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HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

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WEDNESDAY, JANUARY 31, 2007

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:02 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Leahy, Feinstein, Durbin, Specter, Sessions, Graham, and Coburn.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. Good morning. The Committee today will continue to focus its attention on the enduring conflict in Iraq. Just yesterday, this Committee, chaired by Senator Feingold, had an important hearing on the powers of Congress to contribute to finding a better solution. Today, we concentrate on the challenges of training the Iraqi police and building a working criminal justice system. A competent police force and a functioning criminal justice system are crucial benchmarks in getting the Iraqi Government to stand on its own. You might say that of any country.

I am very pleased that Congressman Hamilton and Attorney General Meese have come here, and I want to thank both of them for taking the time. They are both well known to the members of the Committee.

I am concerned that the situation in Iraq continues to worsen on all fronts. In the last couple of days, the Special Inspector General for Iraq Reconstruction—the office that some tried to shut down and fortunately we kept open—has released reports indicating that the U.S. Government has squandered millions intended for police training programs because of "rampant problems overseeing contractors," as the Washington Post summarized in its story this morning. The article details an unauthorized Olympic—sized swimming pool, VIP trailers, shoddy construction, and unsanitary conditions at the Baghdad Police College. On television this morning, they were showing raw sewage leaking out through the light fixtures, the overhead light fixtures, as well as evidence of fraud, as millions—actually, tens of millions of dollars are wasted. Not only does this undercut efforts in Iraq; it is doubly shameful because we

are trying to restore places like New Orleans and the Gulf Coast here in this country. And that has been held up, and this money is being wasted in Iraq.

It is an issue of overriding importance. In the most recent congressional elections, the American people spoke loudly and clearly. They wanted a new direction, and this week we are charting that new direction by considering better ways to serve our national interests.

At its outset, the Iraq Study Group report states that the situation in Iraq is "grave and deteriorating." I looked at the membership of the committee, the Iraq Study Group. I know every one of the people who served there. I have high regard for all of them. But this is not a monolithic, ideological group. It goes across the political spectrum. And I appreciate their honesty. This grim assessment should have been a wakeup call to the President and his advisers, and a clear message that it was time to not only listen to others but to act upon their sound advice. I am concerned that it appears that the White House has rejected much of the hard work and advice of the Iraq Study Group and instead decided to go it alone. During the last few days, the Vice President went further by rejecting contrary views as "hogwash" and seeking to trumpet the "enormous successes" supposedly made in Iraq.

We now know that the predictions by the Vice President and others of being welcomed as liberators in Iraq and an easy transition to a Western-style, secular, peaceful, pluralistic democracy were a very costly fantasy. As the Study Group report indicates, the best we can salvage may be the safe return of our soldiers and some measure of stability for the people of Iraq. The damage already done in terms of providing al Qaeda with new recruits and the alienation the extended occupation by American forces has caused among young people in the Middle East will be felt for decades, maybe even generations. Moreover, we have lost focus on what should have been our No. 1 goal: bringing Osama bin Laden to justice. He is the man who, after all, hit us.

As Senator Webb and many others I trust from both sides of the aisle have said, it is time for Congress to help guide the way. I hope the President will take good advice when it is offered—no matter the source. I urge him to work with Congress rather than defy it and to listen to the will of the American people in order to avoid a confrontation.

I am grateful to the Iraq Study Group for its express recognition that "Americans can and must enjoy the right of robust debate within a democracy." I might add, within the greatest democracy in the world. The scare tactics and attacks on the patriotism of those who question the President's plan are corrosive, and they are wrong. The work of the bipartisan Iraq Study Group is in the best tradition of America. The hearings this Committee held on the Iraqi refugee crisis and this week on congressional authority under our Constitution, as well as this hearing on the Iraq Study Group's recommendations for improvements to Iraq's police and criminal justice system, are part of that great traditions.

I am concerned that after all the work—and I must say not only the work, but you made visits to a very, very dangerous part of this world—it seems to be ignored by the people who could make the

decisions. In two major addresses to the Nation that President Bush has given recently -his escalation announcement of January 10th and his recent State of the Union address—he barely mentioned the Iraq Study Group's work. He said nothing about the critical importance of Iraq's civilian police. Of course, he also did not mention Louisiana and the Gulf Coast, perhaps the largest domestic disaster and displacement of people in our history.

So this hearing is going to give us a chance to go further. I hope we can discuss better ways to contribute to peace and stability throughout the Iraqi neighborhoods. How can we help ensure better police forces? How can we better ensure that the principles of the Leahy law, which prohibit American financial assistance to those forces that engage in human rights violations, are honored rather than ignored?

[The prepared statement of Senator Leahy appears as a submission for the record.]

There is much at stake. Again, I must thank our two witnesses for being here. With their own busy schedules, we very much appreciate that, and especially when talking about law enforcement matters, I am very happy that we have Senator Specter here, who has had even more experience in law enforcement than I did. Please go forward.

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. I thank the distinguished Chairman for convening this hearing on a very important subject. In trying to deal with the multilayered problems in Iraq, the police force in Iraq and the judiciary in Iraq are very high on the list, along with reconstruction and economic development and oil revenues—all part of a multifaceted program, in addition to the military action, to try solve the problems in Iraq. And I am very pleased to see two very distinguished authorities here today—former Attorney General Edwin Meese and former Congressman Lee Hamilton—who have performed such extraordinary service after their formal connection to Government.

The issue of what has happened with the 38 volumes on construction is the subject of a voluminous report. It has just become available in the last couple of days, and as the Chairman had referenced, this report contains repeated examples of wasteful spending—Olympic pools and not-ordered items and the squandering of an enormous amount of money. So that will receive attention as well.

I think it is important to examine in detail what the Iraq Study Group has done, and too often, I think the executive branch gives only pro forma consideration really only going through the motions—you might call it lip service to what the Iraq Study Group has reported.

It is my view that as a Nation we would be much better off if the executive branch was not so insular and undertaking a position that, as we discussed yesterday, the President articulates as he is the sole decider. But under the Constitution, separation of power and checks and balances, the Congress has standing as a co-equal branch of Government. And when a distinguished group like the

Iraq Study Group comes into the picture, I think the executive branch would be well advised to do more than have a meeting and a news conference to give in-depth consideration to what is being proposed here.

We have the military in Iraq essentially being called upon to perform a police function, not a military operation. It is trying to stop street violence, very much as Senator Leahy worked on in Burlington and I worked on as district attorney in Philadelphia. And the judicial system is indispensable if Iraq is going to have a stable government.

I think it was very regrettable that that judicial system was not able to try Saddam Hussein at an earlier date. The President was in Pennsylvania extensively in 2004 when he was running for reelection, and I was running at the same time, and 1 day when we had a spare moment, I urged him to have the U.S. Government do what it could to bring Saddam to trial at an early date. We have a lot of criticism as to what the United States was doing there. And I said the obvious to the President; that if the world saw what a butcher he was with the Iraqi people and what he had done in the Iran-Iraq war with chemical warfare and how he had plundered the treasury, there would be a greater understanding as to the purpose of our action in Iraq.

The President, in a perhaps playful mood, asked me if I would be willing to prosecute Saddam Hussein, and I immediately took him up on the offer. Things were a little slow in the Senate in 2004, and with the campaign, the thought ran through my mind about Justice Jackson leaving the Supreme Court and going to prosecute war criminals. And as soon as I accepted, the President withdrew the offer.

But I contacted our liaison people in Baghdad to inquire about what were the prospects of an early trial, and it just could not be done. The Iraqi court had not been set up, and there had to be an appellate court. But there is nothing like a prompt prosecution—a prompt prosecution—not to have it tarry.

In December of 2005, I visited Iraq and talked to the presiding judge in the Saddam Hussein trial, made a suggestion to him as to some of our practices when you had a defendant out of control. A defendant can be restrained in a variety of ways so that there is not an outburst. And he listened and said he had a little different view.

But with the background of Attorney General Meese and the background of the Iraq Study Group generally, there is much of value in this report. So I am glad to see the Judiciary Committee focusing on it because it is an integral part of solving the problem in Iraq above and beyond the military action to see to it that they have a police force and to see to it that they have a functioning judicial system.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you.

Senator Specter noted when he was Chairman we do have our rules. We are supposed to receive testimony by 10:00 a.m. the day before. Mr. Meese, your summary arrived in the afternoon. If nobody objects, I am not going to enforce that rule. You are not Gov-

ernment witnesses. You are private witnesses. You have worked hard to be here, and I appreciate that.

Would you both please stand and raise your right hand? Do you solemnly swear that the testimony you give in this matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAMILTON. I do.

Mr. MEESE. I do.

Chairman LEAHY. Please go ahead.

STATEMENT OF LEE H. HAMILTON, FORMER MEMBER OF CONGRESS, DIRECTOR, THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, AND CO-CHAIR, IRAQ STUDY GROUP, WASHINGTON, D.C.; AND EDWIN MEESE III, FORMER U.S. ATTORNEY GENERAL, RONALD REAGAN CHAIR IN PUBLIC POLICY, THE HERITAGE FOUNDATION, AND MEMBER, IRAQ STUDY GROUP, WASHINGTON, D.C.

Mr. HAMILTON. Good morning, Mr. Chairman, Ranking Member Specter, Senator Specter, distinguished members of the Committee on Judiciary. It is an honor, of course, to appear before you. We thank you for the invitation and the opportunity to testify on the recommendations of the Iraq Study Group report, particularly those recommendations relating to police training and the criminal justice system.

May I say it is a very great pleasure to appear with former Attorney General Ed Meese. He contributed in many, many ways to the work of the Iraq Study Group, but he was particularly helpful on the area that we are discussing today. And all of us on the group recognized his expertise in law enforcement and police matters.

We think it is critically important to look at the totality of the U.S. effort in Iraq. All of the attention right now, of course, is focused on the military surge. Whether you think the surge is a good idea or not, the Iraq Study Group made clear that no policy in Iraq is going to succeed unless there is very comprehensive political, military, economic, and diplomatic effort.

If you are going to stabilize Baghdad, you need to have a capable, trained professional police force in place. If you are going to stabilize Baghdad, you need a functioning criminal justice system. The same holds true, of course, for the rest of Iraq.

As our testimony will make clear, there is a very long way to go to achieve these two goals. So we commend this Committee for shining a bright light on these questions. We hope that you will pursue questions of police training and the criminal justice system in Iraq at future hearings with administration officials. Your oversight is certainly needed.

I also want to say a word of appreciation to Chairman Leahy for his support in the Appropriations Committee for the funding of the Iraq Study Group through the United States Institute of Peace. The work of the Study Group simply could not have been done without that support.

The Study Group's recommendations are in the public record, and so we will not repeat them. If it is agreeable to the Chair, we

would like to explain some of the thinking behind some of the recommendations.

The recommendations for police training and the criminal justice system in Iraq follow from the assessment we made.

There are, as you know, three major police forces in Iraq. The Iraqi Police Service, about 135,000 in strength, is responsible for local policing. The Iraqi National Police numbers roughly 25,000, and its officers have been trained in counterinsurgency operations, not police work. The Iraqi Border Police number roughly 28,000.

The Iraqi Police Service has neither the training nor the legal authority to conduct criminal investigations. It does not have the firepower to take on organized crime, insurgents, or the militias. Iraqi police cannot control crime. They routinely engage in sectarian violence, including unnecessary detention, torture, and targeted execution of Sunni Arab civilians.

Furthermore, the Iraqi National Police and the Iraqi Border Police are charged with tasks that are not traditional policing missions.

The National Police operate within heavily armed commando units. They are engaged in counterinsurgency. These units have been particularly vulnerable to infiltration by sectarian militias.

The Border Police also have a mission that is decidedly military in nature, particularly given the importance of sealing and securing Iraq's borders. They have to protect against arms and foreign fighters coming into Iraq. They have to work with coalition forces.

Yet all of these forces—the Iraqi Police Service, the Iraqi National Police, and the Iraqi Border Police—are organized under the Ministry of the Interior. The ministry is confronted by corruption and militia infiltration and lacks control over the police in the provinces.

There are ample reports of Iraqi police officers participating in training in order to obtain a weapon, uniform, and ammunition for use in sectarian violence. Some are on the payroll but do not show up for work. The report that you referred to, Mr. Chairman, of the Study Group, the Inspector General's report, says that one of the challenges relating to the maintenance of force levels is that leave and immature personnel management policies may account for up to 40 percent of police not being present for duty.

The current Minister of the Interior has called for purging militia members and criminals from the police force. He has been in the post since May 2006. He has made a start at reform. Over 1,200 Interior Ministry personnel with criminal records have been identified and removed from the force. Just yesterday, we read reports that several leaders of the National Police were removed because they had "turned a blind eye" to Shiite militias. These are good steps, but everyone acknowledges that reform is a long road.

The criminal justice system in Iraq is weak. Much has been done to establish an Iraqi judiciary, including a supreme court, and Iraq has some dedicated judges. Criminal investigations are conducted by magistrates. They are too few and inadequately trained to perform this function. Intimidation of the Iraqi judiciary has been ruthless.

As one senior U.S. official said to us, "We can protect judges, but not their families, their extended families, their friends." Many Iraqis feel that crime not only is unpunished, it is rewarded.

In short, we believe the problems in the Iraqi police and criminal justice system are profound. Reforms are essential. They are urgently needed.

Organizational reforms are necessary, and it is up to the Iraqis to carry them out.

The Ministry of Interior has too large a span of control over too many diverse police and security activities. As presently organized, the ministry is not capable of effective and timely reform. If reconstituted to focus on the police mission, we believe there is a better chance that reform in the Ministry of Interior will take place and take hold.

The Iraqi National Police and its commando-style units should be transferred to the Ministry of Defense. This move will place them under better and more rigorous Iraqi and U.S. supervision and will enable these units to better perform counterinsurgency missions.

Similarly, the mission of the Iraqi Border Police bears little resemblance to ordinary policing. It, too, should be under the Ministry of Defense.

The Ministry of the Interior needs to concentrate on the police mission. It needs to concentrate on professionalizing—and gaining control of—the nationwide Iraqi Police Service. Before it can do so, it must purge its own ranks of bad elements. It needs legal authority, it needs training, it needs equipment, it needs to exert more authority over these local leaders.

The ministry needs to expand the capability and reach of the current major crime unit, the Criminal Investigation Division, so that there will be a national capability for police investigations, similar to our FBI. The ministry also needs to regain control of the salaries of local police forces, as a powerful tool to press them for reform, and to prevent sectarian militias from controlling local police in Iraq's provinces.

The ministry also must take on the various units of the Facilities Protection Service. Each ministry has its own security force. The Health, Agriculture, and Transportation ministries are controlled by al-Sadr. As described to us, this 145,000-man force is "incompetent, dysfunctional, or subversive." Several Iraqis simply referred to them as "militias."

All Facilities Protection Service personnel should be brought under the authority of a reformed Ministry of the Interior. They need to be vetted, retrained, and closely supervised. They must not serve as de facto militias for each Iraqi ministry.

For the balance of the statement, I will turn to General Meese.

Chairman LEAHY. Thank you very much, Congressman Hamilton. I read the whole statement. We are going to go back to some of your conclusions in that in the questions.

Attorney General Meese, again, thank you, sir, for being here, and please proceed.

Mr. MEESE. Thank you, Mr. Chairman, Ranking Member Senator Specter, and members of the Committee. Thank you for the opportunity to talk with you about our report. First let me say that it is true that many more of our recommendations have actually been

accepted by the executive branch than is generally known or made known in the press. But the ones that we are talking about today are particularly important because the necessary concomitant to military success in Iraq is the ability to hold after the bad guys, as they say, are cleared from neighborhoods. It is necessary to hold and to preserve the security and stability of those neighborhoods on a long-term basis. And as has been pointed out by the Chairman, this is really a job for police.

When I was in Iraq with the Chairman and others, one of the things that impressed me was the ability already—the work that our Department of Justice is doing over there in very limited numbers. There were people there from the Bureau of Prisons, from the Marshals Service, Assistant U.S. Attorneys, people who are expert in police work and so on. So there has been a start. But we believe that the principal responsibility for the training of police should be in the Department of Justice rather than in the military forces over there.

Right now, of the 6,000 trainers for police, 5,000, it is my understanding, of them are military police, only 1,000 are civilian police. We think that while military police are very good in their field, the training of the civilian police force and the culture that needs to be developed, as Chairman Hamilton mentioned, is really a job for civilian police executives and police supervisors. And so our recommendations include the fact that the Department of Justice, which is already experienced in this field under the International Criminal Investigation, Training, and Assistance Program, where they have done this in other countries working on this subject, that they would be a good—the principal agency of the Federal Government to pursue this particular task. It would mean an enlargement of the kinds of things they have been doing overseas, but we think that they are the best agency to do that and that they should leave this work of organizational transformation in the Ministry of the Interior, which was mentioned by Mr. Hamilton.

We also think that the current practice of embedding U.S. police trainers should be expanded and that the number of civilian training officers increased so that the teams can cover all levels of the Iraqi Police Service. The Police Service is that group of the police, as Mr. Hamilton mentioned, that does what is the principal police work. The officers are devolved down to the various provinces, and they are what you might call the street police of the Iraqi police regime.

What we really need is someone to handle police training in the same manner as we expect General Petraeus to take over the military activities over there. There are some very excellent people available—a number of them come to mind—such as Tom Constantino, formerly the Superintendent of the State Police in New York; or Mark Croaker, who handled our policing activities in Bosnia. But someone like that who has the status ought to really be in charge of the police training and in the Department of Justice to do that kind of work rather than, as you suggest, private contractors for whom this is not their principal forte.

In addition, we feel the FBI should expand the investigative and forensic training and technical assistance so that it would include the coverage of terrorism, so that forensic activity in regard to the

making of these improvised explosive devices and things such as that could be traced back to their point of origin, so that the same kind of investigative activity, tracing networks of terrorist groups and the like that we would do with organized crime in this country, can be applied to the situation in Iraq.

Likewise, the expansion of current programs that are there to do as was mentioned to be necessary, establishing courts, training judges, prosecutors, investigators, the whole legal side to be concomitant with the investigative and policing side of the situation.

We also recommend that the CIA and the FBI together work to establish in Iraq a more effective counterterrorism center, intelligence center, and fusion center, just as we have done here in the United States, so that we can have intelligence-led responses to the terrorism attacks that are taking place there.

And, finally, mention was made by Mr. Hamilton about the salaries. Right now, the Ministry of the Interior does not have control over the payment of police salaries or the funding of these police organizations. It is in the Ministry of Finance, and very little connection is made between the performance and competence of the police agencies and funding them and paying the salaries. And so it is very important that as a part of the reorganization and reinvigoration of the Ministry of the Interior that they have control of the funding, because as you know, the person—the Golden Rule: He who has the gold makes the rules. And just as in—I think England probably has one of the best patterns that might be followed where the national government pays a good portion of the police salaries so, therefore, they have the authority to enforce certain standards on the police, and that is what is necessary in Iraq, particularly, so that there is a professional responsibility and professional standards organization and inspection service that would function as the Inspector of Constabulary does in England. I think those models would be very good ones for the national police in Iraq.

