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# Trial Monitoring First Report

Federal Iraq

The Trial Monitoring First Report is a product of the Trial Monitoring Programme - a collaboration between UNDP's Anti-Corruption and Arbitration Initiatives (ACAI), the UN Assistance Mission in Iraq's (UNAMI) Human Rights Office, and Iraq's Supreme Judicial Council, generously funded by the European Union. The Trial Monitoring Programme monitors grand corruption cases across Federal Iraq's judicial system, focusing on the Central Anti-Corruption Criminal Court (CACC), assessing judicial practice, legislation, procedure, and outcomes, and offering actionable recommendations for anti-corruption reform.

Between August 2022 and July 2023, trial monitoring officers observed a total of 184 cases. The outcomes of these cases have been contrasted against the study of 173 verdicts issued by the CACC between 2019 and 2022.

## Focus of Programme and Report

Central Anti-Corruption Criminal Court (CACC)

### Major Corruption Cases



Cases involving high monetary threshold



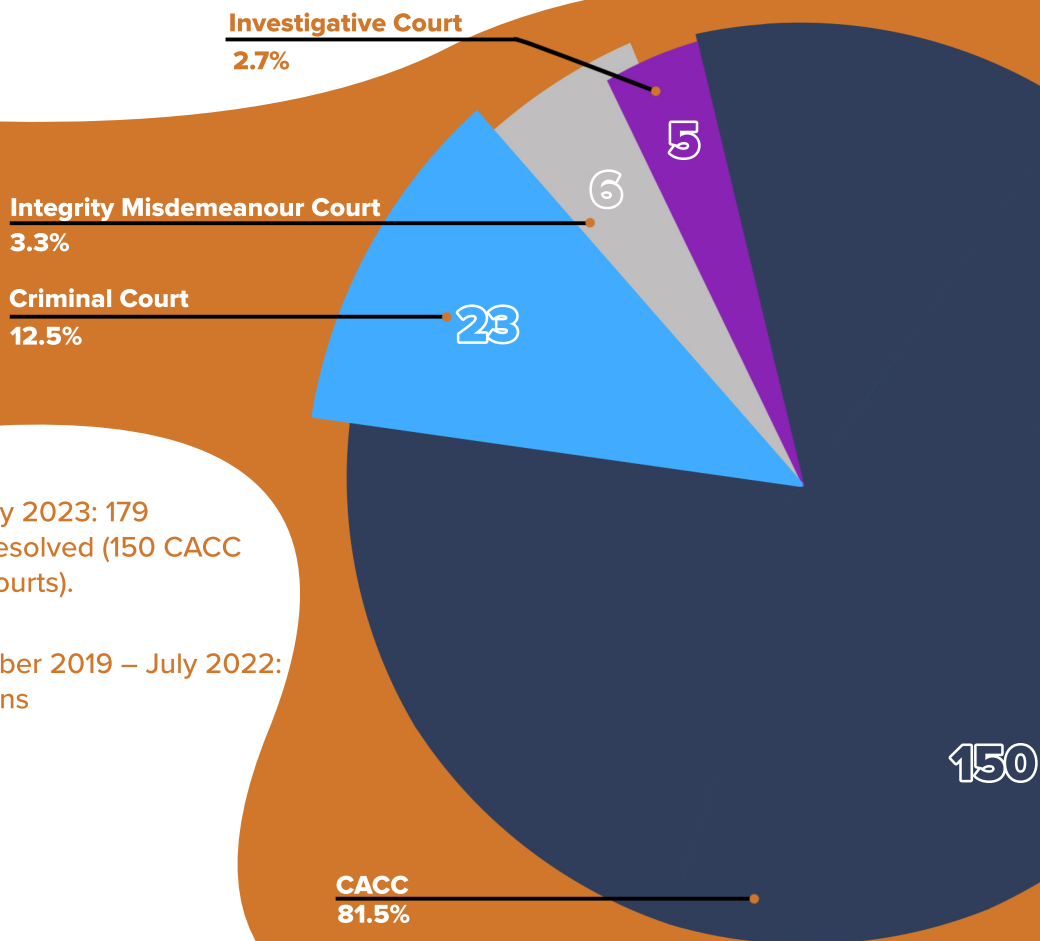
Cases involving high-level ranks



Cases of public interest and/or against informants

## Key findings:

### 1- Increase in Resolved Cases:



• August 2022 – July 2023: 179 monitored cases resolved (150 CACC and 29 Integrity Courts).

