

DIRECTORATE OF LEGAL AFFAIRS

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A legal directorate is key in any government agency. The Commission's Directorate of Legal Affairs (DLA) has a unique characteristic among the legal directorates of other government institutions. The Col Law 30/2011 gave this Directorate the right to propose anticorruption legislations that promote the culture of honesty, integrity and transparency. It provides legal opinion on matters referred by the Commissioner's Office, Col directorates, IGOs, ministries and bodies and departments not associated with a ministry and pursues corruption cases referred to the judiciary and investigated by Col investigators or others.

These tasks are performed by the employees of various DLA departments and sections as follows:

Personnel by Academic Qualification

Postgraduate	Bachelor's Degree	Diploma or Less	Total
9	64	16	89

Personnel by Specialization

Law	Computers	Other Specialties	Total
60	10	19	89

DLA Key Tasks

- 1- Prepared and took part in preparing 4 draft laws as well as some researches and studies tackling anticorruption issues.
- 2- Continued to compile all national transparency and anticorruption legislations issued since 1917. These have been classified by **COI** as "valid" and "invalid" to facilitate referencing issues as follows:

Legislations in Force	Legislations Repealed	Total
675	1770	2445

The DLA reclassified all legislations by content and it is still editing the previously compiled anticorruption legislations to ensure proper wording:

No.	Category
1	Constitutions
2	International Conventions
3	Penal
4	Civil
5	Regulatory Procedural Laws
6	Control Procedural
7	Civil Service
8	Financial
9	Transparency

- 3- The DLA presented 7 anticorruption researches, studies, research papers including recommendations to tackle this criminal phenomenon.
- 4- The DLA continued to represent **COI** before civil and criminal courts and other judicial authorities in which **COI** is a side. The **COI** initiated 16 penal cases against others, of which 2 have been won. It initiated 5 cases against others before the court of first instance and won 2 of them. The others initiated 3 cases against **COI** before the court of first instance and the **COI** won 1 of them and lost 2. The number of cases initiated against **COI** before the Public Discipline Council reached 17; it won 4 cases and lost 1 while the other 12 cases are still under pleading.
- 5- The DLA challenged 193 judicial decisions issued by the investigating judge, 18 of which were revoked by the criminal court (as a court of cessation) and 121 were issued by the trial court (court of felonies and misdemeanors) were brought before the federal court of cassation and the appellate court.
- 6- The DLA gave legal opinions on matters referred by the Commissioner, his deputy or other **COI** directorates as follows:

Number of Consultation Requests Received by DLA	Rolled Up	Accomplished	Percentage
1119	113	1006	90%

- 7- The DLA continued to prepare monthly statements on the corruption cases referred to **COI** investigation offices. The reports included accurate statistics, corruption values, positions of the referred individuals, etc.
- 8- The DLA continued to prepare monthly statements on the convictions against defendants in corruption cases within the jurisdictions of investigation offices, notify the relevant employers and send these statements to Al-Nahar newspaper for publishing.
- 9- Followed up and accomplished issues related to the **COI** directorates, ministries and bodies and departments not associated with a ministry as follows:

Follow-up Cases	Rolled Up	Accomplished	Percentage
32	11	21	68%

- 10- The DLA continued to document, follow up and index all committees (investigative and non-investigative) created in **COI** whether by the Commissioner, his deputy or other **COI** directorates as follows:

Ser.	Committee Type	Number of Committees
1	Committees created in COI and supervised by DLA	346 (including 223 investigative)
2	Internal Committees	71
3	External Committees	28
4	Work Groups	24
5	Staff Questioning Files	59
6	Inclusion Committees	14
7	Total of values related to inclusion committees	31,525,232 Thirty-one million five hundred and twenty-five thousand, two hundred and thirty-two dinars.

- 11- The DLA continued to publish the names of dismissed employees as received from their respective employers on the **COI** website (51 names are already published).
- 12- The DLA certified 253 assurances and guarantees.

Below is an Overview of the Activities of all DLA Departments.

Legislation Drafting Department

This Department proposes anticorruption draft laws or amendments to effective laws and diagnoses inconsistencies in these legislations. It examines and document international anticorruption MOUs, agreements, treaties and initiatives and collects, review and harmonize the national and international anticorruption conventions. It also documents and follows up various measures taken in respect of corruption-related international agreements and initiatives and documents and follows up the **COI** measures in respect of its international initiatives toward various stakeholders and signs related MOUs.

- 1- Below is an overview of the achievements covered by the Legislation Drafting Department (studies and research):

• The Department employees:

presented 2 researches and studies, 3 research papers and 4 legislative proposals as follows:

No.	Subject of the Study or Research Paper
1	Research paper on certain legal and technical obstacles to COI work
2	Study and proposal on the selection of civil servants
3	Research titled "Explanation of the COI law no. 30"
4	Research on (official holidays)
5	Research on COI responsibilities as specified in its new law
6	Draft law for determining the value of gifts
7	Draft law for the Contract Authority
8	Draft amending the COI law
9	Draft amending the law of provincial councils

2- participated in 6 courses and workshops.

