPs, special ranking officials, governors, chairmen of provincial councils and DGs. The number of those involved amounted to 334, including 20 ministers or those of equal ranking and 314 of special ranking officials, DGs and those of equal rank.