• Compared to October 2019 – July 2022: 173 judicial decisions

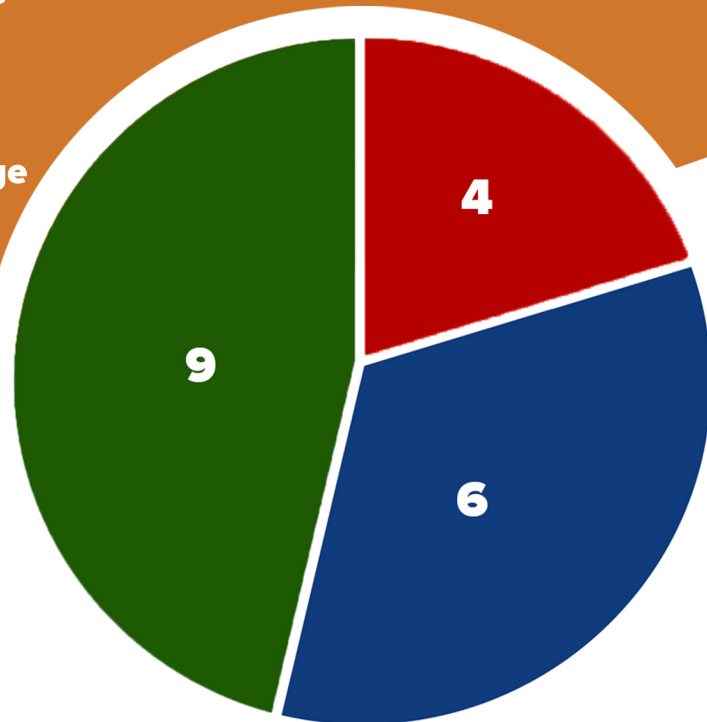
## 2. Non-Exclusivity of CACC Jurisdiction:



- 19 out of 29 Integrity Court cases met grand corruption criteria decided by Central Anti-Corruption Criminal Court.

### Cases Monitored before Felony and Misdemeanour Courts

- Large Wasted Amounts
- High Positions
- High Positions and large Wasted Amounts



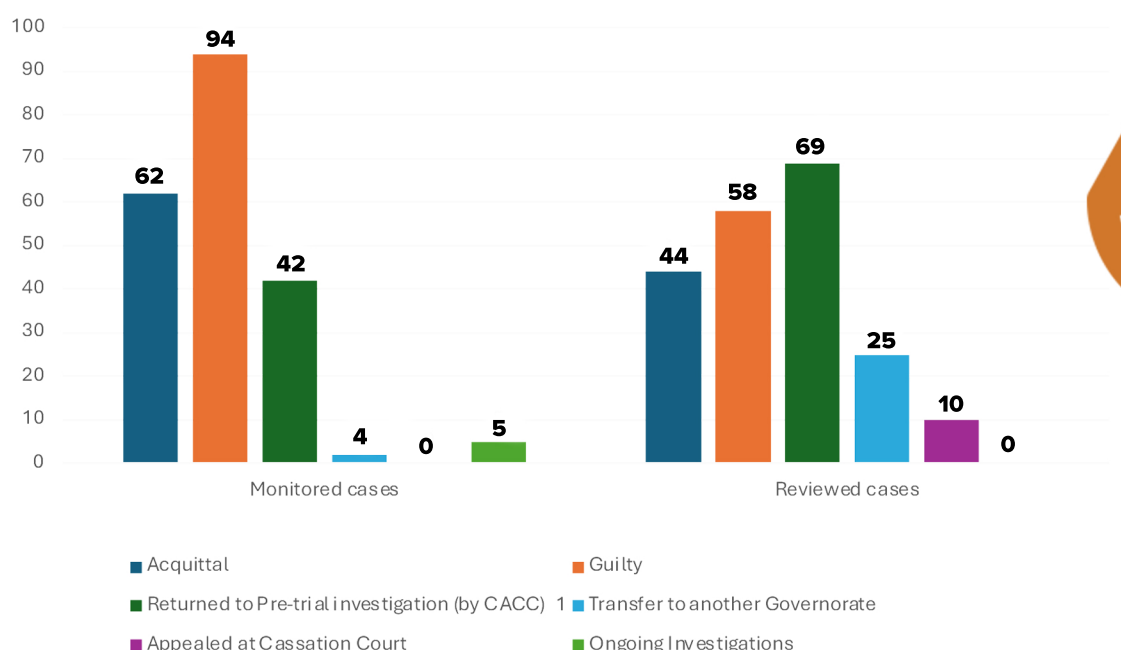
### 3. Decrease in Cases Returned for Re-Investigation:



### 4. Increase in Convictions:



#### Acquittal and Indictment verdicts Monitored v. Reviewed cases

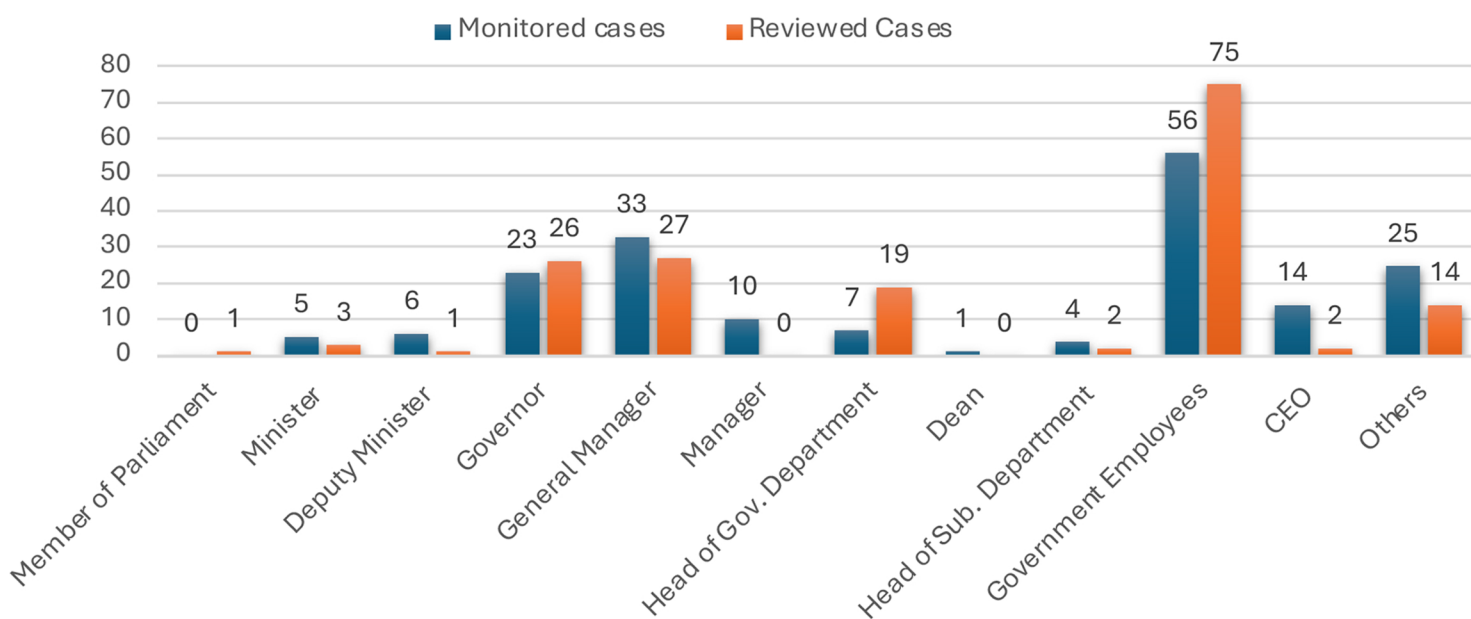


<sup>1</sup> These 42 monitored cases include 21 cases sent back to pre-trial investigation by CACC (as illustrated in the graph), and an additional 21 cases which were originally stopped at pre-trial investigation by the first investigative judge. This decision was then appealed by the Commission of Integrity and the Public Prosecutor's Office at the CACC. In all these cases, the CACC, acting in their Cassation Capacity, directed pre-trial investigation to resume. Of these cases, only one was tried by the CACC by the end of the monitoring period (more precisely in April 2023) - where the defendant was found guilty. The remaining 20 cases either remain in pre-trial investigation or have been referred to the criminal/misdemeanour courts.