3- acted as chairs/members in 42 investigative committee.

4- presented 48 statements of opinion on various subjects referred to the Department.

5- **COI** Representation:

No	Subject
1	Representing COI in the Iraqi Bar Association
2	Representing COI in the "Oil industry challenges in Iraq" conference, 2012
3	Representing DLA in the workshop held at the Office of the MoHR Inspector General

Studies and Research Department

This Department conducts legal studies and researches on various anticorruption areas. These provide findings and recommendations, include efficient reviews of the legislations under question and evaluate anticorruption studies and researches prepared by **COI** employees and referred to this Department by the Commissioner, his deputy or the DLA DG. This department also collects and analyzes available information, prepares reports and studies on corruption manifestations in public and private sectors using scientific and statistical methodologies by its Information Analysis Section.

Below is a list of the Studies and Research Department activities from 1/1/2012 to 18/10/2012 when Ministerial Order no. 3784 dated 18/10/2012 abolished it after establishing the Research and Studies Directorate.

- 1- The Department produced two studies:
 - The actual and potential role of **COI** in raising the efficiency of its investigators.
 - Obstacles to international cooperation in the field of assets recovery.
- 2- The Department employees presented 41 statements of opinion.
- 3- They participated in 15 investigative, legal, administrative and technical committees.
- 4- They participated in 6 courses in various fields.

Lawsuits Department

This Department represents **COI** before courts of law and judicial bodies and committees. It indexes all cases referred by investigation offices to the trial court, follows up these cases with Al-Rasafa and Al-Karkh investigation offices pending the issuance of a final ruling. It also indexes and keeps a record of all decisions issued by the competent courts and challenges decisions in accordance with the rules of procedure.

Below is a list of the Department achievements from 1/1/2012 to 31/12/2012.

- 1- Issuing 470 motions to appeal as follows:

No.	Number	Subject
1	254	Lawsuits before Al-Rasafa Criminal Court within its cassation jurisdiction, where the decision of the investigating judge has been appealed
2	192	Lawsuits before the Federal Court of Cassation and the Court of Appeal within its cassation jurisdiction
3	24	Lawsuits reversed before the Criminal Court within its cassation jurisdiction

- 2- The number of cases in which **COI** is party reached 182 as follows:

No.	Number	Subject
1	154	Lawsuits filed against COI before the Higher Judicial Council: 13 cases have been closed (3 in favor of the claimant and 10 in favor of COI) and 141 cases are still under pleading
2	6	Lawsuits filed by a third party before trial courts: 4 won by COI and 2 by the claimant
3	6	Cases initiated by COI before the court of first instance, of which 4 cases were won by COI
4	16	Criminal cases initiated by COI against others: 1 has been closed and the remaining 15 are still under investigation
5	76	Execution dossiers: 13 of which have been closed through due settlement of amounts

- 3- This Department prepares statistics and follows up all cases referred by the investigation offices to the trial courts and keeps records of all rulings.

Consultancy Department

This Department provides advice on matters requested from the DLA by the Commissioner, his deputy, **COI** directorates or the DLA DG. It also indexes cases referred by the courts of inquiry and follows up these cases if **COI** chose to complete the investigation in order to be referred to the Investigation Directorate and certifies and documents powers of attorney, assurances, guarantees and other **COI**-related contracts.

1- The below table shows the opinion statements and follow-up cases handled by this Department.

No.	Subject	Number
1	New opinion statements requested from the department	930
2	Provided opinion statements on new and previous subjects	817
3	New follow-up cases	11
4	Follow-up of new and rolled-up cases	32
5	External duties	32
6	Investigative committees and other committees	36
7	Powers of attorneys	61
8	Assurances and guarantees	253
9	Readings	769
10	Outgoing official notes	1591

2- The Department indexed 55 cases as follows:

A- The **COI** itself chose to complete the investigation in 21 cases.

B- 40 corruption cases were referred to **COI** by the investigating judges as follows:

No	Description	Number
1	Cases referred by the investigating judges and the COI chose to complete the investigation	13
2	Cases referred by the investigating judges and the COI chose not to complete the investigation	27

3- The **COI** chose to complete the investigation process in 26 cases.

Committees Department

1- The number of administrative investigation committees created pursuant to the revised Law 14/1991 and followed up by the DLA reached 223 committees with the following outcome and recommendations:

A- 11 employees were referred to the court of inquiry.

B- 79 employees received the following sanctions:

No.	Sanction	No of Sanctioned Staff
1	Draw of attention	33
2	Warning	24
3	Salary halt	1
4	Rebuke	9
5	Salary cut	-
6	Degradation	6
7	Segregation	3
8	Dismissal	-
9	Employment termination	1
10	Exclusion	2
Total		79

C- 115 investigation committees were closed down.

