

MINI DUBLIN GROUP AND EU PRESIDENCY

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Subject: Meeting with the European Union Presidency and Mini Dublin Group Embassies on the Project: “Cooperation in the Reform Process of the Judiciary and the Prison System in the I.R. of Iran” (FS/IRN/S03)

Chair: Dr. Wolfgang Banyai, Minister-Counsellor, Austrian Embassy on behalf of EU Presidency
Ms. Sarah Mannel, Second Secretary, UK Embassy on behalf of Mini-Dublin Group
Mr. Roberto Arbitrio, Representative, UNODC Iran.

Date: 27 April 2006

Venue: UNODC Premises, No. 22, Behesht Deadend, Eram St., Vanak Ave., Tehran, Islamic Republic of Iran

MDG Members attending: Austria, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, the Netherlands, Norway, Portugal, Russia, Spain, Sweden, Switzerland, Turkey and the United Kingdom

REPORT

UNODC Iran, the Austrian EU Presidency and the UK Mini Dublin Group (MDG) Chairmanship in Iran organized jointly the meeting on 27 April 2006. A total of 18 representatives from the Mini Dublin Group (MDG) and European Union (EU) member countries, including the Ambassadors of Finland and Switzerland, took part in the initiative.

The meeting was aimed at briefing and updating the donors community on the status of the project “Cooperation in the Reform Process of the Judiciary and the Prison System in the I.R. of Iran” (FS/IRN/S03). Moreover, the meeting offered the opportunity to discuss possible synergies with donors in the implementation of the project and to agree on consultation modalities. The project donors are the European Commission (EC) and the Government of the Netherlands. Both EC and the Netherlands were appreciated for the financial support provided to the project.

UNODC distributed to participants a package consisting of hard copies and a CD of a number of documents including, inter alia, the agenda of the meeting and the following papers:

- UNODC Project Document S03
- UNODC Progress Report S03
- Narcotics seizure statistics for the year 2005

Opening remarks

The meeting was opened by UNODC that welcomed participants from the MDG/EU member Embassies in Tehran to the new premises of UNODC and thanked the Austrian Presidency of EU and the UK Chairmanship of the MDG for the close cooperation offered in organizing the event. The UNODC Representative informed that the meeting was aimed at starting up the implementation of the project in close coordination with donors and the international community. Cooperation between UNODC and the donors/international community could develop at least at three different levels:

1. Planning joint activities under the project through close consultations with both national authorities and donors/international community;
2. Developing a monitoring mechanism jointly with donors and the international community to assess achievements and problems and to identify possible solutions;
3. Opening an intellectual forum with donors and the international community where relevant issues on cooperation with the Iranian Judiciary could be discussed and possibly followed up through relevant project activities.

UNODC also briefed on the current status of cooperation between UNODC and national authorities. In this context, reference was made to the Presidential elections and the resulting institutional and managerial changes that affected some of the national counterparts (in particular the DCHQ, the Judiciary and the ANP). UNODC is committed to ensuring continuity to its activities through close and intense consultations with the representatives of the new administration. UNODC is experiencing some problems such as delayed feedbacks and a lengthy decision-making process, but there are also signals of possible improvements in the near future. As an example of positive signals, it was mentioned that the Judiciary is finalizing the process of approval of the project “Improvement of Iranian Legislative and Judicial Capacities to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance” (IRN/S12).

UNODC gave a Power Point presentation on the project “Cooperation in the Reform Process of the Judiciary and the Prison System in the I.R. of Iran”. The presentation included background information on UNODC previous cooperation with Iran in the area of rule of law; the process of development of the new UNODC Programme for Iran; the status of implementation of the S03 Project; proposals for synergies and joint initiatives with the donors and the international community.

Participants appreciated the extensive information contained in the presentation and a lively discussion followed.

Discussion

The Representative of *Italy* made reference to the upcoming mission of the EC delegation aimed, inter alia, at assessing the ongoing EC funded projects in Iran, including the S03 project. UNODC was asked if there would some specific issues of UNODC relevance that EU member Embassies should raise with the EC delegation with regard to project implementation. UNODC replied that it would be important to highlight difficulties in implementing projects in Iran due to a number of factors. At the same time, it should be emphasized the importance of continued engagement with Iran in drug and crime control projects. Therefore, a certain level of flexibility should be applied when assessing projects’ performance.

The Representative of the *Netherlands* referred to the need of establishing contacts with the Judiciary within reasonable time-frames. UNODC was asked to facilitate timely contacts of MDG and EU member Embassies with the Judiciary, to promote dialogue particularly in the area of human rights. UNODC highlighted that human rights is not within the mandate of the Programme and noted that unfortunately shortcomings in relations with national authorities are problems shared by all in Iran. At the same time, UNODC is committed to continue providing opportunities for the strengthening of MDG and EU member Embassies direct contacts with relevant national authorities. In this regard reference was made to the Round Tables organized in the past two years by the UK Chair of the MDG and UNODC jointly with Iranian authorities. It was also stated that project implementation will offer additional opportunities to facilitate contacts between donors to the project, MDG and EU member Embassies and the Judiciary.

