

~~SITREP 8 CPA GENERAL COUNSEL'S OFFICE - AS LEGAL OFFICER~~
~~COVERING PERIOD 20 - 29 JUN 03~~

1. During the period a number of significant Orders were produced governing the security situation and seeking to move forward on the processes involved in getting the Central Criminal Court of Iraq (CCC). The objective set for the operation of the CCC is to have the first hearings happening on 15 Jul 03. The Officer is involved with the CJTF 7 staff and the Ministry of Justice personnel in selecting the cases that will be put before the court. The first cases that are likely to be put before the court will be the incident involving the Red Crescent ambulance that was recently apprehended with 34 crates of weapons, a case involving a bank robbery, murder and wounding and perhaps a case involving an Iraqi on Coalition incident. The Order establishing the Judicial Review Committee (JRC) was executed to get the JRC busy selecting judges for the CCC and it is moving ahead with this work rapidly with 15 judges in prospect at the moment. The thing that is attracting the interest of the Iraqi judges is the possibility that the CCC will transition into a "war crimes/crimes against humanity" tribunal which has been flagged as a possibility.

2. The plan with the current class of the Judicial College is to allow them to graduate then screen them for service. After their graduation the curricula of the College will then be substantially revised. There will also be a revision of the admission policies for the College allowing women to enter and removing the requirement for Ba'ath Party membership. The national guidance to the field commanders on how to deal with the issue of handling local courts in the interim while the JRC does its work has been produced and disseminated. A copy is attached along with annexes that have not already been passed on. As of 24 Jun we began bussing the first detainees to the functional Baghdad courts at Ademiya and Bayaa. On 23 Jun the Officer met with the command element of the 800th MP Brigade and the SJA team to discuss gripping up a broad range of problems that are dogging the whole detainee management regime that have the potential to start becoming a severe embarrassment to the Coalition. The 800th MP Brigade is deploying to Baghdad in force. It is a reserve formation from New York State which has many police and prison officers in its ranks. They will bring a complete portable PW facility based on ISO containers.

3. The portable facility will be established at Abu Ghraib (this is apparently the proper English rendition as opposed to Abu Garab used in previous sitreps) within the walls to assist with security. This will be used to hold lower threat criminal detainees and will enable us to close Camp Cropper and Camp Vigilant. At a meeting on 27 Jun with Justice Ministry officials it was advised that a process had been put together for dealing with the De-Ba'athification exemptions and is with Bremer for approval. The 3ID JAG reporting for the Falujah area reported that all the courts are operating in that area and in fact they kept operating through the war and after. Many of the judges in that area have served for up to 30 years and the only problem with the system in the area was the collapse of policing which stopped the flow of cases. Judges of that vintage are more likely to be reliable as they would not have gone through the Judicial College and have

been subjected to the Ba'ath selection filter. The 3ID JAG indicated that the first three criminal trials occurred during the week and these included one acquittal. He indicated that many locals came to watch the proceedings and exhibited a very friendly attitude to the troops. It was asserted that the image being portrayed that Falujah was against the Coalition presence was false and that the problems in the area were created by outside agitators. The Justice Ministry has also included in its budget a bid for USD5m for a public defender system. Also within the week the property claims dispute resolution capability being stood up (the Iraqi Property Reconciliation Facility – IPRF) should help to diffuse some of the tensions emerging in relation to property disputes.

4. On 25 Jun a meeting was held with three representatives of Amnesty International which went for two hours. Amnesty has written two letters to Bremer complaining of a number of mistreatment allegations and querying the CPA regarding detention processes. In the course of the meeting the representatives received a full explanation of the process and appeared to be satisfied with this and an explanation of the legal underpinning of it. The Officer was then required to draft a letter for Bremer replying to the Amnesty correspondence and establishing the Officer as the continuing point of contact with Amnesty. In the same vein the Officer was required to meet with ICRC delegates in conjunction with the SJA to deal with their list of deficiencies in the current system. The delegates had no problem with the legal basis on which the system is based but had a significant number of complaints regarding abuses of detainees and, of more concern for them was the overall state of Camp Cropper and Camp Vigilant, both of which they regarded as unacceptable.

5. On 24 Jun the Officer visited Camp Cropper and Abu Ghraib prison. Both the general criminal detainee facility was inspected and the HVD facility. It was immediately obvious that the Camp Cropper facility for the general criminal detainees is totally inadequate. It is not surprising that there have been so many riots and escape attempts from this facility. On one night alone 12 persons were shot with one dying from wounds. The temperatures during the day in these tent facilities reaches intolerable extremes and the facility is overcrowded. Detainees have to sleep in the dust as cots are not allowed for security reasons. The MPs are not equipped with a full suite of non-lethal capabilities and LTGEN Sanchez has asked about this so it is expected that these will be brought in shortly and should help the avoidance of dependence on lethal force to resolve all disturbances. The HVD facility however is regarded as satisfactory and more improvements are in progress.

6. Work on Abu Ghraib has been progressing rapidly and the facilities will be totally satisfactory in attaining the standards laid down in Impelmenting Memo No 2. The execution and torture facility was also visited and this presented a problem for the overall project. [541] was also on the visit and made a knee jerk call indicating that he thought we could not go ahead with using that area because of its proximity to the execution facility. If this were to be the decision USD200,000 worth of work would have been wasted along with US Engineer effort, not to mention the disaster this would be for handling the security detainment issue and plans to close Camp Cropper. The US Federal Prison advisers working on the project threatened to resign on the spot when [541]

made this comment. The Officer approached [S41] and argued with him that the perception issue on Abu Ghraib was largely an issue for outsiders and ex-pats, not local Iraqis and this has been confirmed in discussions with the ICRC. The locals are more concerned with public security and getting violent criminals off the street than with such sensibilities. The approach that we had intended for handling the PR aspect of using Abu Ghraib was to change its name, indicate we were working towards making it a model prison and would establish a memorial there. The difficulty is that Abu Ghraib is the only maximum security prison in Iraq and to build a new one would cost many millions of dollars and take a couple of years. We have to weigh an abstract perception concern against a current real time humanitarian problem involving live prisoners. I indicated that to manage this we just needed to do background work with organizations and the media as we had done with the CCC to pave the way. [S41] was convinced by this and reversed his call. The extra money for bringing Abu Ghraib up to a 3100 cell capacity (USD1.75m) has been approved by the PRB and the final policy decision on using this prison now rests with Bremer.

7.

Section 33 (1) a (ii)

8.

Section 22
Irrelevant

Section 22
Irrelevant