2- 59 employees were interrogated.

A- Interrogated employees received the following sanctions:

No.	Sanction	No of Sanctioned Staff
1	Draw of attention	27
2	Alert	15
3	Salary halt	-
4	Warning	5
5	Salary cut	3
Total		50

B- 9 investigation committees were dismissed.

- 3- This Department presented 90 statements of opinion on various subjects referred to it.
- 4- It posted the names of employees discharged from all ministries, bodies and departments not associated with a ministry and other government institutions on the **COI** website and upgraded the unified database to include data and personal information of all discharged employees and allow ministries and bodies and departments not associated with a ministry to access this database when recruiting a new employee (names of 51 discharged employees are already posted).
- 5- The Department follows up the work of the committees created within the external directorates and bodies in which a **COI** employee is represented as chairman or member. It also follows up the work of the internal and external committees and work teams created by the Commissioner or by the specialized directorates upon the Commissioner' instructions in order to ensure proper indexing, documentation and follow-up.

No.	Subject	Number
1	Internal committees	71
3	External committees	28
4	Work teams	24
Total		123

- 6- The number of cases examined by the permanent Inclusion Committees was 14, of which 10 cases were tied up while 4 are under consideration.

New Departments

The ministerial order 3784/2012 established the departments of contracts, planning, follow-up and assets within the DLA structure as specified by the **COI** Law 30/2011. These departments began operating by virtue of administrative order no. 10/6277 of 2012. The following has been achieved by the aforesaid departments until 31/12/2012:

1- Contracts Department

This Department draws up all **COI** contracts, follows up and audits these contracts in participation with the beneficiaries and gives opinion in regard to their compliance with Directives 1/2008 and with the relevant legislations. The Department has achieved the following until 31/12/2012.

No.	Subject	Number
1	Contracts organisation and formulation	7
2	New statements of opinion	4
3	Accomplished statements of opinion	4
4	External duties	4
5	Participating and chairing investigative and other committees	8

2- Property Department

This Department provides the **COI** needs of real estates (acquisition, allocation, purchase, rental, exploitation) for **COI** headquarters or investigation offices in Baghdad and other governorates. It also provides real estates to the staff of **COI** headquarters employees in Baghdad and governorate investigation offices through coordinating with government institutions and other relevant bodies. The Department has achieved the following until 31/12/2012.

- 1- 16 files related to the Property Department work were received from the Consultancy Department by virtue of internal memo no. 315/2012. These are currently being followed up to purchase housing units for the staff of governorate investigation offices and also to purchase the 2 buildings occupied by the Investigation Directorate and the Iraqi Anticorruption Academy (IACA).
- 2- Onsite follow-up was conducted with the relevant bodies for allocating the Air Force Building to **COI**.
- 3- 2 statements of opinion were presented on purchasing housing units for the staff of Kirkuk and Thi Qar investigation offices.
- 4- 2 external tasks were fulfilled.
- 5- The Department employees participated in 2 committees.

3- Planning and Follow-up Department

This Department sets out the DLA vision according to modern administrative methods and techniques, develops the DLA annual plan, follows up specialized academic and cultural publications, looks into up-to-the-minute researches and studies on modern management methods. It also proposes training programs for the DLA employees, supervises the training process in cooperation and coordination with the relevant **COI** bodies, represents the DLA in the ministerial committees assigned to develop the **COI** strategic plan, follows up the annual plan achievement rates and endorses all DLA activities (workshops, conferences, seminars etc.).

The following has been achieved by this Department until 31/12/2012:

- 1- Developing the DLA annual plan 2013.
- 2- Coordinating and following up the training courses conducted inside and outside Iraq in December 2012 and the first quarter of 2013 as follows:

No.	Training Courses	Number
1	Arms and self-defense	2
2	Specialized legal training course with Sabra Group	4
3	Follow up the DLA staff who participate in the Interactive Communications course (in English) held in the Iraq Anticorruption Academy	1
4	Training program for the first quarter of 2013 in the Anticorruption Academy	8
5	Proposed training course in Al-Nahrain University	2
Total		17

- 3- The Department staff participated in a number of investigative and other committees as follows:

No.	Committee T ype	Number
1	Investigative	2
2	Other	3
Total		5

Administrative Department

This Department organizes the affairs of DLA personnel, provides logistic services to DLA departments, handles the daily incoming and outgoing mail and provides all administrative services and requirements. Below is the achievements of this Department in 2012:

- 1- 7,064 letters within the general register were issued, including 301 confidential letters.
- 2- 17,432 letters and 639 confidential letters were received in the incoming book register.
- 3- 610 letters were received and 3,729 letters with their attachments were sent via the email.