The Representative of *France* raised the issue of the involvement in project implementation of NGOs like “PRI” and of possible risks for the NGOs in being associated with project activities. It was also asked if the S03 project may suffer negative consequences and even be stopped in case of complications in the EU – Iran dialogue on human rights. UNODC did not exclude the involvement of NGOs in the implementation of the project and highlighted that the UNODC programme for the I.R. of Iran (2006 – 2008) has as one of its major goals the promotion of civil society and NGOs especially in drug control. At this stage there are no signals of possible negative consequences for NGOs participation in UNODC project activities. With regard to human rights, it was stated that the S03 project is not addressing such issue since it is not in the UNODC mandate. Therefore, project implementation should not be linked to the human rights dialogue. At the same time, it was stated that the S03 project and some of its components (promotion of the role of women in the judiciary, promotion of rights of prisoners, establishment of compliant systems, etc.) may contribute to the overall human rights dialogue. The Representative of *France* asked if national counterparts were aware of the fact that specific donors were contributing to the project and if donors could discuss openly this matter with Iranian authorities. UNODC replied that national counterparts are fully informed on the donor countries/organizations that are contributing to the funding of specific projects. UNODC is planning to involve donors into the Steering Committees of the funded projects. It was also stated that for the moment the Judiciary expressed the wish to limit the composition of the Steering Committee to national counterparts and UNODC, but welcomed the possibility of holding *ad hoc* meetings with the MDG and EU member Embassies.

The Representative of the *Netherlands* acknowledged the importance of holding such meetings on project implementation and requested more information on the envisaged time-frame for next meetings. UNODC proposed to hold meetings on a quarterly basis but the view of MDG and EU member Embassies would be necessary to take a decision on this matter.

The Representative of *Germany* pointed out that some of the activities and the goals of the S03 project would require the involvement of other national counterparts. Reference was made to the promotion of gender equality in the Judiciary and social welfare. UNODC considered this as an essential point and highlighted that the S03 project is intended, inter alia, to start up a process of consultations aimed at involving also other national counterparts. These other counterparts could be included in the project Steering Committee when dealing with specific activities. As an example, it was mentioned the Ministry of Foreign Affairs that it is already included in the Steering Committee.

The Representative of *Switzerland* emphasized the importance of this meeting and encouraged UNODC to proceed with the planning of these meetings on a quarterly basis. More information was

requested on the composition of participants to these meetings. Finally, he expressed the interest of organizing within the project framework visits at expert level to prisons in Switzerland and Iran to promote a process of exchange of best practices. UNODC informed that usually the meetings of the Steering Committee involve relevant national counterparts (i.e. Judiciary and Ministry of Foreign Affairs), UNODC and donors to the project. In view of a request by the Judiciary, at this stage the donors will not be directly involved in the Steering Committee and therefore specific meetings will be organized by UNODC with the donors to the project (EU countries and the Netherlands) and the other members of the MDG to inform regularly on project plans and to establish implementation synergies. UNODC referred to statements by Mr. Jamshidi, Deputy Head of the Judiciary, who expressed interest in further strengthening cooperation with the Swiss judicial system. Therefore, UNODC expressed its readiness to discuss with the Judiciary the initiative suggested by the Representative of Switzerland.

A lively discussion focused on the importance of exchange of best practices and it was agreed that the project should facilitate the promotion of internationally recognized standards in full respect of local requirements. It was stated that it is important to facilitate visits abroad so that officials of the Iranian Judiciary could be exposed to practices abroad. UNODC informed that the Judiciary has expressed interest for missions to France, Belgium, the Netherlands and Germany on best practices in judicial proceedings.

The Representative of *Switzerland* further expanded on the importance of promoting international cooperation and exchanging best practices. An essential principle that should be highlighted during project implementation is the “predictability” of the judicial system. The Representative of France fully supported this statement and noted that it is important that members of Iranian delegations involved in missions abroad are selected properly thus ensuring a practical follow up once back in Iran. UNODC informed that the members of delegations to be sent abroad will be selected by the Judiciary jointly with UNODC. Moreover, the members of the delegations will be requested to prepare extensive reports that will be used by the Judiciary as a basis for the discussion of national policies on matters related to each specific mission.

The Representative of *Norway* agreed on the importance of visits abroad but also expressed some concerns on the lack of feedback from Iranian counterparts. Norway’s Supreme Court invited Iranian judges for a study tour at the beginning of April. The mission was then postponed but still the Judiciary did not manage to provide a list of names of the delegates. The Representative of the *Netherlands* reinforced this statement and mentioned a similar experienced related to a planned visit of Iranian Judicial officials to the International Court at The Hague. UNODC shared those concerns and noted that the organization of missions and study visits abroad under the SO3 project should be less cumbersome since they are perceived by national counterparts as initiatives taken within a multilateral framework.

Final comments and recommendations

Participants agreed on the importance of this meeting and encouraged UNODC to continue this practice on a regular basis (quarterly meetings). During these meetings, participants will be informed on project developments, activities will be discussed in order to seek synergies and there will be brainstorming on relevant issues that should be reflected in project implementation.

UNODC was encouraged to continue promoting international cooperation in drug control and crime prevention. In this regard, participants appreciated the initiatives promoted by UNODC and jointly organized with national authorities, the Chairmanship of the MDG and the EU Presidency. It was

agreed that the visit to the prison on 7 March 2006 was a good example and similar initiatives should be organized also in future.

Participants acknowledged the role of UNODC in facilitating contacts of MDG and EU member Embassies with relevant national authorities. UNODC was encouraged to continue promoting such contacts also within project implementation.

Participants agreed that the working environment in Iran is not facilitating a timely delivery of project activities. Difficulties experienced by UNODC and bilateral Embassies were acknowledged. At the same time it was agreed that the promotion of cooperation in drug control and crime prevention is essential to keep on engaging Iran and the international community in a field of work of mutual interest. Therefore, it was concluded that some flexibility to project performance and delivery should be tolerated in view of the above. It was recommended to share these conclusions with the forthcoming delegation of the European Commission in Tehran.

Finally, UNODC was requested to organize the next quarterly meeting in three months time, tentatively in July-August 2006. The meeting will be planned and organized jointly with the representatives of the donors to the project, the Chairmanship of the MDG and the EU Presidency.