These are just a few ideas. As was mentioned, more is included in our report. But this has to be a fundamental part of our efforts in Iraq, along with the military effort, in order to maintain the safety, security, and stability that is necessary to then carry on the reconstruction work which is so important in that nation.

Thank you.

[The prepared statement of Messrs. Hamilton and Meese appears as a submission for the record.]

Chairman LEAHY. Thank you, Attorney General Meese.

Both of you are basically saying you want the police departments to be police departments, and instead we have something very different there. In your testimony, you mentioned the need to followup with the administration, particularly the Department of Justice. So many of your recommendations involve them. I agree. After I reviewed your report, I sent a letter requesting information and views from the Attorney General back on December 11th. I received the courtesy of an acknowledgment from his staff, and in my letter, I extended an invitation for them to send a representative to this hearing, which they declined. I will make a copy of my letter and their response part of the record.

I would also include in the record a very helpful statement from Robert Perito as well, who is, of course, a staff advisor, as you know, to your Study Group. That will be part of the record.

I am wondering, do you get a sense—we spent about half a trillion dollars so far, both in the invasion and in the occupation of Iraq. How much of that has been devoted to developing an effective criminal justice system, effective police training, our of all that money we spent there? Do you have any sense how much has been spent and even how much is going to be required to be spent?

Mr. HAMILTON. Senator, I don't think we have a figure on that except it would be a very, very small part of that total amount. Very small.

Chairman LEAHY. Well, I wonder, because when we went into the war, Secretary Rumsfeld and Paul Wolfowitz told us that Iraqi oil revenues would, in effect, pay for the war.

Now, we spent half a trillion dollars there. Are the Iraqis paying for any of this training or running of the—I would like to see somebody other than the U.S. pay for it. We are told we have to cut our COPS program in the United States because we need the money for Iraq. We do not have the money for police down on the Gulf Coast because of the costs. Are the Iraqis going to pay for any of this? Or are we, Uncle Sam and the American Taxpayer, going to pick up the tab?

Mr. HAMILTON. I think the largest part of the funding comes from us. One of the peculiarities of the Iraqi Government is that they in their various ministries have substantial amounts of money that they cannot spend or do not spend. They are just not capable organizationally or bureaucratically of getting the money out. So it is not always a problem of lack of funds. The funds are just tied up in knots in the bureaucracy of the Iraqi Government there.

Mr. MEESE. One of our recommendations, of course, is that Iraq pick up the funding, particularly of the police activities, including the training.

One of the difficulties—you mentioned oil—has been to have a continuing source of the flow of the oil because of the terrorist activities against the utilities there, including the oil pipelines. It is kind of a Catch–22 situation because the—

Chairman LEAHY. It is there but you cannot get it?

Mr. MEESE. Well, you have the oil, but the terrorists disrupt the pipelines, and we need more police to catch the terrorists to protect the pipelines.

Actually, protecting infrastructure is a very important part of both the military and the police activities there. But it certainly is our recommendation that Iraq pay for these.

I would also suggest that good policing there and good handling of the funds within the Ministry of the Interior would go a long ways. As Mr. Hamilton mentioned, the funds are there. Right now, the ability to disburse the funds and account for funds is lacking, and that is part of the training that needs to be going into the Ministry of the Interior. Right now, many of the officials within the government are afraid to spend the funds because of the corruption that takes place and the fear that they will be accused of corruption. And so there has to be extensive work on the administrative activity and the administrative structure within the Ministry of the

Interior—as well as other ministries, for that matter—in order to have the proper handling of funding over there.

Chairman LEAHY. It sounds like you are doing kind of a Rubik's Cube as you try to do this. Probably based on my own law enforcement background, I have always felt that good law enforcement is just so essential for a civil society to operate. I really feel that is essential. And we know in this country, when we have good law enforcement, how well it has run, and we know what has happened when we have had bad law enforcement. We have had examples of each.

Mr. HAMILTON. Mr. Chairman—

Chairman LEAHY. And I worry here that—well, go ahead.

Mr. HAMILTON. Excuse me. I did not mean to interrupt.

Chairman LEAHY. That is all right.

Mr. HAMILTON. One of the problems throughout the Iraqi Government is capabilities. They just do not have the capability in ministry after ministry to perform. And, therefore, we have recommended that the U.S. aid to Iraq, economic aid, be concentrated in two areas: one, job creation, for obvious reasons; and, second, on trying to improve the capabilities of the Iraqi Government. You cannot help but be impressed how weak and how thin these ministries are in Iraq and what enormous responsibilities they have.

Chairman LEAHY. In fact, in that regard, I worry—you know, we are talking about embedding our troops with them. Well, if you have an unreliable Iraqi police force, if you have corruption, I wonder about asking our American men and women—aren't we putting them in horrible danger if we ask them to embed with them? We have seen the abductions. We have seen torture. We have seen beheadings. We have seen people captured and used as pawns. Normally, you would think it would be the easiest thing in the world to put your folks in with the police force, that it would be the safest place. But for the life of me, I do not see where we guarantee the safety of Americans—and this may go to Mr. Meese's Catch–22. But I do not see where we can embed these people, our Americans, and trust to their safety?

Mr. HAMILTON. There is not any doubt at all that when you embed American forces or American police trainers with Iraqi units, it is a high-risk business. Any task, I guess, in this country is risky, but it is very dangerous to embed.

Now, that is one of the reasons we recommend why you have to have a residual force in Iraq, American combat forces, that could come to the aid of any American in danger. We believe that course of action will bring less casualties than our current strategy. But there is not any denying the risk involved when you embed. It is a dangerous business.

Chairman LEAHY. Do you agree with that, Mr. Meese? Mr. Meese. Yes, but I think we should recognize the fact that the military experience has shown that when American forces are present, the Iraqi forces, out of professionalism, actually behave much better and are much bolder in the actions they are willing to take. And I think this would be true of the police as well.

One of the problems with the police is the culture of the police has to be built from the ground up. When Saddam Hussein was in power, the police were essentially groups of thugs that stayed in

the police stations. They were very political in their orientation. When someone was accused of crime, it depended on the accuser. If the accuser was on the political good side, they went out and arrested the alleged culprit, brought him back to the police station, used what I suspect were unconventional methods to obtain a confession, and then threw him in jail.

As a result, they do not have a very good reputation with the people in Iraq, so a part of the problem is to develop a culture of respect among the people, which means extensive police training in the kind of community policing activities, which they have started with the training but needs to be expanded.

Chairman LEAHY. Thank you.

Senator Specter?

Senator SPECTER. Thank you, Mr. Chairman. As you gentlemen outlined the problem, it is just gigantic, really overwhelming. When Congressman Hamilton talks about people volunteering to get a gun so that they can use it in sectarian violence, how do you check that out? When Attorney General Meese talks about professionals going through the organization of the Department of Justice, with the FBI and bringing in the CIA and the Marshals, it is extraordinarily difficult.

When you read about the debates, Prime Minister Maliki is charged by one of the opposing members of their parliament with being partial to his group, and Maliki retorts, "Well, I have a document showing you were involved in an assassination," it is pretty hard to know where you go for law and order.

So the question comes to my mind. You have outlined an excellent blueprint based on our experience. How do you implement it? Is it possible to condition some of U.S. aid on hiring professionals, General Meese, as you suggest? How do you get a sense of responsibility in the officials who are directing the Iraqi Government to do the job?

Mr. MEESE. I think that Prime Minister Maliki has indicated numerous times his commitment to professionalism and to changing things in the country.

Senator SPECTER. Has he been willing to appoint a professional like your group suggests? Mr. Meese. I think that in terms of the Ministry of

the Interior, there is general agreement that he is trying very hard. One of the things I think we have to recognize is that for virtually all the ministries—and, for that matter, the Prime Minister—this is on-the-job training for them. When the Saddam government fell, he had so centralized the control of everything that when he and his partisan henchmen essentially were thrown out of office, there was a vacuum there, which is now attempting to be being filled by the government that is there. So I think it is a matter of training. It is a matter of support. But I believe—and I think Chairman Hamilton would agree with me—that what we saw appeared to be a genuine interest among those leaders, President Talabani and others, to do the right thing. It is a matter of giving them the support and the education, really, in order to do that.

Senator SPECTER. Let me turn to the very high profile—

Mr. HAMILTON. Senator, may I just say, in this Inspector General's report they mention that—they quote Lieutenant General

Dempsey, who has had responsibility for this. He estimates 20, 25 percent of the national police need to be weeded out, and they say that the local police are infiltrated by and possibly coordinated with sectarian militias.

Senator SPECTER. How do you weed them out, Congressman Hamilton? How do you weed them out?

Mr. HAMILTON. I think the answer is—

Senator SPECTER. You need a really good weeder.

Mr. HAMILTON. Well, you need a bushwhacker. You need a real vetting process.

Today, for example, the Interior Ministry checks criminal records prior to 2003, but there is no check at all for militia membership. So there has to be a lot of vetting done with these people.

How do you correct it? I think you have put your finger on one thing, and that is conditionality of aid. Now, this is one of the things we recommend in the report, that the Iraqi Government must make substantial progress—and that language, incidentally, comes from the El Salvador language of several years back.

Senator SPECTER. May I interrupt you?

Mr. HAMILTON. Sure.

Senator SPECTER. Because my time is almost up, and I want to cover one other issue, and that is, the most high-profile matter that the judiciary has handled, of course, is the trial of Saddam Hussein. And it would be hard to find a less professional execution—not that executions are very pleasant matters in any event—but it was extraordinarily botched, with taunting and sectarian ridicule at a time when there ought to be respect of some sort. And those high-profile trials are not over, and one way that the world is looking at their judicial system and the administration comes down to the execution.

What steps can be taken to see to it that there is not a repetition of the disgraceful executions which have taken place so far?

Mr. MEESE. Well, I would suggest that—of course, one of the things when we talk about embedding our people, this would be at all levels. I think the more we can do to build up their professional standards inspection service, and when you talk about weeding out, this includes building an intelligence system that would utilize information that is available, getting information from people in the neighborhoods and so on about these individuals and building a comprehensive intelligence system so you can know who is there.

In terms of the execution aspects of it, it is a matter of taking extra care to make sure you have trustworthy people there. It is my understanding that people infiltrated that execution that should never have even been on the scene, came in from the outside and participated in some of the things you have mentioned. So it is a matter of just vastly improving the controls that people at the top have over what is going on.

Senator SPECTER. Congressman Hamilton, do you want to supplement that or go back to your prior point and finish it?

Mr. HAMILTON. No, no. That is all right. On the point that the General was making, we recommend that the Department of Justice has to take this responsibility. You have got to create an entire criminal justice system in this country. Today, ordinary crime is

committed with impunity. There is no system of criminal justice in this country today.

Now, we recognize the dimensions of this problem. It is huge. But we say that the programs led by the United States Department of Justice have to establish courts, they have to establish judges, prosecutors, magistrates, police, and create all of these institutions. And if you do not do it that way, I do not know how you get it done.

Mr. MEESE. I might say that we also can use the help of other nations. Norway, for example, has on a very small scale taken police executives from Iraq, taken them to Norway for several weeks of training by their police there in command positions. I think other countries could be very helpful along this line also so that it is not just the United States but really is an international effort to improve policing there. And I would certainly recommend that.

Senator SPECTER. Thank you very much.

Chairman LEAHY. Thank you, Senator Specter.

Senator Feinstein?

Senator FEINSTEIN. Thank you very much, Mr. Chairman. Listening to you gentlemen—and thank you for being here—I am trying to read between your lines or words. You know, what I see is a greatly deteriorating picture in Iraq, and what I see is a very real —that have never known a democracy, that have no infrastructure of that democracy that is necessary to provide rule of law and develop this very rapidly.

In your report on the Iraqi police, I would like to quote: "There are ample reports of Iraqi police officers participating in training in order to obtain a weapon, uniform, and ammunition for use in sectarian violence. Some are on the payroll but don't show up for work. In the words of one senior American general, '2006 was supposed to be "the year of the police" but it hasn't materialized that way.'"

Is there any evidence that 2007 can be "the year of the police"?

Mr. HAMILTON. I see very little evidence thus far. So far as the United States is concerned, it is a question of priorities and making this one of our highest priorities in Iraq.

Now, there are so many needs in that country that it is not easy to establish these priorities. But we are saying that there is a chance here to begin to develop at least a rudimentary criminal justice system, providing we put enough effort and resources and talent into it. But if you do not, and if we do not do it well, you simply will not achieve it. And you will not get stability in Baghdad.

Senator FEINSTEIN. Is there any evidence that that is happening?

Mr. HAMILTON. No guarantees here.

Senator FEINSTEIN. Is the answer no, there is no evidence that that is happening?

Mr. HAMILTON. No. I think there is some evidence that it is happening. I think we have learned. We began with the Department of State handling these criminal justice efforts in Iraq. That did not work. Then we turned it over to the Department of Defense. They had a lot more resources. But that is not the place for it either because the Department of Defense, with all of the good things they do, simply does not have the expertise for a criminal justice system.

So this has to go to the Department of Justice. They are the only ones that can do it in our Government.

Senator FEINSTEIN. And what have they said to this statement in your report that they take over the training?

Mr. HAMILTON. I do not know that we have had a response from them on that, Senator Feinstein. I do not know.

Senator FEINSTEIN. So one would derive from that that they are not enthusiastic about going in and taking over the training. Is that not correct?

Mr. MEESE. I do not think we can say that. We just have not had any response since the Committee rendered its report. And I would say that the people in the Department of Justice that are there now are doing an excellent job. It is just that this program needs to be expanded.

Also, we need to have many more professional police trainers than we have at the present time, and I think that that is something that I would certainly commend to the Committee, that with the Department of Justice having a greater role, it is necessary—and, again, this could be done by getting police executives from a number of countries, not just the United States.

Senator FEINSTEIN. How many trainers, Mr. Meese, are there now?

Mr. MEESE. Well, as I mentioned, there are approximately 6,000 trainers, of which 1,000 are civilians and about 5,000 are military police. And I think that it would not be unusual to say that the number that we need is probably around 10,000 trainers, all of which, in my opinion, should be civilian police executives, retired police chiefs, retired police commanders from around the world. And I think that would be the kind of thing that we need.

That is going to take time to ramp up, but it is something that really I think would be the best way in which to do this.

Senator FEINSTEIN. Is there any kind of a uniform training manual that is followed?

Mr. MEESE. Oh, yes, there is, and there are examples where this has been done elsewhere in the world. We have done it in various countries in Latin America, in much smaller amounts, but, nevertheless, there are—you know, in this country, over the course of time from the 1930's to the 1960's, we had a major change in the culture of police departments in this country. And I think some of those lessons can be learned in terms of applying them to Iraq, in terms of professionalizing the police force there.

Mr. HAMILTON. Senator, we say in the report that training has to be the primary mission of U.S. forces in Iraq. More important than anything else you are doing is training. And the quicker you do it, the earlier we are going to get out. And it is the only way we get out.

Now, what we say with regard to the military forces is also true with regard to police. Training has to be the primary mission in order to correct the problems in the Iraqi criminal justice system.

Senator FEINSTEIN. Thank you very much. My time is up.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you.

Senator Graham?

Senator GRAHAM. Thank you, Mr. Chairman.

I think this is a very worthwhile hearing, and I appreciate you both. Your recommendations make a lot of sense to me, and we will try to support you the best we can from our level here in Congress. But trying to paint for the American people a little bit about what lies ahead, I think the biggest mistake we have all made—and I will put myself in this category—is not appreciating what we were taking on in Iraq and how hard it is to build a democracy out of the ashes of a dictatorship.

The police force, as you described it, in the Saddam era had one purpose: to support the dictator and his friends, and everything else was secondary. The economy was built around a dictator and his friends, and we are trying to create something new and different.

It seems to me that we have got years of training to go, not months. It seems to me that it is still in our national interest that Iraq become a stable, functioning democracy, thus an ally in the war on terror. Quite simply put, if we withdrew from Baghdad militarily in the next 6 months and we left the capital to be defended by the army and the police that exist, would it be fair to say that there is a great chance of a bloodletting in Baghdad?

Mr. HAMILTON. Oh, yes, indeed. We rejected the idea of a so-called quick or precipitous withdrawal for a variety of reasons: Iranian influence would expand, terrorists would have a sanctuary, energy resources would be jeopardized, our enemies would certainly be emboldened by all of that, we would lose a lot of standing and credibility, and many other reasons.

Senator GRAHAM. Yes, sir. And many other reasons. And I guess what I am trying to say, the Maliki government, as imperfect as it may be—which is obviously imperfect—is 8 months old. You know, we declared our independence in 1776. Mr. Attorney General, it was not until 1789 we could ratify our Constitution.

I guess what I am saying is that we need to put pressure on the Iraqi political leadership to do better. But never misunderstand the role that people find themselves in when they step forward for democracy. Our judges get beat up a lot in this country, sometimes physically but mostly rhetorically, by politicians. And I worry that we are going to drive good men and women away from wanting to be judges because their family -they do not want to go through what you have to do sometimes to be a judge.

Is it fair to say then in Iraq that if you raise your hand, I would like to be a judge to govern in the best—to bring about fair judgment for the future of my country, the powers against democracy try to kill your family?

Mr. MEESE. That is certainly a threat, and that is certainly a danger, and that is one of the things that was pointed out.

One of the things that the Justice Department has begun is to have members of the Marshals Service over there to set up facilities and methods for the protection of judges, so that the point that you make, a very apt point, is being addressed, at least in a small way. And we recommend as part of the total setting up of the criminal justice system that that be expanded.

Senator GRAHAM. Do either one of you believe that a functioning democracy can be created in Iraq with this level of violence?

Mr. HAMILTON. No.

Mr. MEESE. Not with the current level of violence and, of course, that is the reason behind the joint military and police actions that we recommend.

Senator GRAHAM. And I share—

Mr. HAMILTON. May I interject a comment?

Senator GRAHAM. Yes, sir, please.

Mr. HAMILTON. You hit upon something I think that is hugely important. One of the recommendations—and this really goes beyond Iraq, but it goes to the question of nation building. We think the United States Government needs the ability to handle complex stability operations. Senator Graham. Yes. Mr. Hamilton. You do it pretty well on the military side. We do not do a very good job on the civilian side. And it is tough. I mean, you have got so many aspects to it—economic, criminal justice systems, and all the rest—and we have to develop in this Government—because we are going to be confronted with this in the years ahead. We are going to have to have the people here that can go into these countries that have no democracy and help them develop the institutions of democracy.

Senator GRAHAM. Well, said. And our enemies of democracy understand that as well as we do.

Mr. HAMILTON. They do indeed.

Senator GRAHAM. And it is fair to say that every institution of democracy in Iraq is under siege by foreign fighters and insurgents within the country. So, given that, I would like to just, if I could, in the next 20 seconds kind of view what I think is necessary.

No. 1, the training part is absolutely critical. The IEDs that are the biggest threat to our troops, let's look at what makes that such a threat. With 40 percent unemployment in Baghdad, people are taking the money to be in the IED business because they do not have a job. And your suggestion that we create a better economy is a good one. How do you govern a city with 40 percent unemployment?