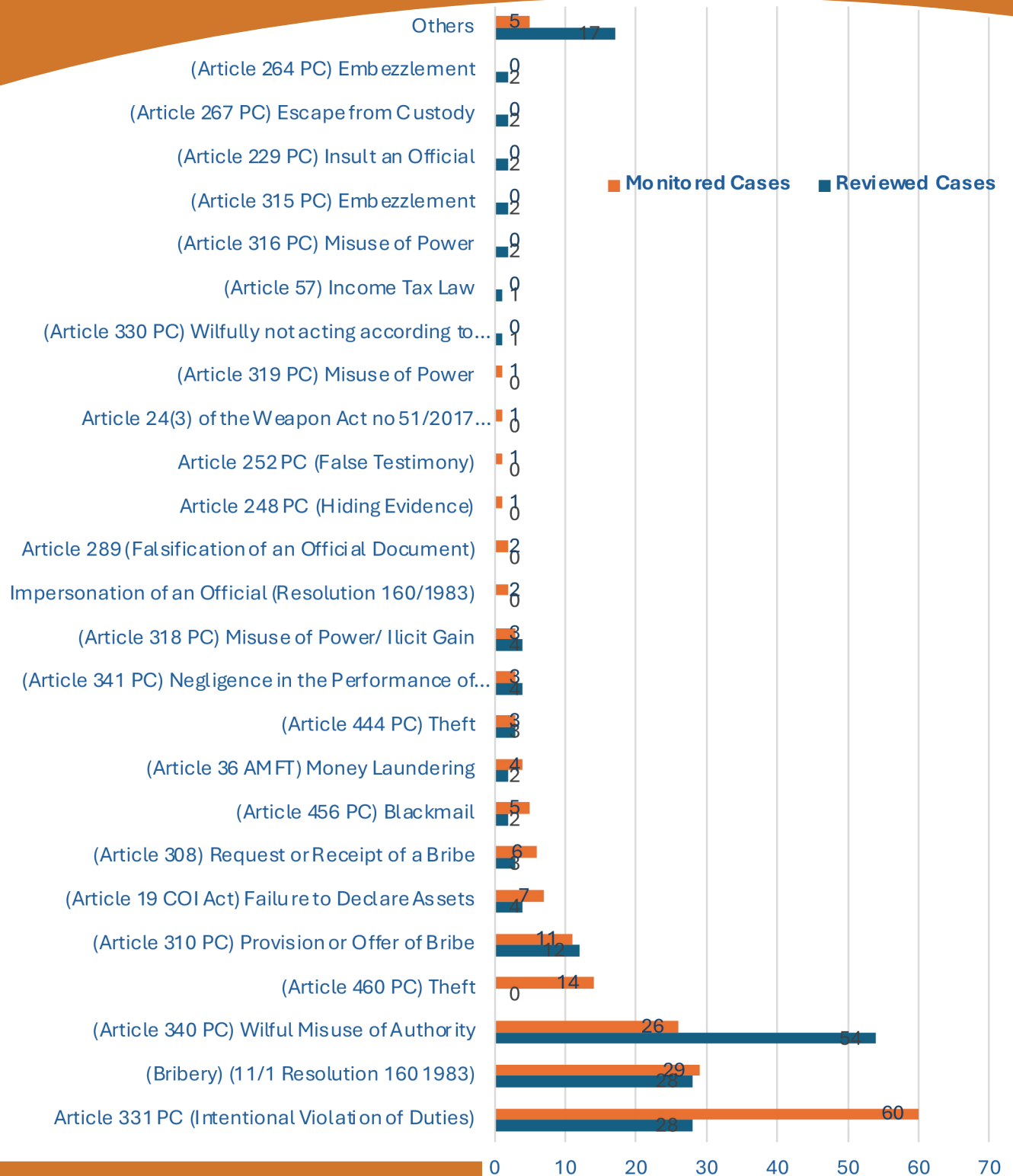
# 5. Increase in Convictions of High-Level State Officials:

Between the reviewed (2019-2022) and the monitored (2022-2023) cases, there is a general increase in the number of high-level defendants tried before the Central Anti-Corruption Criminal Court.

