

Prepared Statement of
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Members of the Iraq Study Group, before the
Committee on the Judiciary
United States Senate

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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 in 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 out 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. #