Second, those who participate in acts to topple the government or to kill Americans seem to have no consequences, so the surge has to be along economic lines and the rule of law. And I am going to propose—and I don't know if this is a good idea or not, but it seems to me to be a good idea—that people involved in the IED business, people who are trying to topple the government, not committing domestic crime, should be treated as enemies of the state and tried by the Iraqi military. I think there is a role for the Iraqi military in the rule of law to have a tribunal that can deal with crimes against American forces and the state as a whole so that we get some swift, certain justice.

It is my understanding that of all the institutions in Iraq, the military seems to have the best standing with the public at large. Is that correct?

Mr. MEESE. That is correct, Senator, and along these lines, this is one of the reasons why we have advocated an improvement of the intelligence system there so you can identify who these people are and trace back from the IEDs and other types of terrorist activities to develop the networks and that sort of thing so there can be an accurate identification.

The intelligence-led policing that I talked about earlier is absolutely critical to achieving what you have talked about.

Senator GRAHAM. Thank you both for your service to our country.

Chairman LEAHY. Thank you. Incidentally, many of you have probably noticed that if you have a BlackBerry, if you have your microphone on and your BlackBerry is near it, you will get that noise. Iwould suggest that while you are asking questions, turn the BlackBerry off or put it away. And that could be any one of us who are doing it.

Senator Durbin?

Senator DURBIN. It was me.

[Laughter.]

Chairman LEAHY. No, I do not think it was. Your microphone was not on.

STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DURBIN. Thank you.

Thanks for what you have done for our Nation. This Iraq Study Group has advanced the necessary debate on Iraq in a way that we were unable to on Capitol Hill. And the fact that we would have a good Democrat like Lee Hamilton sitting next to a good Republican like Ed Meese talking about this issue is meaningful. I thank you for doing this because I am sure there were other things you could have done with your time. But you have really done a great service to our Nation, and your candor and honesty really help us to try to come to some conclusions here.

I visited Iraq for the second time in October, met with the provincial reconstruction team in Baghdad, and decided that I would focus on this issue—what is happening with police and civil justice in the Green Zone or in the city of Baghdad—and I have been accumulating information since. It confirms the conclusions of your Study Group and I think adds even more information of value.

I would just say that any notion that we are going to surge to victory dies in the police stations of Baghdad. If you understand what really is going on in those police stations, you can understand how the best efforts of our military will not be translated into long-term stability without this civil justice system and without this police force.

We all understand that the fight against terrorism involves not only the best intelligence and the best military, but the best police work that has to continue on a daily basis to give people confidence that they are living in a peaceful and stable setting. And the reports that I have from totally reliable local sources in Baghdad are very troubling, reports that tell me, as you have found, that when you go into a police station, you quickly determine whether it is a Shia or Sunni police station, and then you know whether they are going to enforce the laws against their group or the other group; that if a police station is bombed, it is basically closed for weeks, which means there is no police presence; that the police are afraid to launch investigations even into the murder of fellow police officers; that this one instance where a person went out to find a court that had not been visited in years, the person left the Green Zone, was in a car driven by an Iraqi soldier, and they could not find this courthouse. And he said to the soldier, "Ask the policeman on the corner where the courthouse is." The soldier said, "We are under

strict orders not to speak to the police because that may be someone wearing a policeman's uniform who could lead us into an ambush." There is no level of trust and cooperation between the two.

And it reaches beyond that. When it comes to the so—called investigative judges, no staff, no security, no pay, and so cases are not even followed up on. Fewer than 10 percent of all the crime is even investigated in Baghdad today.

How can we step back from this present state of affairs and suggest that we are going to surge to victory or surge to success? It is unrealistic.

Let me ask you in realistic terms about your recommendations here, because you did speak to the first quarter of the year 2008 and that there could be a change in troop levels, American troop levels, at that point, but you add some qualifiers and conditions. And it seems to me that you are suggesting we will still need American troops there for a variety of reasons, certainly to train.

I want to say a word about training, if I can. I looked into what training meant for an Iraqi police officer. Here is what I found. An American who was sent in to train Iraqi police officers was told he had 200 people to train. He had 40 hours to train them. He would train them in a soccer stadium outside. He said, "It is impossible. I cannot train 200 people to be a policeman in 40 hours." They said, "Oh, did we say 40? We meant 20 hours. You have 20 hours."

He said, "That is impossible. A group of 200 in an open soccer stadium?"

"Oh, wait a minute. We forgot to tell you. The last 4 hours are for the graduation ceremony."

Sixteen hours. So when we talk about 300,000 police backing up our surge of new American soldiers, we are talking about people who sat outside in a soccer stadium for 16 hours and wear a uniform to collect a paycheck and who may sell the uniform tomorrow to someone.

Honestly, could we expect any civilian employees of the Department of Justice to go into Iraq in the near term, even in 2008, under those circumstances? Could we expect them to risk their lives in terms of trying to build the system of justice without a massive U.S. military presence there to protect them?

Mr. MEESE. I think, Senator, that the idea is that this would be concomitant with the military effort. I think there is no question that there are dangers and there will be dangers, but I think that the military effort is absolutely necessary to provide the initial stability and security. The police function is to then come in and hold that situation. To do it without that military assistance or with the military preceding it, obviously it would not work.

In terms of the training, I think what you point out illustrates the fact that we do need professionals who know how to train police, who know about the amount of time that is necessary, who can set up the curriculum, and that sort of thing. We have done it, for example, I mentioned in Bosnia earlier. We have done it in other places, and we need to do that there with people who know how to do it, who have done it before, and to set up the kind of a police training regimen that would be successful. But it cannot be done in isolation. It has got to be done as part of an overall strategy.

Senator DURBIN. But, Mr. Attorney General, the point I am trying to get to is—and I will stop as soon as I ask this question. I spoke to a man who was there on the ground trying to train police. He recommended that 6,000 international civilian police trainers and advisers were needed. It was quickly reduced to 1,500. In the course of the next year, there were 100 who were produced.

My question to you: As a former Attorney General, how could we ask Department of Justice personnel to go into the danger of Iraq today without a massive U.S. military presence to protect them and expect them to show up, expect them to train these policemen and risk their lives every day? Is that a realistic recommendation?

Mr. MEESE. It would not be without the military being there, and, of course, this is presumed and this is based on the assumption that we would have the military force in there training the Iraqi forces, as is the current strategy, and that that would be a predicate to any kind of police training program.

Also, I would not anticipate that we would have primarily people currently in the Department of Justice as the principal trainers. I would have them organizing the entire thing and heading the type of thing, but we need to recruit police executives from among retired and in some cases serving police officers now around the country, around other countries, who would be commissioned to do this job for perhaps 2 years, and that that would have to be a revolving thing.

The job of training police is not something that is going to happen in 1 years, 2 years. Perhaps it is going to take as much as 5 years or more in order to have the kind of satisfactory police force. That has been our experience in other countries, and I am sure it would be in Iraq as well.

Mr. HAMILTON. Senator, the challenges—the facts you lay out—are just daunting. One of the things we ought to say is that there are an awful lot of civilian Americans in Baghdad who deserve just as much praise as the soldiers do.

Senator DURBIN. Yes, they do.

Mr. HAMILTON. They are doing very dangerous work and very important work, and there are many, many of them that are willing to take it on. Maybe not enough, but there are many of them.

One of the things I like about your talk about the surge is you can make your own judgments about the military surge, but I think Senator Graham said you need a lot of surges in Iraq. If you just surge the military, you are not going to get it done. You have got to surge the civil law, the criminal justice system. You have got to surge the economic side of it as well.

Senator DURBIN. And diplomacy.

Mr. HAMILTON. But what is the alternative?

Senator DURBIN. Good question.

Mr. HAMILTON. I mean, you are where you are, and you cannot change the facts. You have just got to deal with the situation we have.

Now, you can reach the conclusion, as a lot of people do, OK, too overwhelming, just leave and see what happens. We rejected that, and both the President and the Iraq Study Group say, look, you have got to deal with this government, as inadequate as it is, as weak as it is, with all the problems. If you have any chance of com-

ing out of this with a reasonable protection of American interests in the region and in Baghdad, you have to work with what you have got and do the best you can. But the challenge is just absolutely daunting.

Senator DURBIN. Thank you, Mr. Chairman.

Chairman LEAHY. Thank you.

Senator Coburn?

Senator COBURN. Thank you, Mr. Chairman.

First of all, let me personally thank each of you for your commitment on this. My background, I spent a number of months in Iraq after the first Gulf War as a medical missionary over there, and I have a pretty good insight to the Iraqi people. And it is surprising that most Americans do not really know the Iraqis. They are like us. They are just like us. They want to have children. They want a family. They want stability.

I have a couple of questions, and then I will be finished. How do we as a Government—and I think this question may have been asked in an indirect way, but how does the administration pressure the Maliki government to clean up and transfer these areas within the Department of Interior? And I met with them when I was there last time, walked out into the streets outside of the Green Zone with them. That Interior Minister has a lot of guts. He puts himself on the line for assassination every day. How do we force them to make these changes that you are recommending in terms of the Border Patrol and the Iraqi National Police to move them to the Department of Defense, the Iraq Defense Department? How do we do that?

Mr. HAMILTON. We do not do it easily. We have been working on it for quite a while. And I do not think, on the part of the Iraqi Government, that they do not understand the need to do it. Their rhetoric is pretty good on all of these matters. You sit down and talk with the Minister of Interior, and you will come away thinking, well, he has got it right.

The real question, of course, is performance, and here there is a difference. We believed in the Iraq Study Group that you have to look for all the points of leverage you can to make them perform, including providing assistance, of course, but we thought that assistance ought to be conditional on benchmarks being achieved, or at least substantial progress toward those benchmarks.

We extend aid all around the world, and much of that aid is conditioned on performance. My own view is that is the way to do it, and I certainly think it is the way to do it with the Iraqi Government because I just do not think they are going to do it without every possible point of leverage being exercised against them.

Senator COBURN. Is that one of the things that you think the administration has agreed to that has not been in the public realm of using the—

Mr. HAMILTON. No. I think the administration takes the view that they really do not want to make aid conditional. They have not thus far. And I think the President's view—I obviously do not want to try to speak for him, but he said to us on several occasions, "My responsibility is to build confidence in the Maliki government." This is a delicate matter. It is a difficult matter to work out. We

just think additional leverage is needed, and conditionality would be helpful.

Senator COBURN. There is no question this is not going to happen in terms of cleaning out the insurgents and professionalizing this police force unless you do that transfer.

Mr. HAMILTON. That is correct.

Senator COBURN. There is no question about that.

Mr. MEESE. I think that is true, and I think also it has to be understood, the administration also has to be careful in the way they do it, the way they put pressure on. It is important that this be done primarily on a quiet and confidential basis; otherwise, Prime Minister Maliki has said he does not want to look like a tool of the United States. So there is a certain subtlety and a certain care that has to be taken in how we express this and the channels that we use. But it is my understanding that the administration has made it pretty plain in conversations between the President and Maliki as to what we expect.

Senator COBURN. There also, I think, was a part of your report—it has been a month or so since I read it—of markedly ramping up CERP funds for the military to have an impact. You know, I look at what happens with other interest groups around the world where a nation will influence an interest group by investing in them. And it seems to me that if we do not get more money on the ground that makes a difference in people's lives, no matter whether we control Baghdad or not, if we are not making a difference in people's lives that they can feel and sustain and touch, we are not—and there is no question in my mind in the oversight hearings that we have had that our foreign policy side of trying to make that difference is an absolute failure in Baghdad, and that the place for those moneys to go is through the generals on the ground rather than through USAID and some of these other things so that they can reward great behavior with economics.

Any comments on that?

Mr. MEESE. The record shows that this has been the most successful. General Petraeus, when he was commander of the 101st Airborne Division, had the whole northern area, the Mosul area, under control exactly by using these Commander's Emergency Relief funds in a very good way to put young Iraqis to work. And that is exactly what is necessary.

Incidentally, in the total strategy, one of the plans is to divide these sectors of Baghdad, for example, into accountable areas where military commanders and police commanders would be held accountable among the Iraqi Government for particular areas, so that our military and the embedded police advisors would be able to hold these people accountable. And part of that would be the reconstruction activity that you are talking about.

So I think the point that you have made is very well taken.

Senator COBURN. Mr. Chairman, could I have the benefit of one additional question?

You know, as Americans look all around, the one thing they are looking for in the Iraq situation is hope—hope for our soldiers to be able to come home, hope for the Iraqi people, to get out of this depressed malaise we find ourselves in as a Nation because we have been at war and things are not going well.

Is there hope? Congressman Hamilton, is there hope?

Mr. HAMILTON. Well, I think General Petraeus said that the people of Baghdad are leading—I do not think he used the words "miserable lives," but he certainly indicated that. There are very few grounds for hope, but there are some, and you have to cling to that.

Your point about the Iraqi Government trying to improve the governance—electricity, health care services, education, and protection—is just absolutely on the point, I believe.

I do want to say—I think there was a comment made that the Commander is Emergency Response Program funds could be used for the police. They cannot. They are all for the military.

Senator COBURN. Right.

Mr. MEESE. Senator, I think you have really indicated the hope yourself when you said that the Iraqi people are very much like us, that they want something better than what they have at the present time.

It was expressed to me that stability and peace will come to Iraq when the average Iraqi loves their family and their community more than they hate their enemies. And, essentially, I think that is the case.

Senator COBURN. Well, that is the majority of them. You know, what we hear is not the majority of the people there. I experienced that, and I communicate with people there every day. That is the majority viewpoint. It is just that is not what we see and that is not what we hear.

Mr. MEESE. And that is why the recommendations, the institutional recommendations, the cultural change in the government, the kinds of things we talk about, we feel there is an obligation of the United States to do those things that are necessary in order to provide the support and assistance to make these things come about.

Senator COBURN. Thank you very much.

Mr. Chairman, thank you for—

Chairman LEAHY. Of course. I thought you asked a very—what I would call a bottom-line question. But, you know, I could not help but think as I listened to that, I represent the small State of Vermont. I was born there. I love it. It is probably, or actually, the statistics show, the safest State in the country. And you are talking about the hopes of people.

During the summer, there is a farmers market that is about 3 or 4 miles from where I live. My wife and I go there every Saturday morning. It is almost like a town meeting. You see everybody you know. You talk about everything. You talk about your kids, their kids, and all that.

The looks of the market are not dissimilar to the looks of some of the markets we have seen in Baghdad where the bodies are strewn all about, where people have been blown up, doing the same thing my wife and I do, just going to get some groceries, get some fresh vegetables, get the things that sustain life.

We do it as a commonplace thing. I mean, the last thing I worry—I mean, I might worry that I might be late to something I was supposed to go to, but I never worry about my safety or life there. These are the things we worry about. That is why we talk about this law enforcement.

That is why I was so furious as I read these reports about the war profiteering. These people are putting their lives on the line. If you look at the buildings that have been constructed with hundreds of millions of dollars of American taxpayers' money, and now they are talking about needing millions more, just tear them down.

These people who are doing this are materially overvaluing these goods and services with a specific intent to defraud the United States. We are spending fortunes there. Earlier this month, the President says he wants another $1.5 billion more for this kind of work. The Special Inspector General for Iraq Reconstruction says millions of U.S. taxpayers' dollars remain just totally unaccounted for.

Now, I have a bill that I introduced on the first day of the new session, a war-profiteering bill. It would give us extraterritorial jurisdiction for these crimes so that Federal prosecutors in the United States can criminally prosecute individuals who are engaging in war profiteering, who are getting ill-gotten proceeds, can go after corrupt contractors.

Does this legislation make sense? I mean, this is more than just fining. I should tell you it is more than just fining them, because you have some of these companies that they have $100 million worth of fraud, so you fine them $5 million, it is a cost of doing business. My experience as a prosecutor is if they thought they were going to go in the slammer, the bar is going to close, they are going to say, wait a minute, this goes beyond a cost of doing business, I might be spending 5 or 6 years with a roommate I do not particularly want to have.

So tell me, is this something worthwhile?

Mr. MEESE. Well, I think, Senator—I have not seen the legislation, of course, but I think that if there are fraudulent activities in which people corruptly and dishonestly misuse funds, and there is the criminal element of intentional crimes, then I think that this would be an appropriate addition.

At the same time, I think there have to be civil remedies as well for those people who, not with criminal intent but just through incompetence or a lack of proper attention to accountability for the funds, I think that there ought to be civil penalties as well.

Chairman LEAHY. Sure. I am not suggesting either/or, but when there is very specific—when it is done with a clear intent—and we are all lawyers; we understand what is meant by that—a clear intent to defraud and you can prove that, I think somebody ought to go to jail.

Mr. MEESE. I agree.

Chairman LEAHY. Because our people are going there and putting their lives on the line all the time. Yes, sir?

Mr. HAMILTON. Well, it goes beyond the Iraq Study Group report. We did not get into that. But I just would say personally that when you read headlines in the paper and the reports like you had today, "Reports Fault Oversight of Iraq Police Program" that was in the Post, when you have this incompetence, when you have unauthorized work, when you have shoddy facilities, when you have money that is squandered, there are very, very few things that hurt our effort more in trying to succeed in Iraq than that kind of performance because it just turns all people off to know that there are peo-

ple performing shoddy work, getting huge Government contracts. There are very few things that undercut our efforts in Iraq any more than that.

Chairman LEAHY. I come from a little town of about 1,200 people. I live on a dirt road. And on town meeting day, we talk about an extra $50,000 or $60,000 for needed repairs in the school, and it will be debated, and can we spend it. And these same people read that $1 million got waste, $2 million got wasted, $3 million. The complaints I hear come from everybody across the political spectrum, as I am sure you can imagine.

Now, I know you are looking in a forward way on these, but it kind of helps to know how we got there. On the police training, I know when former New York City Police Commissioner Bernard Kerik was sent to lead the police training effort in 2003, he did this with 10 days' notice, no international police training experience, even though he had obviously run a large department here in the United States. It has been reported that he prepared for this by watching documentaries on Saddam Hussein.

Is there anything that could have been done to put us in a better position today? We all agree that we need better police training. We all agree that we need a police force that works. What is the biggest mistake we made in the past?

Mr. MEESE. Well, I think, Senator, one of the things that we did not do, as you point out, is look back because, for one thing, it is hard, without spending our energies on really looking into all of that, to give you an accurate answer. But in looking forward and at the same time answering your question, I think we do need, as I mentioned earlier, we need someone to head this up who has the international respect, and that is why I mentioned a couple of people just as examples.

Chairman LEAHY. Sure.

Mr. MEESE. These would be people who have already done the job. Tom Constantino, for example, headed up the inspection of the new Irish police service in Ireland. Mark Croaker headed our effort in Bosnia very successfully. Both had been successful as police executives in this country and then went elsewhere. I could name another half dozen if you have the time.