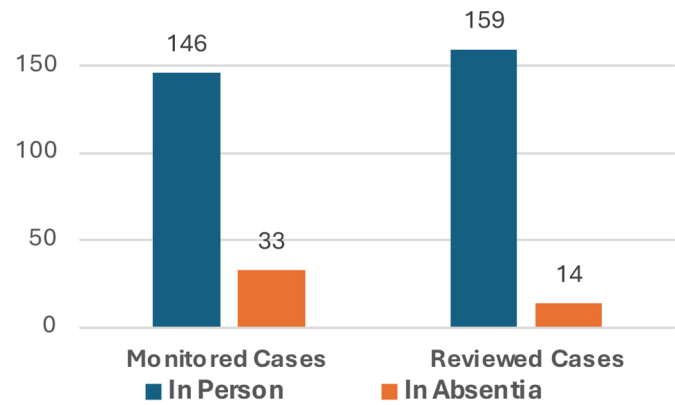
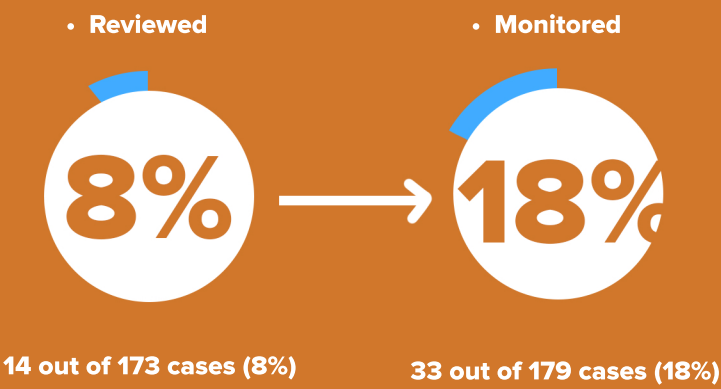


## 6. Reliance on Certain Legal Provisions:

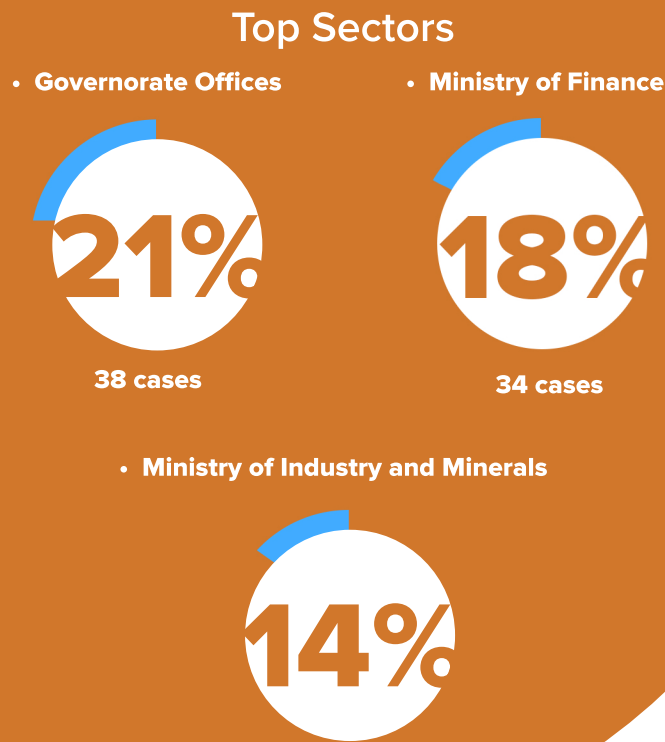
- Across both Reviewed and Monitored cases, Articles 331 and 340 for Abuse of Office Power, and Order No. 160 for Bribery were the most prominent charges raised.
- In Monitored cases, there was an observable increase of Articles 331 (a misdemeanour offense) over Article 340 (felonies).