Chairman LEAHY. I mean, I look at some of these things that I think have to be mistakes. In Jordan, we were training. We had a good police facility in Jordan. We had 1,800 police per month graduate. The importance of that, the police officers could go to training and not be afraid they are going to have what we have seen happen where the bus with the recruits is stopped, they are all taken out and just killed on the spot. The family watches that on TV that evening in the news. That facility may not have been perfect, may not have been as comprehensive as we wanted, but it was at least safe. And we just closed it down and moved it back to Iraq. Was that a mistake?

Mr. MEESE. I don't know the reasons why we closed it down in Jordan and moved it back to Iraq, but I think that the facility that they have in Iraq, while that is not something that we have looked into specifically, I assume that the safety of that particular facility has been provided, either by military or otherwise, because at least

I have not heard of any major incidents happening in regard to the training facilities there.

Mr. HAMILTON. Senator, I think an absolutely core problem in Iraq today is sectarian violence. You have got some foreign fighters that come into the country. You have got an insurgency that can be quite hostile and fierce. But the real threat that we confront in Iraq is sectarian violence. And, therefore, all of these things we are talking about here today with regard to police and criminal justice systems and the rest are only going to be dealt with if you are successful when you are attacking national reconciliation. You must have national reconciliation in Iraq, or you will not solve the problem of a criminal justice system or security or economic development or anything else. Sectarian violence is the core problem in that country today. National reconciliation is the answer to it.

Chairman LEAHY. Thank you.

Senator Specter?

Senator SPECTER. Let me thank the distinguished witnesses for coming in and for the work that they have done. It is obviously a labor of love for Attorney General Meese to continue his service long after he was Attorney General. I remember when he came in for his confirmation hearings, serving as domestic counselor during the first term at the time, the work we did together on the armed career criminal bill, the advice and consultation, and his work as Attorney General. And I think he has been more active in Government after he left Government than he was when he was in Government, so we thank you.

And thank you, Congressman Hamilton. You are co—chairman of about every study group there is. I had the pleasure of being with Lee at Chautauqua, which I would recommend that you attend if you are not invited to be a

speaker. They put you on a big stage, soft chairs—

Chairman LEAHY. Do you sleep?

Senator SPECTER. Not when Lee Hamilton is speaking, I do not. [Laughter.]

Senator SPECTER. And they have several thousand people in a giant amphitheater there. It is really a great experience, especially to be with Lee Hamilton.

But we appreciate what you are saying, and it is my hope that more attention will be paid to what you have said. And I respect what General Meese has said, that more of their recommendations have been accepted, but after they are accepted, they have to be implemented. There has to be a little greater recognition that there is some wisdom in this town outside of the executive branch. If Congress does not have any standing in the eyes of some of the executive branch, certainly the Iraq Study Group does.

So I thank you for what you have done, and Chairman Leahy and I are going to continue the oversight here and do what we can to correct these problems. So thank you.

Mr. HAMILTON. Thank you.

Chairman LEAHY. I will continue. You know, we have had several hearings already on Iraq and the areas that come under the jurisdiction of this Committee, and we rely on people like the two of you to have the willingness to take the time to come and appear. Obviously, we can request people from the administration, have a

different way of approaching that, but it is only required because of you. And I appreciate what you have written on this.

You know, it is interesting. Congressman Hamilton, your wife and my wife had a conversation around the time you were retiring about the joys of retirement. And I remember my wife said to me on the way home, she said, "I do not really believe Lee is going to retire." I said, "Of course, he won't. He will be working just as hard." And I agree with Senator Specter, you have been virtually every time—you have been like, you know, the fire horse, we ring the bell and you are there. And I mean that in the best possible way.

And, Attorney General Meese, you and I have not always agreed on everything. In fact, during my last election, I recall you came to Vermont to campaign for my opponent, which just suddenly occurred to me. But he lost.

[Laughter.]

Chairman LEAHY. But I think he did probably better because you were there. He got up to 23 percent of the vote. But there are areas we agree on. We have spoken, for example, about the over-Federalization of crime, and I think that is something—and please keep speaking on that because—-and I think I, like everybody else, has probably been guilty of voting for some of these things. I worry about the over-Federalization of crime because I think in many instances it detracts our Federal law enforcement from the very important things that only they can do. If they are involved in the things that local police and sheriffs and State police could handle, they are not doing the things we want them to do.

We have a shared belief—and you have spoken eloquently on this—about how State and local law enforcement in this country do a good job and they deserve our respect and they deserve things that we can do to help them without imposing a Federal overlay.

So I cannot tell you how much I appreciate you taking the time. I know Senator Specter and I join in that, and we will continue to work together.

We stand in recess.

[Whereupon, at 11:30 a.m., the Committee was adjourned.]

[Additional material is being retained in the Committee files, see Contents.]

QUESTION AND ANSWER

Question for the Record—
"Examining Recommendations for Improvements to Iraq's Justice System"

Senator Specter

1. Recommendation 59 from the Iraq Study Group stated that "The Iraqi government should provide funds to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service."

   One of the essential elements of the telecommunications build-out undertaken by the Ministry of Communications under the Coalition Provisional Authority was emergency police communications to include, in effect, a nation-wide first responder network. A Bearing Point audit, completed in April, 2004, revealed that approximately $435 million dollars went unaccounted for in the Ministry of Communications. (See attached Bearing Point Memorandum to the Record, dated April 13, 20040 Now, three years later, such a nation-wide first responder network capability is still not a reality. In your judgment, how can Recommendation 59 be implemented in a manner that guarantees against such impenetrable losses?

   Answer (by Mr. Hamilton): The Study Group was aware of the findings of the Government Accountability Office, the Special Inspector General for Iraq Reconstruction, and many others with respect to the poor financial controls and the lack of accountability for use of funds provided to Iraq by the American taxpayer.

   In addition, the Study Group was aware of the large budget surpluses in Iraq, because of the government's inability to execute capital budget investment plans.

   For this reason, the Study Group recommended that the Iraqis should spend their own money to upgrade the communications equipment and motor vehicles of the Iraqi Police Service.

   The Study Group also stated (p.86) that "building the capacity of the Iraqi government should be at the heart of U.S. reconstruction efforts," and added that "the Iraqi government needs help with all aspects of its operations, including...better internal controls."

   In short, the Study Group believes the Iraqis need to spend their own money, and U.S. technical assistance to the Interior Ministry can help Iraqis spend their money more wisely.

Bearing Point Memoranda

BearingPoint

Memorandum for Record

4/13/2004 1350 hrs. Revision 1

Memo To: Record

Memo From: Bernard Leng

Re: MoC / ITPC Financial Controls

MoC / ITPC Financial Controls

This document is intended to document the financial controls (or lack of) that are currently in place at the MoC and ITPC. The MoC / ITPC has in its budgets the following funds:
2003 MoC budget from DFI funds (MoF authorized budget) – approximately US$75M
2004 MoC budget from DFI funds (MoF authorized budget) – US$135M
PMO Supplemental funds – US$225M

The MoC / ITPC has within its control a budget of US$435 which requires management oversight in order to ensure that the funds are invested in projects appropriately and not misappropriated.

In my initial observation and assessment of the MoC / ITPC financial management and internal control processes, I have come to the initial conclusion that internal control processes are either weak or non-existent.

I was initially led to believe that letters of credit were used in lieu of cash transfers but the CPA-Ministry of Finance confirmed that cash transfers are used.

The MoC / ITPC will request funding from the Ministry of Finance and Ministry of Planning for projects. Once approved, the Ministry of Finance will transfer the amounts of money to the bank account for the MoC / ITPC. It is within the MoC / ITPC prerogative to disburse of the funds. Notwithstanding that this is not their role, however, I have observed that neither the Ministry of Finance nor Ministry of Planning are involved in subsequent stages to ensure that the projects do come to fruition or that funds have been properly disbursed to the vendors for work undertaken.

There are no internal control processes at MoC / ITPC to ensure that projects are managed and funds are disbursed appropriately. Many previous projects do not have proper documentation and funds were not traceable.

At the present moment, after interviews with members of the CPA-MoC on one particular project, I have realized that the current process is open to fraud, kickbacks and misappropriation of funds. In this particular project, the MoC received the funds from the Ministry of Finance and supposedly disbursed the monies to the vendor. The employees who worked for the vendor for the MoC project were not paid in full and there are potential discrepancies and incomplete records of the number of employees that actually worked on the project. At the present moment, the paper work is incomplete to assess whether a) funds were actually disbursed appropriately, or b) the actual number of employees who worked on the project corresponded to the payroll of the vendor and were billed to MoC / ITPC accordingly.

Based on the above, I would propose the following:

1) Put in place internal approval processes and management oversight. Please refer to the attached process.
2) An audit of the funds disbursed since 2003.

Encl: MoF DFI Process 0404014.doc

SUBMISSIONS FOR THE RECORD

Prepared Statement of

Co-Chair Lee H. Hamilton and Mr. Edwin Meese III,

Members of the Iraq Study Group, before the

Committee on the Judiciary

United States Senate

January 31, 2007

Mr. Chairman, Ranking Member Specter, distinguished members of the Committee on the Judiciary: it is an honor to appear before you today. We thank you for the opportunity to testify on the recommendations of the Iraq Study Group report, especially as they relate to police training and the criminal justice system in Iraq.

We think it is critically important to look at the totality of the U.S. effort in Iraq. All the attention right now is focused on the military surge. Whether you think the surge is a good idea or not, the Iraq Study Group made clear that no policy in Iraq is going to succeed unless there is a comprehensive political, military, economic and diplomatic effort.

If you are going to stabilize Baghdad, you need to have a capable, trained professional police force is place. If you are going to stabilize Baghdad, you need a functioning criminal justice system. The same holds true for the rest of Iraq.

As our testimony will make clear, there is a very long way to go to achieve these two goals. So we commend this Committee for shining a bright light on these questions. We hope that you will pursue questions of police training and the criminal justice system in Iraq at future hearings with Administration officials. Your oversight is needed.

We also want to take this opportunity to thank Chairman Leahy for his support in the Appropriations Committee for the funding of the Iraq Study Group, through the United States Institute of Peace. The work of the Study Group would not have been possible without this support.

The Study Group's recommendations are in the public record, and so we will not repeat them. If it is agreeable to the Chair, we would like to explain some of the thinking behind some of our recommendations.

Police and Criminal Justice in Iraq – an Assessment

Our recommendations for police training and the criminal justice system in Iraq follow from the assessment we made.

There are three major police forces in Iraq. The Iraqi Police Service currently numbers about 135,000 and it is responsible for local policing. The Iraqi National Police numbers roughly 25,000 and its officers have been trained in counterinsurgency operations, not police work. The Iraqi Border Police number roughly 28,000.

To summarize, the Iraqi Police Service has neither the training nor legal authority to conduct criminal investigations. It does not have the firepower to take on organized crime, insurgents, or the militias. Iraqi police cannot control crime. They routinely engage in sectarian violence, including the unnecessary detention, torture, and targeted execution of Sunni Arab civilians.

Furthermore, the Iraqi National Police and the Iraqi Border Police are charged with tasks that are not traditional policing missions.

The National Police operate within heavily armed commando units. They are engaged in counter-insurgency. These units have been particularly vulnerable to infiltration by sectarian militias.

The Border Police also have a mission that is decidedly military in nature, particularly given the importance of sealing and securing Iraq's borders. They have to protect against arms and foreign fighters coming into Iraq. They have to work with coalition forces.

Yet all of these forces – the Iraqi Police Service, the Iraqi National Police, and the Iraqi Border Police – are organized under the Ministry of the Interior. The Ministry is confronted by corruption and militia infiltration and lacks control over police in the provinces.

There are ample reports of Iraqi police officers participating in training in order to obtain a weapon, uniform, and ammunition for use in sectarian

violence. Some are on the payroll but don't show up for work. In the words of a senior American general in Baghdad, "2006 was supposed to be 'the year of the police' but it hasn't materialized that way."

The current Minister of the Interior has called for purging militia members and criminals from the police force. He has been in the post since May 2006. He has made a start at reform. Over 1200 Interior Ministry personnel with criminal records have been identified and removed from the force. Just yesterday, we read reports that several leaders of the National Police were removed because they had "turned a blind eye" to Shiite militias. These are good steps – but everyone acknowledges that reform is a long road.

The criminal justice system in Iraq is weak. Much has been done to establish an Iraqi judiciary, including a supreme court, and Iraq has some dedicated judges. Criminal investigations are conducted by magistrates. They are too few and inadequately trained to perform this function. Intimidation of the Iraqi judiciary has been ruthless.

As one senior U.S. official said to us, "We can protect judges, but not their families, their extended families, their friends." Many Iraqis feel that crime not only is unpunished, it is rewarded.

In short, we believe the problems in the Iraqi police and criminal justice system are profound. Reforms are essential. They are urgently needed.

Organizational Reforms

Organizational reforms are necessary—and it is up to the Iraqis to carry them out.

The Ministry of Interior has too large a span of control over too many diverse police and security activities. As presently organized, the Ministry is not capable of effective and timely reform. If reconstituted to focus on the police mission, we believe there is a better chance that reform in the Ministry of the Interior will take place and take hold.

The Iraqi National Police and its commando-style units should be transferred to the Ministry of Defense. This move will place them under better and more rigorous Iraqi and U.S. supervision and will enable these units to better perform counterinsurgency missions.

Similarly, the mission of the Iraqi Border Police bears little resemblance to ordinary policing. It, too, should be under the Ministry of Defense.

The Ministry of the Interior needs to concentrate on the police mission. It needs to concentrate on professionalizing -- and gaining control of – the nation-wide Iraqi Police Service. Before it can do so, it must purge its own ranks of bad elements.

The Ministry needs to expand the capability and reach of the current major crime unit, the Criminal Investigation Division, so that there will be a national capability for police investigations, akin our FBI. The Ministry also needs to regain control of the salaries of local police forces, as a powerful tool to press them for reform, and to prevent sectarian militias from controlling local police in Iraq's provinces.

The Ministry also must take on the various units of the Facilities Protection Service. Each Ministry has its own security force. The Health, Agriculture and Transportation ministries are controlled by Moqtada al-Sadr. As described to us, this 145,000 man force is "incompetent, dysfunctional or subversive." Several Iraqis simply referred to them as militias.

All Facilities Protection Service personnel should be brought under the authority of a reformed Ministry of the Interior. They need to be vetted, retrained, and closely supervised. They must not serve as de facto militias for each Iraqi Ministry.

Actions by the United States

While the Study Group believes the Iraqis must take the lead in reorganizing their police services, the United States has a critically important training and advisory role to play.

To date, the police training mission has not gone well.

First, the mission was with the State Department and private contractors. They did not have the expertise or the manpower to get the job done.

Next, the mission went to the Defense Department in early 2004. Defense put much bigger resources against the problem. But Defense has not been a good fit. It has been more successful in training the Iraqi Army than it has

the police. It does not have the right experience or personnel to provide the unique training that the Iraqi Police Service needs.

The best fit for the police training mission is the U.S. Department of Justice. It has the necessary expertise. It has personnel who are familiar with local policing, with criminal investigation, with the interaction between law enforcement and the judiciary, and with a marshals program to protect judges. With leadership, it can provide the capacity.

The Iraq Study Group recommended that the Justice Department direct the police training mission. Why? – Because Iraq needs training and advice across the whole criminal justice system. It needs cop on the beat training, but it needs much more: It needs courts, trained prosecutors and investigators, and the ability to protect Iraqi judicial officials.

Therefore, the Study Group recommended:

- The U.S. Justice Department should lead the work of organizational transformation in the Ministry of the Interior;

- The current practice of imbedding U.S. police trainers should be expanded and the numbers of civilian training officers increased so that teams can cover all levels of the Iraqi Police Service. Civilian police executives and supervisors should replace the military police personnel currently assigned to training teams;

- The FBI should expand its investigative and forensic training and facilities within Iraq, to include the coverage of terrorism as well as criminal activity;

- Justice Department programs to establish courts; to train judges, prosecutors and investigators; and to create institutions and practices to fight corruption must be strongly supported and funded.

We believe a comprehensive, root and branch approach to reform and rebuild the police and criminal justice system is required.

National Reconciliation

Reform of the Iraqi security forces are an important part, but only a part, of what needs to be done to bring peace and stability to Iraq.

No security plan can work in the absence of national reconciliation. The Study Group report stated that U.S. forces "cannot stop the violence – or even contain it – if there is no underlying political agreement among Iraqis about the future of their country."

National reconciliation includes agreement on sharing oil revenues, and agreement on sharing political power. National reconciliation also includes topics of great interest to this Committee:

- the protection of minorities; and
- the strengthening of civil society through the peaceful work of non-governmental organizations.

Therefore, the Study Group recommended that:

- The rights of women and the rights of all minority communities in Iraq must be protected; and
- The Iraqi government should stop using the process of registering nongovernmental organizations as a tool for politicizing or stopping their activities.

Non-governmental organizations contribute to the building of civil society, and help foster reconciliation among Iraq's sectarian groups. This positive outcome would be much more likely if these organizations are able to function free of government interference.

Structural Changes

We would like to say a word about structural changes. Looking to the future, the Justice Department needs to join other U.S. government agencies in preparing and conducting complex stability operations of the kind we see today in Iraq and Afghanistan.

- Agencies need to train for, and conduct, joint operations across agency boundaries, following the Goldwater-Nichols model that has proved so successful in the U.S. armed services; and

- Key civilian agencies, including the Justice Department, need to train personnel to carry our civilian tasks associated with a complex stability operation outside of the traditional embassy setting.

Conclusions

Mr. Chairman, the Iraq Study Group Report recommended that training become the primary mission of U.S. forces in Iraq, to enable the United States to begin to move its combat forces out of Iraq responsibly. As the President said, "only Iraqis can end the sectarian violence and secure their country."

Long-term security depends as much on the Iraqi police and judicial system as the Iraqi Army. Unless we help create a capable, train professional police force, and functioning criminal justice system, ordinary Iraqis will not live in peace, and will not have confidence in their new government.

With the careful oversight of your Committee, we believe the training of Iraqi police and Iraq's system of criminal justice can be improved.

We would be pleased to respond to your questions. #

Statement
United States Senate Committee on the Judiciary
Examining Recommendations for Improvements to Iraq's Justice System
January 31, 2007

The Honorable Patrick Leahy
United States Senator , Vermont

Statement Of Senator Patrick Leahy,
Chairman, Senate Judiciary Committee
Hearing On "Examining The Iraq Study Group's Recommendations
For Improvements To Iraq's Police And Criminal Justice System"

January 31, 2007

The Committee today continues to focus its attention on the enduring conflict in Iraq. Just yesterday, Senator Feingold chaired an important hearing on the powers of Congress to contribute to finding a better solution. Today, we will concentrate on the challenges of training the Iraqi police and building a working criminal justice system. A competent police force and a functioning criminal justice system are crucial benchmarks in getting the Iraqi government to stand on its own.

I would like to welcome Congressman Hamilton and Attorney General Meese for appearing before the Committee, and for the work they have done in helping to find a better way forward in Iraq.

Regrettably, the situation in Iraq continues to worsen on all fronts. In the last couple of days, the Special Inspector General for Iraq Reconstruction -- the office that some congressional Republicans tried to shut down -- released reports indicating that the U.S. Government has squandered millions intended for police training programs because of "rampant problems overseeing contractors" – as The Washington Post summarized it in its story this morning. The article details an unauthorized Olympic-sized swimming pool, VIP trailers, shoddy construction and unsanitary conditions at the Baghdad Police College, as well as evidence of fraud, as millions, if not tens of millions, are wasted. Not only does this undercut efforts in Iraq; it is doubly shameful in view of the lack of progress in restoring New Orleans and the Gulf Coast here in this country.

This is an issue of overriding importance. In the most recent congressional elections, the American people spoke loudly and clearly. They voted for a new direction and a change in leadership in the Congress. This week, the Democratic leadership in the Senate is charting that new direction by considering better ways to serve our national interests.

At its outset, the Iraq Study Group report states that the situation in Iraq is "grave and deteriorating." I appreciate their honesty. This grim assessment should have been a wakeup call to President Bush and his advisors, and a clear message that it was time to not only to listen to others, but to act upon their sound advice. Instead, the President has rejected much of the hard work and advice of the Iraq Study Group and, again, decided to go it alone. During the last few days the Vice President went further, by rejecting contrary views as "hogwash" and seeking to trumpet "enormous successes" supposedly made in Iraq.

We now know that the predictions by the Vice President and others of being welcomed as liberators in Iraq and an easy transition to a Western-style, secular, peaceful, pluralistic democracy were a costly fantasy. As the Study Group report indicates, the best we can salvage may be the safe return of our

soldiers and some measure of stability for the people of Iraq. The damage already done in terms of providing Al Qaeda with new recruits and the alienation the extended occupation by American forces has caused among young people in the Middle East will be felt for decades and generations. Moreover, we have lost focus on the effort to bring Osama bin Laden to justice.

As Senator Webb and many others I trust from both sides of the aisle have said, it is time for Congress to help guide the way. I hope the President will take good advice when offered -- no matter the source. I urge him to work with Congress rather than defy it and to listen to the will of the American people in order to avoid a confrontation.

I am also grateful to the Iraq Study Group for its express recognition that "Americans can and must enjoy the right of robust debate within a democracy." I agree. The scare tactics and attacks on the patriotism of those who question the President's flawed plan are corrosive, and they are wrong. The work of the bipartisan Iraq Study Group is in the best tradition of America. The hearings this Committee held on the Iraqi refugee crisis, and this week on congressional authority under our Constitution as well as this hearing on the Iraq Study Group's recommendations for improvements to Iraq's police and criminal justice system are likewise a part of that critical democratic debate.

Thoughtful postwar planners would have recognized the importance of law and order in Iraq. Men like Jay Garner and Richard Mayer drew up extensive plans to train and support an Iraqi police force to maintain law and order, only to be pushed aside and see their plans discarded by Pentagon leadership. The result is a disorganized criminal justice system and a weak Iraqi police force with an attrition rate of 30 percent, according to information released by the Pentagon.

More recently we have witnessed the Administration's discontinuation of Iraqi police training at a key training facility in Jordan, and the failure of government contractors to build the Baghdad Police College.

If the Administration had been serious and competent about establishing a functioning democracy in Iraq, it would have seen the need for a trustworthy criminal justice system in which all Iraqis could have confidence. But we have seen very little in the way of progress in establishing the rule of law in Iraq. The Study Group recognizes the importance of this issue. The Iraq Study Group's report includes a dozen recommendations in this area that we can explore today.

To my dismay, in the two major addresses to the Nation President Bush has given recently -- his escalation announcement of January 10th, and his recent State of the Union address — the President barely mentioned the Iraq Study Group's work and said nothing about the critical importance of Iraq's civilian police. Of course he also failed to make any mention of the continuing suffering in Louisiana and the Gulf Coast, perhaps the largest domestic disaster and displacement of people in our history.

Today's hearing gives this Committee and the country an opportunity to explore further the Study Group's recommendations and to engage in a robust debate. I hope that we can discuss better ways to contribute to peace and stability throughout the Iraqi neighborhoods that have been torn apart by violence. How can we better ensure that police forces serve the intended purposes of maintaining law and order rather than serving partisan militias and as death squads? How can we better ensure that the principles of the Leahy Law, which prohibits American financial assistance to those forces that engage in human rights violations, are honored rather than ignored?

There is much at stake, as we all know. I look forward to our discussion, and to making progress on finding answers to these questions so that the Iraqi government can be a self-sustaining one. And most importantly, I look forward to our troops coming home.

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510–6275

December 11, 2006

The Honorable Alberto Gonzales
Attorney General
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Gonzales:

A few days ago, the Iraq Study Group released its report. The report includes a number of recommendations directly relevant to the Judiciary Committee and the Department of Justice. It also contains recommendations relating to the rights of women and minorities and censorship and government interference in the work of nongovernmental organizations of important interest. Numerous recommendations specifically mention the Department of Justice and the FBI and involve the police service, the criminal investigation division, local police forces, training police, investigative and forensic training and facilities, law enforcement communications and other equipment, criminal courts, court security, as well as civil courts, administrative procedures, and law. I refer you to recommendations 50, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 75, and 76.

I am interested, and I expect the entire Senate Judiciary Committee would be interested, in how you view these matters, particularly what steps you are taking and plan to take to carry out the recommendations of the Iraq Study Group.

As background for us, it would also be helpful if you would provide information regarding the involvement of the Department of Justice, including its components and personnel, in efforts in Iraq to date. For instance: How have you been involved with law enforcement, prisons and civil justice? How have you been involved with training, facilities, and contracting in Iraq? Under what authority has each activity to date been conducted? What budget authority has been utilized and what outlays have been made in connection with these efforts? Please also provide us with information on investigations, law enforcement and counterterrorism activities of the Department in Iraq.

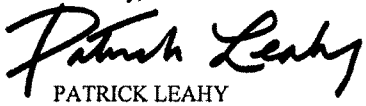
In addition to your appearing before the Committee for an oversight hearing in January, I am considering holding a hearing on the Iraq Study Group report and recommendations. I am interested in your view whether you or other representatives from the Department of Justice should participate in such a hearing.

I regret that I have still not received the documents and information I requested in my November 16 letter but look forward to your cooperation in that regard.

I very much enjoyed our recent lunch. I also thank you for prying loose the answers to the written questions from the May hearing with the FBI Director before the Committee's oversight hearing last Wednesday.

I, again, wish you and your family a Merry Christmas and happy holiday season.

Sincerely,



PATRICK LEAHY
United States Senator

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 16, 2007

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
Untied States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your letter, dated December 11, 2006, to Attorney General Alberto Gonzales, regarding Department of Justice (DOJ) efforts in Iraq. You solicited the Attorney General's views of the Iraq Study Group's (ISG) recommendations relating to DOJ, and information about DOJ's involvement in supporting U.S. reconstruction efforts in Iraq.

We reviewed the Iraq Study Group (ISG) Report's recommendations relating to DOJ in the context of our ongoing activities and how we might contribute to enhanced efforts in Iraq. We also assessed the feasibility of implementing them as well as the many challenges they present. Because the recommendations interrelate with many other ISG recommendations, as well as the work of other Executive Agencies and the Government of Iraq, we have concluded that, while it does not adopt the DOJ-related recommendations verbatim, the President's announced New Way Forward addresses the essential elements of those recommendations.

DOJ Support for Iraq

DOJ has supported the United States strategy in Iraq since before the beginning of Operation Iraqi Freedom in March 2003. In January 2003, DOJ assigned two personnel to the Office of Reconstruction and Humanitarian Assistance, which was subsequently replaced by the Coalition Provisional Authority (CPA), to provide planning support for reconstruction of the justice, law enforcement, and corrections systems in Iraq. The two DOJ detailees deployed to Baghdad in April 2003 helped to coordinate a comprehensive assessment of the justice and law enforcement sectors and initiated some modest programs in support of reconstruction in each sector. With the transition of CPA to a full Embassy organization in Baghdad in mid-2004, the Department of State (DOS) requested assignment of a Justice Attaché to the new Embassy to coordinate all DOJ component activities at the new Mission. A Justice Attaché has served on the Embassy staff since July 2004.

Justice Sector Assistance

Criminal Division

The Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) has deployed six attorneys to serve as Resident Legal Advisors (RLAs) in Baghdad and as part of Provincial Reconstruction Teams (PRT) in five other cities. The RLAs currently train trial and investigative judges under the authority of the Higher Juridical Council; advise on changes in law and policy within the Higher Juridical Council; and provide counsel, support, and assistance on a variety of court administration, management, security, and case-specific matters. The RLA programs are conducted pursuant to agreements with DOS, and funding for the effort since 2003 has totaled approximately $25.4M in total funding from Foreign Operations or Iraq Relief and Reconstruction Fund (IRRF) appropriations.

United States Marshals Service

Sixteen Deputy U.S. Marshals from the USMS Special Operations Group (SOG) serve in Iraq on six-month rotational assignments. They provide technical assistance and training support to the Iraqi judicial sector on security for witnesses, judges, prosecutors and other court personnel, as well as security for courthouses. In addition, they are beginning to provide support for the creation of a counterpart Iraqi Marshals Service. To date, USMS programs has received $38M from the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) and the Iraq Relief and Reconstruction Fund (IRRF) for these efforts.

Police Training

Criminal Division

The Division's International Criminal Investigative Training and Assistance Program (ICITAP) has deployed Senior Law Enforcement Advisers to oversee teams of contracted trainers for the Iraqi Police Service (approximately 250 trainers) and Iraqi Correctional System (approximately 80 trainers in country). The ICITAP trainers – as well as other law enforcement trainers – work under the direction of the Civilian Police Assistance Training Team (CPATT) of the Multi-National Security Transition Command – Iraq, which has responsibility for training all security forces: military, police, border protection, and site security personnel. ICITAP has received $196.2M in IRRF appropriations.

The police trainers work in academies throughout Iraq (two federal employees, 191 police trainers/contractors, and 16 trainers at the Iraq Commission on Public Integrity) and at the Jordan International Police Training Center (50 contract trainers) outside Amman, Jordan.

Bureau of Alcohol, Tobacco, Firearms and Explosives

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has participated since October 2003 in the planning and implementation of counterterrorism/explosives training for the Iraqi Police in support of the Civilian Police Assistance Training Team (CPATT). ATF has completed numerous two-week post-blast investigation courses at Camp Dublin and one-week basic explosives courses at Adnan Palace for over 300 Iraqi Police Service officers. (ATF also has conducted 15 highly-specialized pre-deployment Military Post-Blast Investigation Training schools for U.S. military personnel before they arrive in the Iraqi theater, as well as pre-deployment explosives training for U.S. State Department Diplomatic Security Service personnel headed to Iraq.)

Drug Enforcement Administration

The Drug Enforcement Administration (DEA) has delivered courses in intelligence and intelligence analysis to the Iraqi police agencies in support of CPATT. There are currently no DEA training programs in progress.

Federal Bureau of Investigation

Since 2003, the FBI has deployed rotating teams of personnel to provide specialized counterterrorism and complex criminal case training to the Iraqi police in support of CPATT.

Major Crimes Task Force

In 2005 the Department established the Major Crimes Task Force (MCTF), which assists the Iraqi police agencies with the investigation of major crimes (murder, kidnapping, etc). Using a train-the-trainer approach, ten federal law enforcement personnel from the FBI, DEA, USMS, and ATF enhance the Iraqi police officers' abilities to conduct major investigations with the intent of restoring law and order. Resources and funding ($11.0M) for the MCTF originated with a directed reallocation of IRRF funding that was transferred to DOJ through DOS.

Corrections

ICITAP corrections personnel (two federal employees and up to 110 contractors) are managing, training and mentoring Iraqi Corrections Service personnel in seven facilities in and around Baghdad. This program is funded with foreign operations and IRRF appropriations of approximately $62.6M.

Regime Crimes Liaison Office (RCLO)

Pursuant to Presidential direction, the Attorney General established the Regime Crimes Liaison's Office (RCLO) in May 2004, to assist the Government of Iraq in investigating and prosecuting crimes by Saddam Hussein and key members of his regime, and in establishing the Iraqi High Tribunal (IHT) to try former regime members for their crimes. The RCLO has made significant contributions to the work of the IHT in delivering justice to the Iraqi people.

The RCLO numbers approximately 120 full-time personnel, including 13 Assistant United States Attorneys (AUSA), Military Department Judge Advocate General Corps officers, DOJ and international investigators, including agents from the FBI, DEA, ATF, and USMS, forensic scientists, administrative personnel, and contractors, under the leadership of the Regime Crimes Liaison, a DOJ employee.

The RCLO's major accomplishments include assisting in the establishment of the IHT; the drafting of its Rules of Evidence and Procedure; comprehensive international training of its judges and lawyers; support for the IHT's first trial (al-Dujayl) that resulted in convictions for Saddam Hussein and members of his regime; support for the second trial now underway; assistance in investigations of other major cases, including exhumations of mass graves in al-Hatra, Northern Iraq, and Muthanna in the south; establishment of a Secure Evidence Unit in Baghdad and an online database of millions of documents in Arabic and English; technical assistance in support of the completion of the renovated IHT Courthouse in the International Zone in Baghdad, including a fully wired courtroom, staff facilities, and holding cells; and support for security and force protection planning and implementation, including creation of a Safe House for witnesses and court officials.

Investigations and Other Activities

Federal Bureau of Investigation

Currently, the Federal Bureau of Investigation (FBI) has ten personnel at the Legal Attaché Office in Iraq to perform investigations and other operational activities. The Department also has 55 agents and support staff at the Baghdad Operations Center (BOC) and throughout Iraq, the majority of these agents serve on rotating details. The FBI supports the U.S.'s efforts in Iraq by supporting U.S. military and intelligence agencies in counter-terrorism efforts and other operations.

Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has deployed eight personnel in Iraq in support of the Combined Explosives Exploitation Cell (CEXC), including Certified Explosives Specialists and Explosives Enforcement Officers assigned to incident

response teams and providing technical explosives and post-blast investigative expertise. Since March 2004, ATF also has deployed a Certified Explosives Specialist, Special Agent Canine Handlers, and a canine unit to Iraq to perform missions related to sensitive critical infrastructure protection, including searching vehicles, individuals, and facilities to reduce and counter the threat of improvised explosive devices.

Criminal Division

The Criminal Division's Domestic Security Section (DSS) is also jointly prosecuting the case of *United States v. Steven D. Green* with the U.S. Attorney's Office in the Western District of Kentucky. Green is a former U.S. Army soldier who, while serving in Iraq, allegedly participated with other soldiers in the March 2006 rape of an Iraqi girl and the murder of the girl and three members of her family in Mahmoudiyah, Iraq. On November 2, 2006, in the Western District of Kentucky, Green was indicted with various crimes for conduct including premeditated murder and rape, under the Military Extraterritorial Jurisdiction Act (18 U.S.C. 3261), a statute that gives U.S. courts jurisdiction to prosecute crimes committed outside the United States by persons who served with the Armed Forces but are no longer subject to military prosecution. Green was discharged from the U.S. Army in May 2006. Other soldiers who have not been discharged by the Army are currently charged under the Uniform Code of Military Justice system with taking part in the incident from which the charges against Green arise.

Support for the "New Way Forward"

The New Way Forward contains two elements that directly affect DOJ and its enhanced level of support to the Iraqi Government. First, as the President said, the number of Provincial Reconstruction Teams (PRTs) is to double. DOJ currently supports the PRTs through the deployment of Resident Legal Advisors (RLAs) to help develop capacity within the Iraqi justice sector to prosecute criminal threats – whether by insurgents or common criminals – that threaten Iraq's stability. As noted above, we have deployed six RLAs to Baghdad and other cities in Iraq as part of the existing PRTs. As plans for additional PRTs are developed and finalized, we will work with the Embassy and the interagency community to enhance our presence in the PRTs to continue and expand this critical mission.

Similarly, we will continue to support the professionalization of the Iraqi Police Service. As noted above, DOJ representatives have worked closely with both Embassy and Multi-National Force – Iraq officials in the police training programs. Going forward, we will more closely coordinate, both at the national and provincial levels, the justice sector and police capacity-building effort to ensure that the specialized training of police in such areas as forensics and complex investigations is matched by developing the prosecutorial capacity in the courts to bring complex cases to fruition. This enhanced cooperation will involve all DOJ components with the required skills to provide the Iraqi Police with the utmost capacity to conduct the complex investigations that will be required in a modern, function justice system.

Efforts to Combat Procurement Fraud in Iraq

Since the attacks on September 11, 2001, the United States has increased spending to address homeland security concerns and to fight the war in Iraq. As a result, the need to detect and aggressively investigate and prosecute procurement fraud and related public corruption offenses also has increased. We take very seriously allegations of wrongdoing in the expenditure of federal funds.

Consistent with that concern, DOJ has established a unified and coordinated approach for prosecuting procurement fraud cases associated with Iraqi reconstruction efforts and has recently formed the *National Procurement Fraud Task Force* (Task Force) to combat procurement fraud government-wide. The Task Force brings together prosecutors, Inspectors General, and law enforcement investigators, such as the FBI, to focus on prosecuting fraud cases. We have marshaled the resources of the Public Integrity Section, the Fraud Section, the Asset Forfeiture and Money Laundering Section, the resources of the Civil Division, as well as those of the U.S. Attorneys' Offices around the country. As part of these efforts, DOJ continues to work closely with the Special Inspector General for Iraq Reconstruction (SIGIR) on cases relating to Iraq.

To date, we have recovered nearly $6 million via qui tam cases, and DOJ continues to vigorously investigate and work on these types of cases involving allegations of fraud in Iraq and the Middle East. DOJ has charged 18 individuals criminally for fraud associated with government contracting in support of the Iraq war effort. Thirteen (13) of these individuals have been convicted (nine are awaiting sentencing). The other five individuals have charges pending either through indictments or criminal complaints.

Specific Cases

- On February 2, 2006, Robert Stein, Coalition Provisional Authority-South Central Region's (CPA-SC) Comptroller and Funding Officer, pleaded guilty to conspiracy, bribery, money laundering, possession of machine guns, and being a felon in possession of a firearm in connection with the scheme to defraud the CPA. Stein also admitted to facilitating the purchase and possession of at least 50 weapons including machine guns, silencers, and grenade launchers with misappropriated CPA funds. Stein, a convicted felon, remains in custody. Under the terms of his plea agreement, he must pay $3.6 million in restitution and forfeit $3.6 million in assets.

- On March 9, 2006, Philip Bloom, a U.S. citizen who resided in Romania and Iraq, pleaded guilty to conspiracy, bribery, and money laundering in connection with a scheme to defraud the CPA. Bloom admitted that from December 2003 through December 2005, he along with Stein and numerous public officials, including

several high-ranking U.S. Army officers, conspired to rig the bids on federally-funded contracts being awarded by the CPA-SC so that all of the contracts were awarded to Bloom. The total value of the contracts awarded to Bloom exceeds $8.6 million. Bloom admitted paying Stein and other public officials over $2 million in stolen money that were the proceeds of the fraudulently awarded bids and at least $2 million in stolen money from the CPA in order to conceal the source and origin of the funds. Bloom remains in custody and he faces up to 40 years in prison, a five year term of supervised release, and a fine of $750,000.