# 7. Increase in Trials Conducted In-Absentia



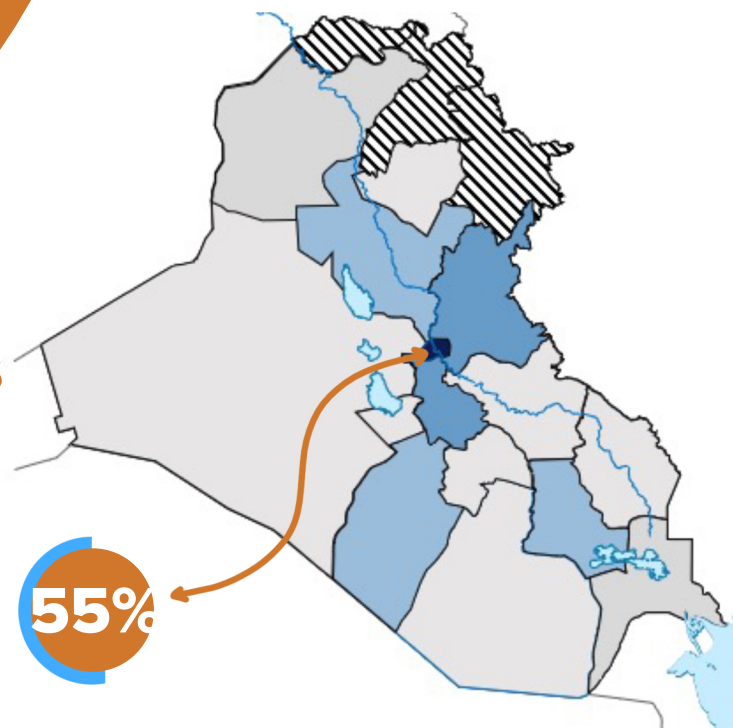
# 8. Grand Corruption Cases per Sector



Sector	Monitored Cases
Governorate Office	38
Ministry of Finance	34
Ministry of Industry and Minerals	26
Others	20
Ministry of Defense	16
Ministry of Transport	10
Ministry of Electricity power	9
Sunni Endowment	9
Municipality Government	5
Ministry of Oil	5
Ministry of Education & Higher Educ.	5
Ministry of Interior	3
Ministry of Planning	3
Ministry of Trade	1
Total	184

# 9. Grand Corruption Cases per Governorate

- Highest proportion of Monitored cases in Baghdad: 101 cases (55%)
- Significant variations across other governorates
- 3 governorates reported 0 cases and 4 reported only 1 major corruption case



## 10. Fair Trial Rights

- Positive observations of fair trial rights as guaranteed across international and national Iraqi legislation.
- Civil society has limited attendance and cooperation with judicial proceedings.



## Recommendations:

Recommendations addressed to the Government of Iraq, Supreme Judicial Council, Civil Society, and the International Community.

- Enhance Investigation Capabilities for all concerned entities.
- Amend the Penal Code to include all forms of corruption as per United Nations Convention Against Corruption and institute more dissuasive fines and penalties.
- Exclude Major Corruption Cases from the General Amnesty.
- Outline Minimum Thresholds for Major Corruption Crimes under Supreme Judicial Order No. 96.
- Develop Unified Sentencing Policy considering judges' discretionary powers.
- Restrict Institutions' Authority during administrative investigations, review of legal representative's power to Claim Damages and Asset Recovery in Civil Proceedings - with recommendation to be systematically requested across corruption cases.
- Activating and Enhancing Judicial Oversight Commission to monitor judicial performance including adjudication regarding grand corruption.
- Enhance Legal Aid Regime in grand corruption cases.
- Conduct Capacity Building Initiatives for civil society organizations.
- Enhance Cross-Border Cooperation for Asset Recovery.
- Establish a Court Information Management System, prioritizing corruption cases.
- Review of legal representative's power to Claim Damages in Civil Proceedings – with recommendation to be systematically requested across corruption cases.