- On March 24, 2006, Faheem Mousa Salam, an employee of a government contractor in Iraq, was arrested on charges of offering a bribe to an Iraqi police official, under the Foreign Corrupt Practices Act. Salam is a naturalized U.S. citizen employed by Titan Corporation and had been living in Baghdad, Iraq. According to court filings, Salam offered a senior Iraqi police officer $60,000 for the official's assistance with facilitating a purchase by a police training organization of approximately 1,000 armored vests and a sophisticated map printer for approximately $1 million.

- On August 25, 2006, Bruce D. Hopfengardner, a lieutenant colonel in the United States Army Reserve, pleaded guilty to conspiracy to commit wire fraud and money laundering in connection with a scheme to defraud the CPA-SC in Al-Hillah, Iraq. In his guilty plea, Hopfengardner admitted that while serving as a special advisor to the CPA-SC he used his official position to steer contracts to Philip H. Bloom, a U.S. citizen who owned and operated several companies in Iraq and Romania, in return for Bloom providing Hopfengardner with various things of value, including $144,500 in cash, over $70,000 worth of vehicles, a $2,000 computer and a $6,000 watch. Hopfengardner and his coconspirators laundered over $300,000 through various bank accounts in Iraq, Kuwait, Switzerland and the United States. Finally, Hopfengardner admitted that he stole $120,000 from the CPA-SC that had been designated to be used for the reconstruction of Iraq and smuggled the stolen currency into the United States aboard commercial and military aircraft.

- On November 13, 2006, four members of the California Army National Guard pleaded guilty to conspiracy charges related to their embezzlement from the U.S. Army while deployed in Iraq. The defendants, Jennifer Anjakos, Lomeli Chavez, Derryl Hollier, and Luis Lopez, were members of the 223rd Finance Detachment, a unit of the California National Guard. Over $340,000 of unauthorized pay was laundered through various domestic bank accounts.

- On November 30, 2005, Michael Wheeler, and on December 15, 2005, Debra Harrison, both officers in the United States Army Reserve, were arrested in connection with an investigation of allegations of conspiracy, bribery, money laundering, and possession of illegal firearms. They are presently released on bond.

Finally, in conjunction with the FBI, the Internal Revenue Service, the Army's Criminal Investigation Division, the Defense Criminal Investigative Service (DCIS), the Fraud Section of the Criminal Division, and the Civil Division, the U.S. Attorney's Office for the Central District of Illinois has filed criminal charges against seven individuals for bribery and kickbacks associated with Iraq reconstruction efforts. These cases are briefly described below:

- Jeff Mazon, formerly a subcontracts manager for KBR, is charged with 4 counts of Major Fraud Against the United States in violation of 18 U.S.C. 1031, and 6 counts of Wire Fraud in violation of 18 U.S.C. 1343. He awaits trial currently scheduled for June 2007.

- Ali Hijazi, a former employee of LaNouvelle General Trading and Contracting Company, a Kuwaiti subcontractor of KBR, is charged with 4 counts of Major Fraud Against the United States in violation of 18 U.S.C. 1031, and 6 counts of Wire Fraud in violation of 18 U.S.C. 1343. He currently is a fugitive from justice.

- Stephen Seamans, formerly a subcontracts manager for KBR, pleaded guilty to an information charging him with one count of Major Fraud Against the United States in violation of 18 U.S.C. 1031, and one count of Money Laundering Conspiracy in violation of 18 U.S.C. 1956(h). He was sentenced on December 1, 2006, to 12 months and one day in a Bureau of Prisons facility, three years Supervised Release, $380,130 restitution, and a $200 assessment.

- Glenn Powell, formerly a subcontracts manager for KBR, pleaded guilty to an information charging him with one count of Major Fraud Against the United States in violation of 18 U.S.C. 1031, and one count of violation of the Anti-Kickback Act, 41 U.S.C. 53. He was sentenced on November 18, 2005, to 15 months in a Bureau of Prisons facility, three years Supervised Release, $90,973.99 restitution, and a $200 assessment.

- Christopher Cahill, formerly the V.P., Middle East and India, for Eagle Global Logistics, Inc., pleaded guilty to an Information charging him with one count of Major Fraud Against the United States in violation of 18 U.S.C. 1031. He was sentenced on August 30, 2006, to 30 months in a Bureau of Prisons facility, two years Supervised Release, a $10,000 fine, and a $100 assessment. A civil settlement with EGL arising from the same facts resulted in a settlement of $4 million on August 6, 2006.

- Shabbir Khan, formerly Director of Operations, Kuwait and Iraq, for KBR subcontractor Tamimi Global Co., Ltd., was indicted on 12 counts of Wire Fraud in violation of 18 U.S.C. 1343; one count of Witness Tampering Conspiracy in violation of 18 U.S.C. 1512(k); one count of Witness Tampering in violation of 18 U.S.C. 1512(b)(3); one count of Money Laundering Conspiracy in violation of 18 U.S.C. 1956(h); and one count of Making False Statements to Federal agents in violation of 18 U.S.C. 1001. He pleaded guilty and was sentenced on December 1, 2006, to 51 months in a Bureau of Prisons facility, two years Supervised Release, a $10,000 fine, $133,860 restitution, and a $1,400 assessment.

- Zubair Khan, formerly Manager of Operations, Iraq, for Tamimi Global Co., Ltd., is charged by Criminal Complaint with 11 counts of Wire Fraud in violation of 18 U.S.C. 1343; one count of Witness Tampering Conspiracy in violation of 18 U.S.C. 1512(k); one count of Money Laundering Conspiracy in violation of 18 U.S.C. 1956(h); one count of Witness Tampering in violation of 18 U.S.C. 1512(b)(3); four counts of Obstructing Justice in violation of 18 U.S.C. 1503; and two counts of Making False Statements to Federal agents in violation of 18 U.S.C. 1001. Zubair Khan remains a fugitive from justice.

In conclusion, the Department has dedicated, and in support of the New Way Forward will continue to dedicate, significant resources to support the development of the Rule of Law in Iraq, and in investigating and prosecuting fraud associated with the war effort in Iraq. We have trained police officers, corrections officers, prosecutors, magistrates, and judges, and continue to investigate and prosecute difficult cases under often dangerous circumstances. We will continue our efforts, and take all appropriate steps to investigate and prosecute violations of federal criminal law, and to recover federal funds that are lost through fraud.

We hope this information is helpful. Please do not hesitate to contact this office if we can be of further assistance with regard to this or any other matter.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Arlen Specter
Ranking Minority Member

SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

SIGIR

Congress created SIGIR to provide independent oversight of U.S. funds used for the reconstruction of Iraq by:

- promoting economy, efficiency, and effectiveness in the administration of programs and operations
- preventing and detecting waste, fraud, and abuse in such programs and operations
- keeping the Secretary of State, Secretary of Defense, Congress, and American taxpayers informed about problems, deficiencies, and recommendations for corrective action relating to the administration of programs and operations

Stuart W. Bowen, Jr., was appointed Inspector General in January 2004. This past November, the IG returned from his fourteenth trip to Iraq to review progress on the reconstruction effort.

THE YEAR OF TRANSITION IN REVIEW

Last January, SIGIR identified 2006 as the year of transition, highlighting many challenges to effective turnover of projects and programs to Iraqi control. SIGIR observed limited progress on these issues during 2006:

- supporting anticorruption efforts
- enhancing infrastructure security
- building ministerial capacity
- ensuring the sustainability of reconstruction programs and projects
- increasing support for reconstruction by the international community
- improving coordination of all U.S. agencies involved in reconstruction

In 2007, transition to Iraqi control will accelerate. Success, however, hinges on the effective resolution of each of these issues.

Access to modern sewer facilities remains a problem for many Iraqi families.

THE END OF THE IRRF

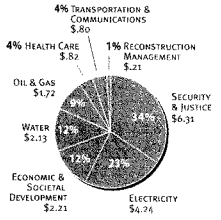
By the end of October 2006, all of the Iraq Relief and Reconstruction Fund (IRRF) had been obligated. As of December 31, 2006, approximately 80% had been expended. Over the course of the U.S.-led reconstruction program, the allocation of IRRF dollars evolved substantially.

THE CHANGING FOCUS OF IRRF

In 2003, Congress appropriated more than $21 billion to the IRRF to support relief and reconstruction in Iraq.

The first $2.47 billion comprised IRRF 1 and was aimed at meeting the needs of an expected humanitarian crisis. Iraqi oil revenues were expected to fund much of the infrastructure reconstruction. Later in 2003, with the advent of the Coalition Provisional Authority (CPA), an additional $18.44 billion was appropriated to bolster Iraq's infrastructure. From late-2003 to mid-2004, CPA began to execute a large-scale infrastructure reconstruction program. However, between mid-June 2004 and the present, funds were shifted into security and democracy programs.

SECTOR SHARES OF IRRF 2 FUNDS
% of $18.44 Billion
Source: IRMO Weekly Status Report (1/2/2007)



Note: Percentages do not add up to 100% due to rounding.

Ultimately, the sustained recovery of Iraq can be **accomplished only by Iraqis**—soldiers, police, ministry leadership, regional officials, and the people themselves—with the continuing help of the international community.

HOW THE IRAQ RELIEF AND RECONSTRUCTION FUND WAS SPENT IN EACH SECTOR

SECURITY AND JUSTICE: The allocation for this sector was increased to $6.31 billion from $4.56 billion. The shift resulted in more funding for Iraqi police and Army training.

ELECTRICITY: The original allocation in the electricity sector was $5.56 billion but was reduced to $4.24 billion. This was the largest original allocation to any sector. The sector's goal was to improve Iraq's capacity to generate power; however, generating capacity is still below pre-war levels.

WATER: The original allocation in this sector was $4.33 billion; however, funding shifts reduced the money available to this sector by approximately 50%, to $2.13 billion.

OIL AND GAS: The final allocation in this sector was $1.72 billion and was invested in oil infrastructure repairs and the purchase of petroleum products.

ECONOMIC AND SOCIETAL DEVELOPMENT: After the transition to the Iraqi Interim Government in 2004, this sector received additional funding for democracy programs and private-sector development. Total funding reached $2.21 billion.

TRANSPORTATION AND COMMUNICATION: Approximately $800 million was allocated to transportation and communication. Transportation was the first sector to move to direct contracting, engaging more Iraqi contractors.

HEALTH CARE: Approximately $820 million was allocated to this sector to build or refurbish hospitals and primary healthcare centers (PHCs). Construction of the PHCs was hindered by inadequate management and weak oversight.

THE WAY AHEAD

In moving forward, SIGIR has identified these areas upon which future economic support should focus:

- building the capacity of the Government of Iraq, especially in budget execution
- supporting the rule of law by strengthening programs in the security and justice sector
- stimulating the development of Iraq's private sector
- supporting the continuing improvement of coordination of and cooperation among all of the agencies involved in Iraq reconstruction

NOTABLE SIGIR ACTIVITIES THIS QUARTER

AUDITS: This quarter, SIGIR completed 8 audits that addressed a wide range of issues, including a review of a Department of State task order for Iraqi police training, an update on the PHC project, and a review of government property management controls by the U.S. Agency for International Development and its contractor, Bechtel National, Inc. All audit products are summarized in section 3 of this Report.

INSPECTIONS: SIGIR inspectors completed 15 project assessments this quarter, bringing the total number of project assessments completed to 80. To date, SIGIR has completed 96 limited on-site inspections and 266 aerial assessments. Most IRRF projects that SIGIR visited this quarter met contractual specifications. However, SIGIR found some projects with deficiencies in construction, design, and sustainability. For summaries of the 15 project assessments completed this quarter, see section 3 of this Report.

INVESTIGATIONS: Currently, SIGIR has 78 open investigations, including 23 cases awaiting action at DoJ. SIGIR continues to vigorously pursue fraud and abuse, contributing 9 cases to the International Contract Corruption Task Force this quarter. SIGIR also participates on several subcommittees of the U.S. Department of Justice (DoJ) National Procurement Fraud Task Force. SIGIR works closely with a range of agencies to suspend and debar contractors for fraud or corruption. To date, 14 individuals and companies have been suspended, and 8 have been debarred.

SECTOR REPORT

STATUS OF SECURITY AND JUSTICE

The volatile security situation in Iraq continues to pose a significant challenge to the overall reconstruction effort. DoD warns that conditions in Iraq could lead to a full-scale civil war, particularly in and around Baghdad.[298] Persistent attacks on U.S.-funded infrastructure projects and sustainment challenges could jeopardize the completion of projects by their planned end dates in the second half of 2008.[299] The precarious security situation has not only hindered reconstruction progress, but it has also hampered an effective, consistent security strategy. GAO reports that expectations and benchmarks have changed numerous times since fall 2003 because the GOI and security forces could not assume security responsibilities.[300]

IRRF funding intended to support the progress of security and justice personnel and facilities in Iraq has been almost fully obligated and expended, but more funding has been added through the ISFF. Figure 2-38 shows the security and justice sector[301] funding as a portion of the IRRF. Figure 2-39 shows the sector funding as a portion of the ISFF.

Additionally, $277 million from the Economic Support Fund (ESF) has been allocated to protect the infrastructure of the oil, water, and electricity industries.[302]

Figure 2-38
SECURITY AND JUSTICE SECTOR AS A SHARE OF IRRF FUNDS
$ Billions
% of $18.44 Billion
Source: IRMO, *Weekly Status Report* (1/2/2007)

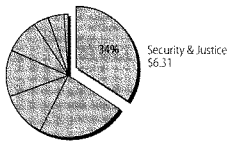
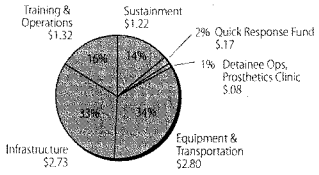


Figure 2-39
SECTOR SHARES OF ISFF FUNDS
$ Billions
% of $8.32 Billion
Source: DoD Secretary of the Army Update (12/31/2006)



Note: 1. Totals are produced by combining financial details from ISFF 2005 and ISFF 2006 funds.

SECURITY AND JUSTICE

SIGIR makes these observations on IRRF- and ISFF-funded activities in the sector:

- More U.S. funds have been committed to security and justice than any other reconstruction sector—almost $15 billion from the IRRF and ISFF.
- As of January 2, 2007, almost 90% of the $6.31 billion IRRF allocation in this sector had been expended.
- As of December 30, 2006, more than 54% of the cumulative $8.32 billion ISFF allocation had been expended.
- An additional $1.7 billion was appropriated for ISFF in the FY 2007 Defense Appropriations Bill. These funds will remain available until September 30, 2008.
- As of January 8, 2007, 323,000 Iraqi Security Forces (ISF), including military and police personnel, have reportedly been trained, equipped, and fielded.[303] DoD notes that the actual numbers of active soldiers and police on duty are significantly lower because of scheduled leave, absence without leave, and attrition.[304]
- As of December 2006, 91% of IRRF-funded projects had been completed in the security and justice sector.

SIGIR also sees significant challenges in this sector:

- Although the reported number of trained and equipped ISF has almost reached the target of 325,000 troops and police, the security situation in parts of Iraq continues to deteriorate. Insurgent attacks and continued infiltration of the ISF and Iraqi Police by militia members also contributes to the escalating violence in some parts of the country.
- Critical infrastructure remains a target for insurgent attacks, and the effectiveness of the Strategic Infrastructure Battalions (SIBs) remains questionable.
- Transition of full security responsibilities to the Iraqis faces significant challenges, including militia infiltration of the ISF, slow growth in the capacity of the Ministries of Defense and Interior to support the soldiers and police, and the need for additional training for the ISF. In addition, the Iraqi Army still struggles to plan and execute logistics and sustainment requirements.

Activities in the Security and Justice Sector

On January 10, 2007, President Bush announced his intention to increase the number of U.S. forces in Iraq to help stabilize the security situation, particularly in Baghdad and Anbar. He noted, however, that this surge would be in support of the ISF and the GOI's ability to reach specific benchmarks.[305]

In the meantime, IRRF and ISFF funds continue to be used to further develop the

operational capacity of the ISF and the Ministries of Interior and Defense, while also aiming to facilitate the rule of law in Iraq.

Programs and Activities Completed and Underway

IRRF projects focus on constructing and refurbishing facilities. By the end of the quarter, approximately 90% of IRRF funds for this sector had been expended. For the status of IRRF funding, see Figure 2-40. ISFF funds, however, are used mostly to train, equip, and field members of the ISF. As of December 31, 2006, 54% of ISFF funding had been expended. For the status of ISFF funding, see Figure 2-41.

Figure 2-40
STATUS OF IRRF FUNDS - SECURITY AND JUSTICE
$ Billions
Source: IRMO, *Weekly Status Report* (1/2/2007); DoS, *Iraq Weekly Status* (9/27/2006)

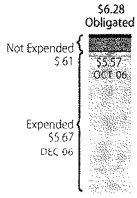
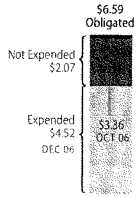


Figure 2-41
STATUS OF ISFF FUNDS – SECURITY AND JUSTICE
$ Billions
Source: DoD Secretary of the Army Update (12/31/2006)



Note:
Totals are produced by combining financial detail from ISFF 2005 and ISFF 2006 funds.

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For a detailed list of projects funded by the IRFF and ISFF, see Figures 2-42 and 2-43.

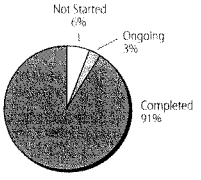
Almost all of the committed $30.31 million in CERP funding had been obligated, as of September 30, 2006. Additionally, $17.29 million in CERP funding—57% of the committed amount—had been expended. Figure 2-44 shows sector funds as a percentage of the CERP.

SIGIR has performed two audits on how Multi-National Force-Iraq (MNF-I) has used CERP funds (Audit 05-014 in October 2005 and Audit 05-025 in January 2006) and one audit on MNF-I's use of the Iraqi Interim Government Fund for CERP-like programs (Audit 06-031 in October 2006). Generally, SIGIR found that MNF-I had established reasonable processes to manage funds and projects. SIGIR also noted some data quality and reporting errors, as well as improvements in the management of funds.

MILITARY/POLICE FORCE DEVELOPMENT AND SUPPORT

Work in this sector has focused on building military and police forces, mostly with funding from the ISFF; the effort has resulted in 323,000 trained and equipped military and police personnel, as of January 8, 2007.[306] The

Figure 2-42
STATUS OF IRRF SECURITY AND JUSTICE PROJECTS
Source: IRMO Rollup (12/30/2006); USAID Activities Report (December 2006)



2,825 Projects Planned

Sector	Not Started	Ongoing	Completed	Total
Marla Ruzicka Iraq War Victims Fund	151	18	978	**1,147**
Commanders Humanitarian Relief & Reconstruction		1	602	**603**
Facilities Repair	3	11	429	**443**
Border Enforcement	2	8	265	**275**
Establish New Iraqi Army	3	14	77	**94**
Iraqi Civil Defense Corps	4	14	69	**87**
Police Training & Assistance	11	3	59	**73**
Judicial Security & Facilities		9	28	**37**
Investigations of Crimes Against Humanity		1	34	**35**
Miscellaneous		3	7	**10**
Reconstruction of Detention Facilities	1	3	1	**5**
Witness Protection Program		4	1	**5**
National Security Communications Network			3	**3**
Penal Facilities		3		**3**
Public Safety Training & Facilities		2	1	**3**
Facilities Protection Services			1	**1**
Security & Law Enforcement		1		**1**
Total	**175**	**95**	**2,555**	**2,825**

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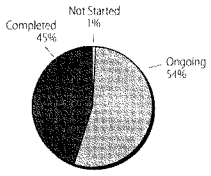
Figure 2-43
STATUS OF ISFF PROJECTS
Source: IRMO Rollup (12/30/2006)



425 Projects Planned

Sector	Not Started	Ongoing	Completed	Total
Training and Operations	2	185	126	**313**
Infrastructure	3	21	51	**75**
Sustainment		19	10	**29**
Equipment and Transportation		6	2	**8**
Total	**5**	**231**	**189**	**425**

Note:
ISFF projects are compiled by totaling and grouping projects from both ISFF FY 2005 and ISFF FY 2006.

initial force-generation plans for the Ministry of Interior and the Ministry of Defense are expected to be completed by the end of 2006 when the effort will shift to replacing force losses and developing sustainment capacity.[307]

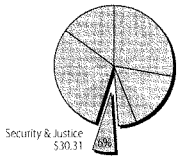
In addition to efforts by the United States and its Coalition partners, the GOI has announced an $800 million initiative to expand the Iraqi Army by 3 division headquarters, 5 brigade headquarters, 20 battalions, and 1 special-forces battalion. This initiative should be completed within one year.[308]

CONSTRUCTION

In this sector, IRRF has funded the construction and rehabilitation of border forts, fire stations, police stations, public-safety training academies, prisons and corrections facilities, courthouses, and witness-protection facilities.[309] The last IRRF-funded construction project in the sector is scheduled to be completed by April 2008.[310]

Last quarter, SIGIR Inspections identified a variety of construction deficiencies associated with the **Baghdad Police College** and health concerns that required prompt attention. The original contractor has since left this project and been replaced, but a SIGIR follow-up inspection of the site this quarter identified similar and additional issues. Although repairs have been performed on this facility, other deficiencies have been reported.[311] Warranty and repair work at the facility is expected to be completed by April 2007.[312] Last quarter, SIGIR Inspections reported that construction of this site was not adequately designed and did not meet the original objectives or design standards (Inspection 06-072). For details on these inspections, see section 3 of this Report.

Figure 2-44
SECURITY AND JUSTICE AS A SECTOR SHARE OF FY 2006 CERP FUNDS
$ Millions
% of $511.16 Million
Source: Office of the Assistant Secretary of the Army Financial Management and Comptroller (9/30/2006)



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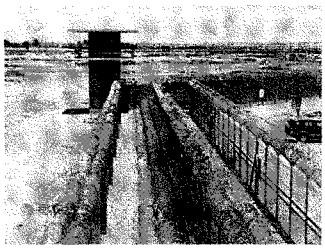
Dahuk Prison



Nassriya Prison

The **Khan Bani Saad Correctional Facility**, which can house 1,800 inmates, is estimated to be completed by June 2007, and the 800-bed **Nassriya Correctional Facility** is estimated to be completed by October 2007. However, the volatile security environment might delay the completion dates of both projects.[313] The renovation of the **Zarka Rehabilitation Center** in Dahuk is 91% complete.[314]

Finally, GRD-PCO reports this quarter that **114 border forts** have been constructed thus far, and **5 points of entry** have been completed.[315] SIGIR's ground project surveys inspected 21 border forts and identified many quality issues, including structural integrity, general absence of security perimeters, and poorly functioning facilities that failed to support operational requirements.[316]

RULE-OF-LAW INITIATIVES

In addition to training and fielding the ISF, several initiatives are in progress to help enforce the rule of law in Iraq, including the development of an effective legal code and well-functioning judicial and correctional systems. The Coalition Police Assistance Transition Team, for example, has been working with the Iraqi Major Crimes Task Force and the Major Crime Units to strengthen the Ministry of Interior's capacity to conduct criminal investigations.[317]

DoJ has also been working with DoS to support the expansion and effectiveness of the Central Criminal Court of Iraq (CCCI). The CCCI has 12 panels operating throughout Iraq but focuses most of its work in Baghdad, processing an average of 118 insurgency-related cases each month.[318]

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Private security forces are being increasingly relied upon by U.S. contractors in Iraq.

The DoS Bureau of International Narcotics and Law Enforcement (INL) budget for rule-of-law initiatives increased from $88.6 million in FY 2006 to $254.6 million for FY 2007. The largest portion of the funding ($89.1 million) went to courts and criminal justice activities. The initiatives are designed to accomplish several goals, including:

- strengthening judicial independence
- supporting facility security to judges and court members
- providing secure housing for judges in Baghdad
- building court capacity through training

Other planned rule-of-law programs under INL management include:

- outreach and access to justice ($49 million)
- corrections ($31 million)
- anticorruption ($27 million)
- justice integration ($25 million)
- human rights ($14 million)
- major crimes task force ($11 million)[319]

For more information on anticorruption, see the end of section 2 of this Report.

GRD-PCO also reported this quarter that 9 courthouse projects, 4 witness-protection security facilities, and 3 prison projects are in progress; 29 courthouse projects and 1 witness-protection security facility have been completed.[320]

Outputs of Programs Funded by IRRF and ISFF

Outputs of U.S. projects in this sector include completing construction and refurbishments to various facilities, as well as fielding, training, and equipping Iraqi military and police forces.

FIELDING AND EQUIPPING TRAINED TROOPS AND POLICE

As of January 8, 2007, 323,000 Iraqi military and police forces have been trained and equipped for security operations:

- 134,700 Iraqi Army, Navy, and Air Force personnel[321]
- 188,300 police, highway patrol, and other Ministry of Interior officers[322]

The goal of the Ministry of Interior is to field 188,260 trained and equipped personnel; the force-generation plan under the Ministry of Defense proposes an end-strength of approximately 137,500 soldiers. However, the "actual number of present-for-duty soldiers is significantly lower due to scheduled leave,

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absence without leave, and attrition."[323]

The Coalition uses Transition Readiness Assessment (TRA) metrics to gauge the capacity of the ISF in the field. These assessments are based on "a variety of criteria similar to but not identical to what the U.S. Army uses to evaluate its units' operational readiness by focusing on personnel, command and control, training, sustainment/logistics, equipment, and leadership."[324] However, these metrics have changed over time as key personnel rotate, equipment is added or replaced, and the tempo of unit operations changes.

Because the unit-level TRA assessments are not provided by DoD,[325] this Quarterly Report will not assess the unit-level readiness of the ISF in terms of personnel, command and control, equipment, and leadership.

According to DoD, the ISF is increasingly taking the lead in operations. As of November 13, 2006, 91 Iraqi Army battalions had been assessed as capable of leading counter-insurgency operations. Also, of the National Police's 27 authorized battalions, 5 are in the lead in their respective areas of responsibility.[326] Finally, GAO reported that "7 Iraqi army division headquarters and 30 brigade headquarters had assumed the lead by December 2006."[327]

TRAINING INITIATIVES

In December 2006, the Iraqi police force graduated 8,708 officers from its basic training course. In addition, 2,462 students completed the Transition Integration Program course. By the end of 2006, approximately 151,000 police recruits had graduated from the basic training course.[328] Personnel management issues, however, make it difficult for officials at the Ministry of Interior to know the number of police officers on duty at any given time. The Coalition also estimates that attrition will continue to hover around 20% per year,[329] which significantly impacts the overall capacity of the police force.

In addition to in-class training, 177 Police Transition Teams (PTTs) are operating throughout Iraq. These teams include International Police Liaison Officers who travel to police stations throughout Iraq to assist with in-station training and development. In addition to the PTTs, there are 28 Border Transition Teams and 39 National Police Transition Teams.[330]

Complementing the traditional police component in Iraq, the National Police is a paramilitary force that bridges the gap between the police and the military. The National Police have been trained primarily for paramilitary operations and are experienced in fighting the insurgency. Nevertheless, there have been numerous accusations of human rights abuses and other illegal activities. Elements of the Iraqi Police Service and the National Police, for instance, are known to support Shia death squads by facilitating freedom of movement and providing advance warning of upcoming operations.[331] To help combat such sectarian infiltration, a three-step phased training process was initiated in early August 2006 for the National Police. Additionally, the National Police Transformation and Retraining program began in October 2006.[332] DoS reports that more than 26,000 members of the National

Police have completed initial training, as of the end of the quarter.[333]

Three Iraqi Training Battalions have been formed and are fully operational for Iraqi Army units, allowing the Iraqis to independently train soldiers in sufficient quantities to meet force generation and replacement needs. After a 13-week program of basic training, soldiers receive additional instruction based on their specific occupations; the length of this specific training ranges from three to seven weeks.[334]

In mid-December, Lt. Gen. Martin Dempsey, the MNSTC-I commander responsible for training and equipping the ISF, noted that a four-phased training program has been launched for the Iraqi Army. Its goal is to provide the members of the Iraqi Army with the necessary information and training to be better prepared to interact with the local population.[335]

Finally, MNSTC-I has trained and equipped approximately 28,300 Department of Border Enforcement (DBE) and Department of Ports of Entry personnel, an increase of 4,400 since August 2006. Although these two departments have not made much progress in improving the TRA ratings of their personnel, the DBE is now in the lead on Iraq's borders. Thirteen of 14 land points of entry are now functional.[336]

INFRASTRUCTURE SECURITY

The United States has invested more than $320 million to improve Iraq's capacity to protect its oil and electric infrastructure, as SIGIR reported in Audit 06-038 (September 2006). U.S.-funded initiatives include training and equipping the Strategic Infrastructure Battalions (SIBs) and partnering Coalition forces with Iraq's various energy infrastructure protection forces.[337] The Ministry of Defense established 17 SIBs, and U.S.-funded projects have trained and equipped 11 of those.[338]

Besides SIBs, the Facilities Protection Service (FPS) protects stand-alone facilities administered by individual ministries (for example, security guards at a ministry building). Currently, approximately 150,000 FPS personnel are working for the other ministries and 8 independent directorates, such as the Central Bank of Iraq. DoD reported anecdotal evidence that some FPS personnel are unreliable, and some may even be responsible for violent crimes and other illegal activities.[339] As a result, security reforms in 2007 will include helping the Iraqis consolidate the FPS under the control of the Interior Ministry.[340] This will add to the estimated 17,800 FPS personnel already working for the Ministry of Interior.[341]

CONSTRUCTION

Last quarter, SIGIR reported that when all of the prison facilities currently underway are completed—tentatively scheduled for April 2007—Iraq's prison capacity is expected to increase by 4,800 beds. Despite this increased capacity, however, it is estimated that an additional 20,000 beds will still be needed to meet Iraq's correctional facility needs. This quarter, DoD reported that "pre-trial detention facilities are currently overcrowded, with

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substandard facilities and poor accountability for persons detained."[342]

Three training academy projects have been completed, and two are under construction. The last training academy is scheduled to be completed in April 2007.[343] But the largest training facility, the Baghdad Police College, has a number of significant infrastructure problems and may not be ready to transfer on schedule. For additional information on this project, see section 3 of this Report.

Outcomes of Programs Funded by IRRF and ISFF

To better assess the outcomes of IRRF- and ISFF-funded projects in the security and justice sector, this section reviews the current transition of security responsibilities to Iraqi control and the status of capacity development at both the Ministries of Interior and Defense.

TRANSITION TO IRAQI CONTROL

These transition events occurred this quarter:

- The governorate of Najaf was officially transferred to Iraqi control on December 20, 2006.[344] Two other southern provinces—Wassit and Missan—are planned to be transferred by February 2007.[345] The Thi-Qar and Muthanna governorates were transferred last quarter.
- Pending negotiations between the GOI and the Kurdistan Regional Government, security responsibility is expected to be transferred to the northern governorates of Dahuk, Erbil, and Sulaymaniyah.[346]
- Last quarter, SIGIR reported that the Iraqi Ground Forces Command assumed command and control responsibilities for the 8th Iraqi Army Division and the 4th Iraqi Army Division in mid-September. A third division was transitioned to Iraqi control in early December 2006.[347] However, these units still require substantial logistics and sustainment support from Coalition forces.[348]
- As of October 2006, 52 of 110 Forward Operating Bases (FOBs) had been turned over to Iraqi control; an additional three FOBs were scheduled to be transferred by January 2007.[349]

The ISF is close to meeting the targeted number of 325,000 trained and equipped security forces, and more Iraqi army units are taking the lead for counterinsurgency operations. Attacks, however, continue on Coalition forces, the ISF, and civilians. These attacks reached record highs in October 2006 and continued at elevated levels through the end of the year.[350]

Additionally, the Iraqi Army is still unable to plan and execute logistics and sustainment requirements. As a result, the Iraqi Army will continue to rely on Coalition forces for "key assistance and capacity development, including quick-reaction reinforcement as required and provision of critical enablers, such as intelligence, air reconnaissance, and airlift support."[351]

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CAPACITY DEVELOPMENT

As the initial force-generation plans for the Ministries of Defense and Interior approach completion, the focus has increased on developing Iraq's institutional capacity to direct, support, and sustain the ISF. This quarter, DoD reported that the Ministry of Defense is assessed as being "partly effective" at managing personnel, manning command and control, training, sustainment, logistics, equipping, and leadership. The overall TRA for the Ministry of Interior is also assessed as "partly effective." Nevertheless, DoD stresses that the transition teams of both Ministries are working to improve these assessments.[352]

The Coalition has also been working with both the Ministries of Interior and Defense to strengthen their logistics capabilities.[353] SIGIR Audit report 06-032 showed last quarter that although the development of the logistics capabilities of the Ministry of Interior remains incomplete, MNF-I has made some progress in developing these capabilities for both the Iraqi Army and the Ministry of Defense. Despite this limited success, however, it is unlikely that MNF-I will meet its January 1, 2008 goal for the Ministry of Defense.

DoD also reports that force generation of Iraqi Army units is focused on combat enablers and logistics. For example, the Motorized Transportation regiments provide mobility and sustainment for Iraqi security forces; the final regiment was reported to have finished training in late October. As of December 2006, DoD reported that seven of the nine planned regiments are operational and under Iraqi control.[354]

Challenges

The volatile security situation and attacks against critical infrastructure continue to pose a significant challenge to progress in this sector. Also, transitioning the ISF to functioning and self-sufficient Ministries of Interior and Defense has proven to be difficult thus far.

MITIGATING THE VIOLENCE

In late December 2006, DoD reported that since August 2006 the average number of weekly attacks increased by 22%, and most of the casualties were Iraqis. Nearly 54% of the violence occurred in Baghdad and Al Anbar.[355] According to GAO, the average number of attacks per day has increased from approximately 70 in January 2006 to about 180 in October 2006.[356] The UN Assistance Mission for Iraq (UNAMI) also reported that 6,376 civilians were violently killed in November and December 2006, a decrease from the approximately 7,054 killed in the September–October period. In 2006, 34,452 civilians were killed and 36,685 were wounded.[357]

The ineffectiveness of law enforcement and judicial systems has made the security environment worse. UNAMI continues to receive reports that militias have colluded with and infiltrated the ISF. To help mitigate this problem, the Ministry of Interior recently

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established the Centre for Human Rights and Ethics to deal with government officials involved in corruption and human rights abuses.[358]

This quarter, DoD also reported that "conditions that could lead to civil war do exist, especially in and around Baghdad, and concern regarding civil war runs high among the Iraqi populace."[359]

INFRASTRUCTURE SECURITY

Critical infrastructure remains a high-value target for insurgent attacks. Although the SIBs continue to increase in size and capacity, only one has been assessed as capable of planning and executing independent operations.[360]

DoD reported an average of one attack per week on critical infrastructure in the electric, water, and oil sectors.[361] Although this is a decrease from previous quarters, Iraq's oil and electricity infrastructure nevertheless continue to be hampered by slow repairs to previously destroyed infrastructure, weak ministerial oversight, and persistent criminal activity. These attacks are also assessed as being "more effective," which results in more damage being inflicted per attack, thereby further diminishing facility output rates.[362]

However, SIGIR Audit also reported last quarter that even if attacks ceased, other factors—such as criminal activity and the effect of aging and poorly maintained infrastructure on operating capability—would continue to adversely affect oil exports and the availability of electricity.

TRANSITIONING TO IRAQI CONTROL

Even though more Iraqi troops and police are trained, equipped, and fielded, it is unclear whether these forces and troops can sustain a secure environment independent of Coalition forces. Lt. Gen. Dempsey stated in mid-December that one of the main reasons units refused to deploy to Baghdad was that "they did not feel like they had been trained to do that."[363]

The ability to field security forces in operations also appears to be a continuing challenge in Iraq. One challenge relates to the maintenance of force levels. The Iraqi Army's available-for-duty numbers are not released, but trained figures are annotated as being lower due to AWOL status and attrition.[364] Leave and "immature personnel management policies" may account for up to 40% of police not being present for duty.[365]

Also, national and local police apparently are infiltrated by, and possibly coordinated with sectarian militias, raising serious concerns about the integrity of the government's security services.[366] Lt. Gen. Dempsey recently estimated that 20-25% of the National Police "needed to be weeded out."[367]

Finally, recent surveys suggest that public confidence in the ability of the GOI to provide for public safety and the rule of law is below 40% nationwide. In Sunni and mixed Shia-Sunni areas of the country, that number is even lower.[368]

To help combat this transitioning challenge, a series of continuing training, mentoring,

and imbed programs have been implemented. Force and leadership reorganization and reorientations also are continuing. In addition to rationalizing the integration of various security organizations and commands, such as for the FPS and the National Police, processes for vetting and refining personnel roles are ongoing.[369]

ANTICORRUPTION UPDATE

Corruption continues to limit the ability of the GOI to manage reconstruction efforts and key areas of economic policy. The Iraqi Ministry of Oil estimates that Iraq loses $700 million of revenue each month because of oil smuggling.[470] Transparency International ranks Iraq 161st of 163 countries measured. This ranking, 1.9 on the Corruption Perceptions Index, indicates high levels of perceived corruption.[471] SIGIR's October 2006 Report discussed ways that Iraq, the United States, and international donors were helping to combat corruption, including new commitments and benchmarks for key actions that the Iraqis would agree to as part of the Compact. The U.S. Mission interagency Anticorruption Working Group helped the GOI identify anticorruption initiatives for the Compact and will help Iraq implement some of the key anticorruption priorities outlined in the Compact. The U.S. Mission is providing an advisor for each of the three Iraqi anticorruption institutions—the Commission on Public Integrity (CPI), the Board of Supreme Audit (BSA), and the ministry Inspectors General (IGs).

Commission on Public Integrity

The future of the CPI is uncertain. It was created by the Coalition Provisional Authority, but never written into Iraqi law. Iraqi legislators have stalled a vote on whether to give the commission permanent status or to dissolve it and let the ministry IGs audit their own agencies.

Meanwhile, the head of the CPI has been the subject of corruption investigations by the Parliamentary Anticorruption Committee.[472] The CPI has nonetheless pushed for the prosecution of several former ministers and uncovered corruption in the Interior Ministry; 3,000 employees were dismissed in October for corruption and sectarianism.[473] Targets have included former Ministers of Defense and Electricity.

CPI's current investigations include the quality of food purchased by the Ministry of Trade for monthly rations, the disappearance of petroleum products under the supervision of the Ministry of Oil, the lack of progress refurbishing the railroad system, and misconduct by 451 police officers in the Ministry of Interior.

Board of Supreme Audit

The UN is coordinating with international audit boards to train BSA staff according to modern audit systems.[474] Members of the Arab Organization of Supreme Audit Institutions (ARABOSAI) would contribute to training the BSA Iraqi staff as part of a plan created by the ARABOSAI training committee when it met in Tunisia in January 2007.

U.S. Inspectors General

IGs from the United States continue to support Iraq's developing inspector general system. U.S. IGs have provided training, mentoring, and assistance to Iraqi IG staffs. The Iraqi Anti-Corruption and Principled Governance Initiative provides advisory support to the entire Iraqi anticorruption system by deploying IG advisors to Iraq. The DoD Office of Inspector General has detailed a full-time evaluator to MNSTC-I in Baghdad to support the IGs of the Ministries of Defense and Interior in their work with the Iraqi Security Forces.[475]

International Compact for Iraq

As part of the Compact, Iraq will commit to specific steps to improve transparency and inhibit corruption in exchange for pledges of aid and other international support. The current Compact language outlines a process to develop a legal framework and build institutional capacity to deter corruption at all levels of government.

Key priorities and benchmarks include:

- strengthening the rule of law and the capacities of law-enforcement agencies
- developing anticorruption plans for institutions with substantial revenue and expenditures
- fully implementing the public income and asset disclosure law and legislation to enable asset seizure and forfeiture
- strengthening capacity for internal audit and the BSA
- reviewing the mandates of the CPI and the inspectors general to ensure that they work as independent, professional, technical, and non-political bodies
- developing a comprehensive system of internal and external controls within government, including conflict of interest policies, audit, and evaluation
- ratifying the UN Convention Against Corruption
- launching a public education campaign on anticorruption

SIGIR INVESTIGATIONS

SIGIR fields the largest number of fraud investigators in Iraq. This quarter, SIGIR continued to work closely with the Major Procurement Fraud Unit (MPFU) of the U.S. Army Criminal Investigation Command (CID). Also, SIGIR welcomed the arrival of two criminal investigators from the DoD OIG Defense Criminal Investigative Service (DCIS) to Iraq. SIGIR has extended its investigative arm into Kuwait, joining two investigators from DCIS and four from Army CID MPFU.

Currently, SIGIR investigators are working on 78 cases. Thus far, their work has resulted in 5 arrests and 4 convictions, and another 23 cases await prosecution at the Department of Justice (DoJ).

During this quarter, SIGIR and five other agencies established the International Contract Corruption Task Force (ICCTF):

- MPFU, U.S. Army CID
- DoS OIG Criminal Investigations Directorate
- USAID OIG
- DCIS
- Federal Bureau of Investigation (FBI)

The task force identified 36 cases; SIGIR contributed 9 cases to this effort. SIGIR is still working on 37 cases for presentation to the task force. This quarter, SIGIR investigations opened 27 cases and closed 43 of the preliminary and open cases. There are currently 78 open investigations.

SIGIR is also a member of several subcommittees of the DoJ National Procurement Fraud Task Force, most notably the International Working Committee (IWC). The IWC serves as a valuable link between federal law enforcement agencies and DoJ, as well as a vehicle to discuss issues concerning additional funding for corruption/fraud investigations, prosecutorial venue, extra-territorial jurisdiction, liaison with DoS and foreign governments, and coordination with legal attachés, agencies with deployed investigators, and auditors.

SIGIR continues to work with MPFU on suspensions and debarments of individuals and companies. SIGIR investigators also work closely with the DoJ Commercial Litigation Section, Civil Division, pursuing civil remedies against individuals and companies, and in many cases proceeding with side criminal investigations.

SIGIR-issued Subpoenas

This quarter, SIGIR investigators have issued four Inspector General (IG) Subpoenas. The legal authority for issuing these subpoenas is the Inspector General Act of 1978, as amended. The act empowers IGs to conduct and supervise audits and investigations relating to agency programs and operations.

International Contract Corruption Task Force/ Joint Operations Center

On October 2, 2006, a Joint Operations Center (JOC) was established at SIGIR headquarters in Arlington, Virginia, to gather intelligence and disseminate information on corruption and fraud investigations. On November 20,

2006, the ICCTF was created as a force multiplier for all federal agencies engaged in investigating complex matters in combat and austere international environments.

The ICCTF-JOC will coordinate the process of gathering intelligence, and sharing intelligence and appropriate case information. It will also provide analytical and target linkage data response reporting for use by all partner agencies. When fully functioning, the JOC will allow case agents in the United States to work together with special agents and prosecutors outside the United States, reducing travel time and expense, eliminating case overlap, and providing valuable analytical case support. The ICCTF will also find prosecutorial jurisdiction to determine suitable venue.

Initially designed for the smooth transition of investigations when SIGIR was to have terminated, the ICCTF-JOC will now continue SIGIR's efforts, ensuring transparency with other law enforcement agencies through coordination and partnerships on all SIGIR cases—an unprecedented sharing within the federal law enforcement community.

To accomplish its mission more efficiently and cost-effectively, SIGIR leverages the resources of other law enforcement agencies and the 20 SIGIR Investigations personnel in Kuwait and Iraq. This quarter, the startup of this initiative generated momentum and set up a steady flow of federal law enforcement action during the next several quarters.

As part of the ICCTF-JOC, the FBI has assigned eight significant SIGIR criminal investigations to FBI field offices throughout the country. In addition, as part of a unique federal law enforcement agreement, the FBI will run investigative leads for SIGIR at the preliminary stages of investigations even before acceptance by the task force. The use of resources with FBI field offices throughout the country and legal attachés around the world will add immeasurable value to criminal investigations originating in Iraq and Kuwait. SIGIR has also received a further personal commitment from FBI senior leadership regarding continued support for SIGIR and ICCTF.

Suspensions and Debarments

Since December 2005, SIGIR has worked closely with DoJ, CID, DCIS, and the Army Legal Service Agency's Procurement Fraud Branch to suspend and debar contractors in cases of fraud or corruption within the Army, including those involving Iraq reconstruction or Army support contracts in Iraq. These cases arise both from criminal indictments filed in federal district courts and allegations of contractor irresponsibility requiring fact-based examination by the Army's Suspension and Debarment Official.

In June 2003, DoD designated the Army as the Executive Agent for contracting support to the CPA; therefore, the Army's Suspension and Debarment Program is at the forefront of ensuring the integrity of contractors performing these contracts. The goal of this program is to ensure that these contracts are awarded to, and performed by, contractors who are honest, ethical, and have the ability to successfully perform this important work. The Procurement

Fraud Branch has also taken a leading role within the Army and at joint contracting organizations to provide training to contracting officers assigned to oversee Iraq reconstruction and support contracts to aid in the prevention and early detection of contractor fraud.

To date, the Procurement Fraud Branch has suspended 14 individuals and companies based on allegations of fraud and misconduct connected to Iraqi reconstruction and Army support contracts. Included in this list are five individuals involved in the Bloom/Stein conspiracy[492] and Mr. Faheem Salam.[493] In addition, 12 other individuals and companies have been proposed to the Army Suspension and Debarment Official for debarment, resulting in 8 debarments. For more information on suspensions and debarments, see Appendix M.

Committee on the Judiciary
United States Senate
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REFORMING THE IRAQI INTERIOR MINISTRY, POLICE AND FACILITIES PROTECTION SERVICE[1]

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Summary

In December 2006, the "Year of the Police" ended with the completion of the Multi-National Security Transition Command's (MNSTC-I) program to train and equip 135,000 members of the Iraq Police Service. Training and equipment was also provided to the 24,400 members of the Iraq National Police (constabulary) and 28,360 members of the Border Police. Nearly 180 American Police Transition Teams and 39 National Police Transition Teams were embedded with Iraqi forces, while a 100 member Ministry Transition Team was assigned to the Ministry of Interior to improve its operations.

Achievement of these quantitative goals, while impressive, masks a troubled reality in regards to the loyalty and quality of Iraqi security forces. In fact, the Iraqi Interior Ministry, which supervises police forces, is dysfunctional and heavily infiltrated by Shiite militias. The Iraq Police Service (street cops) is unable to protect Iraq citizens. Criminal gangs operate with impunity, cooperate with insurgents for profit, and engage in smuggling of oil and antiquities. The Iraqi National Police, a patchwork organization of commando-style, counter insurgency units that harbors sectarian death squads. The Border Police are unable to stop infiltration of terrorists, arms and contraband across Iraq's porous borders.

State of Play

I. Interior Ministry Requires Reform

Under the previous minister, Bayan Jabr, the Interior Ministry became politicized by Shiite extremists. Jabr, a leader of the Badr Organization and the Supreme Council for the Islamic Revolution in Iraq, the largest Shiite political party, allowed or encouraged

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[1] This paper is based in part on a U.S. Institute of Peace (USIP) conference on "Reforming the Interior Ministry, Police and Facilities Protection Service in Iraq" held October 16-17, 2006. Participants included government officials, military officers, law enforcement executives and academic experts. The views expressed in this paper do not reflect those of USIP, which does not advocate specific policy positions.

members of the Badr Brigade to assume key posts in the Ministry and subvert its operations. Badr Brigade militiamen were organized into commando-style units, which were incorporated into the Iraq National Police. Without sufficient advisors in the Ministry to conduct effective oversight, the U.S. Civilian Police Advisory Training Team (CPATT) was unable to identify or prevent the ministry's takeover. Not until the February 22, 2006 bombing of the Golden Mosque in Samarra, which sparked large-scale sectarian violence did the sectarian takeover of the Ministry become apparent. In March 2006, Lt. General John Abizad acknowledged to the Senate Foreign Relations Committee that Iraq police units were engaged in sectarian violence. By then, the current Iraqi government had taken office. Bayan Jabr had become Finance Minister where he continues to control the Interior Ministry's budget and police salaries.

The new Interior Minister, Jawod al-Bolani, a Shiite engineer, appears well intentioned, but he has no police experience, political affiliation, or independent base of support. He has called for ministerial reform and for purging sectarian militia and criminals from the police. The U.S. has provided a 100-member Ministry Transition Team (MTT) of American advisors with a 60/40 division between military and contract police personnel. The MTT works in various ministerial departments to improve methods of operation and has made some progress. For example, the critical Internal Affairs Division, which is led by a young, aggressive Iraqi brigadier, has used a U.S. provided fingerprint system to identify police with criminal records and recommend their removal. However, the brigadier has been the target of repeated assassination attempts.

There is no Iraqi or U.S. plan (that goes beyond platitudes) for ministerial reform, nor is there agreement on the character and mission of the police. Justice Department police trainers have sought to create a community oriented, law enforcement service, while U.S. military authorities have tried to create a counter insurgency force. U.S. authorities do not know the number of Iraqi police and police stations, the composition and membership of the various police forces, the whereabouts and use of U.S. supplied weapons and equipment and the ultimate disposal of operating funds. There is ample anecdotal evidence of Iraqi police officers participating in training in order to obtain a weapon, uniform and ammunition to sell on the black market. U.S. advisors operate through translators and are often unaware of what transpires around them.

Problems with oversight and influence are exacerbated by the decentralization of operational control of the police to the provinces, which occurred under the Coalition Provisional Authority. Provincial police chiefs receive funds directly from the Finance Ministry for operations and salaries, but Baghdad has no ability to verify the accuracy of provincial budgets or account for how the money is utilized.

There is no alternative to the slow and painful work of organizational transformation in the Interior Ministry. This requires persistent efforts by American advisors starting with the most senior Iraqi officials and moving down. It involves creating a strategic plan and working out standard administrative procedures, codes of conduct and operational measures that are accepted and used by the Iraqis. The practice of Americans drafting

plans for Iraqis to sign and then ignore must end. Frequent political interventions by U.S. political authorities will be required to kept the process moving forward.

As the Interior Ministry begins to function effectively, it must re-exert influence over the provinces and take back authority that was lost through decentralization. Central to this effort is strengthening the major crimes unit and task force to control criminal enterprises that operate throughout the country. A means must be found to pay police salaries directly to police officer and to transfer money to their families despite the lack of an effective banking system. This would reduce corruption, limit the power of provincial police officials and help police officers identify with the national government. It would also reduce chronic absenteeism caused by the need for police to travel home each month with pay for their families.

II. Purging Death Squads from the Iraq National Police

In March 2004, President Bush signed a presidential directive transferring responsibility for the Iraq police assistance program from State to the Department of Defense and the Multi-National Security Transition Command in Iraq. To confront the growing insurgency, the U.S. military created " heavy police units" composed of former Iraqi soldiers. The original Public Order Battalion, Mechanized Police Unit, and Emergency Response Unit were composed of Sunnis. Under Interior Minister Bayan Jabr, the Iraqis created new, Special Police Commando units composed of fighters loyal to Shiite militia organizations. Their un-vetted personnel were given military weapons and counter-insurgency training. In early 2006, all of these constabulary units were combined into the Iraqi National Police (INP). By summer 2006, it became clear that many of these INP units were engaged in sectarian violence and death squad activities.

On October 5, 2006, U.S. military forces removed the entire 8th Brigade of the 2nd National Police Division from duty and arrested its officers after the Brigade was implicated in the raid on a food factory in Baghdad and the kidnapping of 26 Sunni workers of which seven were executed. This was among the first public manifestations of a CPATT program to remove all the National Police brigades from service for limited vetting and reorientation. Members of these units received three weeks of "police transformational training" to improve their police skills and respect for human rights and the rule of law. This was the first police training that these forces received. National Police units were issued new uniforms with digital patterns that would be difficult to duplicate. Ministry officials continue to counter allegations of police involvement in sectarian killings by claiming that the perpetrators were wearing counterfeit uniforms.

Vetting and retraining will help, but these essentially military, counter insurgency forces would be better housed in the Iraqi Defense Ministry. Under the President's plan for taking control of critical neighborhoods in Baghdad, National Police brigades will join the Iraqi Army in "conducting patrols, setting up checkpoints and going door-to-door to gain the trust of Baghdad residents." To facilitate this operation, the INP should be transferred to the Ministry of Defense where the police commandos will become part of the New Iraqi Army. This would bring the INP under close U.S. supervision and enable

these units to better perform their counter insurgency mission. Those members of the National Police that are former soldiers are likely to welcome the transfer to the Iraqi Army. The Iraqis eventually should disband these units and disperse their personnel throughout their forces.

The Border Police should be transferred to the Iraqi Defense Ministry as well. This would consolidate responsibility for protecting the border in a single ministry and improve cooperation with US military forces that have the same mission.

III. Protecting Citizens and Fighting Crime

Under Saddam, the 60,000 member Iraqi police force (street cops) was at the bottom of a multilayered security bureaucracy. Poorly trained and equipped, badly led, and under paid, the police were notorious for brutality and corruption. After the US intervention, looters targeted the police, destroying police stations, vehicles and equipment. To control the breakdown in public order, the Iraqi police were recalled to service, but de-Baathification removed most of the police leadership. In May 2003, a US Justice Department assessment concluded that the Iraqi police required extensive reorganization, retraining, new equipment and the rebuilding of police infrastructure. A US-led police recruit-training program was begun in November 2003 and responsibility for standing up the new Iraq Police Service was assigned to the Defense Department in 2004.

Despite completion of the U.S. train and equip program, the Iraq Police Service (IPS) is ineffectual in confronting the general lawlessness, street crime and organized criminal activity that is endemic in Iraq. CPATT is unable to determine what percentage of U.S. trained police remain in the IPS or account for their weapons and equipment. The IPS is limited in its functions to traffic control, station house activities, and neighborhood patrol. It has neither the training or legal authority to conduct criminal investigations, nor the firepower to confront organized crime. Under the Iraqi judicial system, criminal investigations are conducted by magistrates, but they are ill trained and too few in number to adequately perform this function.

The Iraq Police Service should be refocused toward controlling crime and protecting Iraqi civilians. It should receive the legal authority, training and equipment to perform this function. In practice this will involve giving the IPS greater responsibility to conduct criminal investigations and expanding its cooperation with other elements in the judicial system. This will not be easy. It will require the presence of American advisors, political pressure and persistence before the Iraqis work out new ways of interacting.

IV. Transforming the Facilities Protection Service

Under the Coalition Provisional Authority, the Facilities Protection Service (FPS) was formed in 2003 to provide guards for public buildings and essential infrastructure. Each of the 26 ministries and eight independent directorates, such as the Central Bank, was allowed to recruit its own guard force. There are 150,000 FPS officers and anther 8,700 personal security guards for Iraqi leaders. FPS officers were issued police style uniforms,

badges and weapons, but they did not receive police training nor were they given police authority. The ministerial guard forces became the private armies and a source of patronage jobs and funding. Radical cleric Muqtada al-Sadr controls the Health, Education and Transportation ministries. The FPS provides money and jobs for the Mahdi Army. The same is true for ministries controlled by Kurdish politicians and other political parties that have militias. Interior Minister Bolani has publicly blamed the FPS for sectarian violence.

In August 2006, Prime Minister al Maliki announced that the Interior Ministry would assume responsibility for the FPS, identify and register personnel, standardize uniforms and equipment, provide training and downsize the force, This effort has yet to begin, but it will exceed the capability of the Interior Ministry unless U.S. money and muscle is applied. Most observers believe the number of FPS personnel should be reduced to around 45,000. If the INP and Border Police are transferred to Defense Ministry, the Interior Ministry could take over the management of the FPS as compensation.

V. The U.S. Justice Department Should be Placed In Charge

The U.S. military's takeover of responsibility for training indigenous police in Iraq was unprecedented. Beginning with *Operation Just Cause* in Panama, responsibility for police training in post-conflict interventions was assigned to the Department of Justice. With completion of the initial stage of the police assistance program, it is appropriate to reassign responsibility to Justice, which has the requisite programs and expertise. To take on this responsibility, Justice would need a direct appropriation from Congress and authority to direct the operation.

The U.S. Department of Justice is responsible for upgrading Iraqi courts, assisting the Iraqi prison system, and training an Iraqi Marshals Service to protect the judiciary. According to the Defense Department's November 2006 report to Congress, the prison system generally meets international standards and functions effectively, while "corruption in the judiciary is less pronounced than in other part of the judicial system." Giving DoJ the lead for police assistance would consolidate U.S. efforts and help create the rule of law in Iraq.

Senate Committee on the Judiciary Hearing on "Examining the Iraq Study Group's Recommendations for Improvements to Iraq's Police and Criminal Justice System"
Wednesday January 31, 2007
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